

TISCO WORKING PAPER SERIES ON CIVIL
LAW AND CONFLICT RESOLUTION SYSTEMS

Measuring Crime Victims' Paths to Justice:

Developing Indicators for Costs and Quality of Access to
Justice

Malini Laxminarayan

Tilburg University, Tilburg Institute for Interdisciplinary Studies of Civil Law
and Conflict Resolution Systems (TISCO), International Victimology Institute
Tilburg (Intervict), Tilburg Law and Economics Centre (Tiltec), Hague Institute
for the Internationalisation of Law (HIL)

**TISCO Working Paper Series on Civil Law and
Conflict Resolution Systems
No. 017/2008
December 2008, Version: 1.0**

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Tilburg University Legal Studies Working Paper No. 009/2008

Abstract

While data and empirical evidence is abundant on victim experiences with justice proceedings, no systematic approach exists to quantitatively assess this experience. This investigation intends to operationalize this experience via the measurement of costs, quality of the procedure and quality of the outcome. By understanding what makes crime victims a special 'user' of justice and applying this to the existing Measuring Access to Justice methodology, the research will be able to assess the given procedure with a quantifiable value. Empirical evidence and normative literature in the fields of law and victimology provide the justification for an amended version of the current questionnaire, one that is applicable to victims of crime, whether they attend criminal proceedings, civil proceedings, restorative methods or other forms of resolution. The output contains a complete version of factors that must be taken into account when dealing with victims of crime, with a final result of an 'access to justice' measurement tool.

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I. Introduction

While research is abundant regarding the experiences and obstacles which exist in a victim's attempt to obtain justice, a more systematic approach is lacking which attempts to measure all aspects of victim experiences at each stage of their journey. Therefore, this paper addresses the question of how to measure victim experiences when obtaining justice by uncovering what are important aspects during criminal proceedings that lead to victim satisfaction. Vast amounts of data studying the experiences of victims and subsequent satisfaction have been documented more recently as the position of the victim has become more significant (Boyle, 1999; Braithwaite, 2002; Buzawa & Austin, 1993; Coupe & Griffiths, 1999; Fleury, 2002; Horton, Simonidis, & Simonidis, 1987; Hotaling & Buzawa, 2003b; Orth, 2002; Shapland, Duff, & Willmore, 1985; Strang & Sherman, 2003). Using this systematic approach will stimulate insights explaining where this satisfaction (resulting in high ratings of quality) results from and which elements of a procedure are lacking an adequate evaluation.

To begin a given procedure, an individual – referred to as a user¹ - may find that s/he has a justice need, defined as “a situation in which a person may develop a need for protection by outside norms or interventions that structure the conduct of another person that he may encounter or has a relationship with” (M. Barendrecht, Kamminga, & Verdonschot). Justice may be obtained on varying ‘paths’ defined as “commonly applied procedures which users address in order to cope with their justice needs” (Maurits Barendrecht, Mulder, & Giesen, 2006). The path begins when the person first addresses the process and ends when a decision has been made by a neutral, when an agreement is reached by the parties or when one or both parties drops out of the process. The path is measured in terms of its costs and the quality of the procedure and quality of the outcome. Costs and quality are derived from the theoretical framework of various justice notions that are outlined in the normative literature and further validated in empirical research.

The crime victim's subjective definition of a path is important when contemplating how to categorize those victims who do not make it to the adjudication stage or even past the police stage, another distinction found in the complexity of criminal matters.. In criminal cases the neutral (or the decision-maker) may take several forms, depending on where the path ends. For example, the beginning of the path may be the effort made to contact the criminal justice setting, whether it be contacting a lawyer or the police. Taking the police as the first stage, they may also serve as the neutral or final decision maker if the case does not move any further and charges are dropped, whether it is the choice of the police agents or the victims themselves. Both situations must be included. Even if the victim voluntarily drops the charges or refuses to cooperate, this may be a direct result of poor quality of justice (i.e. improper questioning by the police or lack of protection). If the police refuse to prosecute, victims still have experienced the system and may comment on or evaluate their satisfaction. In any of these instances, the police will serve as the primary neutral and

¹ While user refers to both parties in non-criminal matters, this research focuses on the victim in the proceedings, and does not thoroughly evaluation the offender's experience.

an evaluation on the questionnaire must be made regarding this particular actor. Here it is assumed that victims can distinguish between the various parts of the legal system, as it is supported by evidence (Fleury, 2002).

This literature offers information on the factors leading to victim (dis)satisfaction with various paths to justice, such as the criminal justice system, victim-offender mediation and civil proceedings. The distinctiveness of crime victims suggests that all their experiences and needs with diverse paths may not always be reflected in a measurement designed more specifically for non-criminal matters. For this reason, this paper outlines the various mechanisms playing a significant role in victim experiences. First, this article will discuss an existing methodology and the similarities and differences of crime victims and other non-criminal litigants in order to clarify whether or not there is a need for a focused examination on criminal matters. A review of empirical studies on victim experiences with various parts of justice proceedings is then discussed to illustrate one downfall in the existing research. Next, building on the framework mentioned above, the paper delves into the necessary elements of costs, the quality of the procedure and the quality of the outcome to measure the victim's experience. This analysis is constructed on the basis of the various justice indicators which are discussed throughout the paper – both those already established in an existing framework and those found especially vital to the experiences of crime victims. Finally, control variables are reviewed to suggest that the various interactions occurring during proceedings are not as clear-cut as 'good' or 'bad' quality or high or low costs. Instead, analyses must consider the contributing factors leading to a positive or negative rating, and subsequently, victim (dis)satisfaction.

A. *Measuring Access to Justice*

Various components and needs of users are prevalent in all types of legal problems alike. For this reason, it is possible to use various justice theories to serve as a framework for the measurement of costs and quality of access to justice. The Measuring Access to Justice (MA2J) Study Group has developed a methodology to assess the costs and quality of the procedure and outcome that users of justice face when travelling the most common 'paths to justice.' The framework of this methodology is outlined in several texts (Gramatikov, 2008a, 2008b; Klaming & Giesen, 2008; Verdonchot, Barendrecht, Klaming, & Kamminga, 2008).

The use of theory combined with empirical studies and normative literature in law and victimology on victim experiences and satisfaction with various procedures are relevant for the justification of any necessary indicators. As mentioned earlier, this paper attempts to outline the rationale behind the measurement scheme of access to justice for crime victims. To carry out this task, a framework is devised from various justice types that are specifically relevant to criminal cases. The intricacies of the criminal justice system and other proceedings are analyzed to illustrate the experiences of victims of crime. By examining what justice *should* be, based on the normative literature and a review of what is important to crime victims, it is possible to create a measurement tool which will facilitate an analytical and comparative examination of the existing paths a victim may follow. Finally, in a structured manner, each element faced by the victim – whether it be related to costs (emotional and monetary), the actual procedure or the outcome – is included, offering what attempts to be an absolute understanding of their experiences with the legal system.

B. Victims of Crime Compared to Other Users

As stated earlier, a methodical framework does not yet exist to measure the various phases encountered by victims during justice proceedings. What does exist, is a framework that measures the various components of a user's experience – costs, quality of the procedure and quality of the outcome – that has been applied to non-criminal matters. When applying such a framework to victims of crime, we must first recognize that both comparisons and distinctions can be made between the two groups.

Non-criminal matters also result in users of justice feeling emotions and having needs similar to criminal procedures. For example, research has found that users in civil and administrative matters face stress related ill health, loss of income, failed confidence and relationship breakdowns (Pleasence, Balmer, Buck, Smith, & Patel, 2007), suggesting that remedies to these conflicts may also be detrimental. In a study of civil litigation harms, delay, adversarialization, retraumatization loss of privacy and a violation of boundaries were all mentioned as issues a litigant may face when accessing justice (Gutheil, Bursztajn, Brodsky, & Strasburger, 2000). A study of personal injury victims maintains that desires and experiences of these individuals include concepts such as recognition, the need to know what happened, acknowledgment of the other party and secondary victimization, suggesting experiences are very comparable (Akkermans & Van Wees, 2007). These considerable similarities between personal injury victims and crime victims suggest that measurement of the former's experiences may be identical to those of crime victims. Still, regarding all other situations, it is important to ask, do victim experiences involve certain elements not applicable to other users of justice and are these elements experiences at varying degrees, or is it difficult to make any distinction? Furthermore, are certain elements in the framework not applicable to victims?

First, we can hypothesize that victims may endure numerous emotions (i.e. fear and anxiety), needs (i.e. protection from offender) and problems (i.e. loss of relationships) to a higher extent than when compared to non-criminal procedures. This is not to say that other litigants do not face these drawbacks of accessing justice. As much of the same mechanisms are at play for both, it seems possible to apply a questionnaire to both victims of (serious) crimes and to plaintiffs in less serious matters. Second, victims differ in the sense that their 'path' is far less voluntary when compared to other users. This much more mandatory involvement will no doubt effect their satisfaction with proceedings in various ways. Of course, it is necessary to note that this level of voluntariness varies by path and can furthermore affect satisfaction. Third, following the idea that crimes are committed against the state rather than the individual victim, control over the procedure is virtually non-existent (as far as the criminal justice system is concerned). But what other elements can distinguish these two categories? The remainder of the examination can shed some light in this topic.

Each variable discussed has been formulated on the basis of applicability to victims of crime. In many situations, however, non-criminal matters will also need to take these factors into consideration. As other users of justice also face many of the issues

similar to those of crime victims, we cannot conclude any sort of exclusion of these variables to the applicability of other non-criminal procedures. This comparability is reflected in the consistency of key concepts used in measuring a path to justice. All users have legal needs that can be solved through some type of neutral or decision maker. The paths they travel share common characteristics, including where they begin and end, and what is important along the way. Therefore, it is important to reiterate that this analysis does not attempt to argue that these elements are solely pertinent to crime victims, but other users of justice may encounter these issues as well.

C. Practical Use of the Measurement Instrument

The aim of the questionnaire is primarily to assess what the costs and quality of the path in fact are. For example, if a victim follows Path A, is he or she likely to have high amounts of decision control, an unbiased procedure, a procedure following ethical norms, etc.? If so, one could conclude that Path A rates high on procedural justice. The measurement tool is also suitable for comparable analyses, both between paths and between jurisdictions.

Comparison Between Possible Paths Within One Jurisdiction

Several paths exist for crime victims in resolving their problems; each option, however, comes with several advantages and disadvantages. In civil court, the victim may be more involved leading to greater levels of empowerment and liability may not be as difficult to prove to win a case when compared to criminal court. Certain costs may arise, such as the possibility of partial blame due to the outcome and higher out-of-pocket expenses. In a restorative justice procedure such as victim-offender mediation, victims are more likely to receive an apology, understand what happened and receive closure, feel more secure and be involved to a greater extent when compared to criminal proceedings (Strang & Sherman, 2003; Umbreit, 1994). Certain restrictions, however, exist for those types of cases which are allowed the opportunity for mediation. While various procedures exist, each must individually be evaluated to uncover which paths are most likely to adequately meet victim needs.

Comparison of Similar Paths Between Jurisdictions

In addition to comparisons among paths for victims, comparisons can also be made between a victim in one jurisdiction and his or her counterpart in another jurisdiction. Legislation and cultural values play a part in levels of quality of justice. More advanced victim rights or existence of support programs and higher subsequent levels of satisfaction can illustrate these advantages to other countries lacking these rights and support. The methodology can provide for this comparison by indicating where access to justice is insufficient or rated lower, helping countries and justice providers learn from each other.

Overall satisfaction, however, will take into account what precisely the victim believes to be most important. An overview of this paper illustrates that some aspects measuring satisfaction are rather contradictory. For example, are victims likely to want both rehabilitation for the offender and severe punishments in the outcome? Do victims want to avoid offenders in the courtroom or do they want to face them in

victim-offender mediation to find out certain information about the criminal act? Do victims want privacy or rather a public acknowledgment of the harm that they suffered? Most likely, victims prefer one of the two, and the instrument does not inquire into which preference the victim may have.

The Access to Justice Index will allow for a determination of the significance of each indicator to crime victims in relation to the various justice theories (Gramatikov & Laxminarayan, 2009 - forthcoming). The instrument employs a method of attributing weights to the most important indicators for the user. For example, victims of rape may desire information regarding the status of the case, a principle of informational justice, more strongly than a favorable outcome of the procedure. This notion has been reflected in a myriad of research analyzing procedural justice and the notion that the procedure is also of interest to people, rather than solely the case outcome (Thibaut & Walker, 1978). Furthermore, what occurs first is vital, implying that any procedural information is superior to outcome information (Van den Bos, Lind, & Wilke, 2001). Certain aspects of criminal justice proceedings are more important to victims than others. For example, findings suggest victims are interested in being involved rather than a mere witness, being consulted about the progress of the case, recognition for the harm they have suffered and fairness and respect by the system as a whole (Shapland, Duff, & Willmore, 1985). Research on rape victims has also found that information and understanding are the most important elements affecting ratings of the police and prosecutors (Holmstrom & Burgess, 1983). The use of a weighted index ties into the earlier discussion of comparing paths. Although a more elaborate explanation of the index goes beyond the scope of this paper, the reader should be made aware of its existence to better comprehend the methodical scheme which is utilized.

As a result, victims are asked to rate their experiences with each legal actor – the police, prosecutor(s), the judge, and to a certain extent the defense counsel – assuming they have had contact with these individuals. If contact did not go beyond the first stage (police), it is assumed that an outcome can still be defined and rated by the participants. Overall satisfaction with the victim support person and private attorney, if applicable, is also rated. All other actors that the victim may come into contact with, for example a medical professional, are not included as their contribution to the overall perception will be perceived as separate from legal proceedings. This research, however, is aware of the detrimental effect that these individuals can also have on the victim (Holmstrom & Burgess, 1983) even though it is not included. The outcome of the path is synonymous with the end of the path, and may take the form of restitution, an apology, compensation or detention.

II. Existing Studies

Although it is apparent that numerous victim satisfaction studies exist, these studies tend to focus on one procedure, one group, one perspective or one stage of the proceedings. Victims report positive experiences with the police under several circumstances. For example, Coupe & Griffiths (1999) focused on the police and victim satisfaction with burglary investigations. In this instance, it was found that when police properly take a statement and make a serious effort to apprehend the offender result in more positive evaluation of police encounters result (Coupe &

Griffiths, 1999; Shapland et al., 1985). With the focus on rape, victims may describe negative experiences when they feel the police or other legal authorities do not believe them or that blame of the victim is attached to the crime (Campbell & Raja, 1999; Holmstrom & Burgess, 1983; Regan & Kelly, 2003; Spohn, Beichner, & Davis-Frenzel, 2001). Campbell & Raja (1999) researched rape victims via the perspective of mental health employees, offering insights into one particular phenomenon; secondary victimization. Fleury (2002) did study victims on a more systematic level, measuring both the process and the outcome; however, the police response, handling by the prosecutor, the court system process and the court outcome – however, the study was centered on victims of domestic violence. While measures were undertaken to understand satisfaction with the different judicial components, more in-depth information was missing, preventing the discovery of more concrete insights into the procedure (i.e. did the victims receive information, were they treated with respect, etc.). In research focusing on restorative justice methods, factors affecting victims' overall perceptions included a lack of fear, telling one's own story, avoiding direct confrontation and social acknowledgment and support (Herman, 2005; Koss, 2006). The conditions surrounding the outcome of a given procedure can also be rated as favorable or unfavorable. In some cases, victims want to have control of these decisions while other times they prefer a more passive role (Konradi & Burger, 2000). When studying victim desires regarding the disposition – or the outcome – of apprehended offenders, it was found that victims are also concerned with the recidivism of offenders, both towards themselves and the society at large, retrieval of compensation, and reintegration of the offender (Strang & Sherman, 2003). In this study, only the outcome quality was examined. While this research overview undoubtedly contributes to the vast body of knowledge on victim satisfaction, each study tends to focus on one particular component. These studies are restricted in the sense that the findings may not be generalizable to crime victims or all paths in general.

The beginning of this examination offered insight into the need for a more structured framework assessing victim experiences with the legal system. Victims of crime are recognized as a distinct group. Now, however, attention must be given to the manner in which this experience will be operationalized in the methodology. While later we will elaborate on the concepts of quality to be taken into account during the procedure and once an outcome has been reached, the next section will first outline the costs incurred when accessing justice, or in any case, costs accumulated when attempting to do so.

III. Cost Variables

A framework of the costs of justice as employed in the methodology is outlined in a previous document (Gramatikov, 2008). When reviewing the research on barriers to justice, individual costs are found to be aggregated into three larger groups: monetary, opportunity and intangible costs. Costs are often weighed against perceived probability of success and, in the case of high costs, often dissuade a user from entering into a legal dispute.

Monetary costs may take the form of legal fees, but also indirect expenses such as transportation and day care costs. When attending procedures, users may lose money due to missed work. Time spent is also a cost category and may be increased as a

result of court delays, particularly in more serious criminal cases. Finally, emotional (intangible) costs such as stress can result from justice proceedings. Again, each of these costs will differ largely on the legal problem under study and the consequent procedure.

Table 1. Cost Indicators (Existing Framework)

Monetary, out-of-pocket costs
Money lost due to attending process
Time
Stress and other emotional costs

A. Cost Indicators for Victims

For victims of crime, the costs are similarly relevant as those discussed above. While in some cases (i.e. criminal court with no private legal representation) monetary costs are not at the forefront of concern, these out-of-pocket expenses may still hinder certain individuals. Clearly time spent and money lost due to attending the procedure are still very relevant for victims.

Emotional costs are likely to surpass all other costs for victims of crime, as these burdens are an often cited reason for not taking a case to court. Emotions may include, for example, fear, frustration, self-blame and anxiety. In addition to costs that can be generalized to all victims, several costs may arise for certain categories of crime, for example domestic violence. These possibilities must be considered on a case-by-case basis. To illustrate, dual arrest rates are increasing as both a result of the actions of victims themselves and as a result of mandatory arrest policies. In the U.S, for example, the criminal justice system sometimes fails to properly distinguish between the motivations, such as self-defense, and consequences of arrest of domestic violence victims. Although guidelines are being established in certain jurisdictions requiring police to arrest only the primary batterer, research suggests that this is not always the case (Miller, 2001). Another issue dealing with domestic violence victims, primarily those belonging to the lower class, is the loss of income when the offender is arrested. When victims solely want immediate protection, they are often faced with new dilemmas when their only source of income has been taken away. Finally, domestic violence victims have to face the possibility of losing their children, a barrier that would not exist if they were to refrain from reporting an offense. The different rules found in jurisdictions will play a role in the likeliness of mother and child separation, for example removing the abuser rather than the child as is done in some courts. Deceitful custody tactics furthermore may be a form of retaliation of the abuser (Reichler and Erickson, 2003).

Table 5. Costs for Crime Victims (in some cases, such as domestic violence)

Indicator
Dual arrest
Lost breadwinner – <i>Domestic violence</i>
Children taken away from victim – <i>Domestic violence</i>

In addition to each of the indicators discussed above, secondary victimization is included in the measurement methodology. Defined as the “unjust violations of entitlements claimed by victims after having suffered a primary harm or loss,” this phenomenon focuses on negative social or societal reactions, often by the criminal justice system. Within each of the three broad fields of justice (distributive, retributive and fairness), principles of justice and principles of fair procedures emerged in decision-making processes. When one of these principles is violated, a victimization of others may occur (Montada, 1994). The high relevance of secondary victimization and experience with legal proceedings, especially when the offense is of a serious nature, calls for the need for its inclusion.

Secondary victimization may be associated with inappropriate questioning and comments by the various legal actors a victim encounters and other responses by these institutions or individuals (Brienen, Hoegen, & Global Law Association., 2000; Campbell & Raja, 1999) This issue is already given attention throughout the questionnaire with indicators measuring interpersonal justice. To operationalize this phenomenon, however, five questions will be employed from Uli Orth’s study (2002) examining crime victims’ experiences in the criminal justice system. The indicators will measure the effect of the proceedings on the respondent’s copability, self-esteem, optimism, trust in the system and belief in a just world. As a result, secondary victimization can be analyzed for any given procedure.

Although Orth’s scale is straightforward, the place of this phenomenon in the framework is less unambiguous. Secondary victimization can be viewed as a consequence of the above mentioned pillars measuring the quality of justice. Emotional costs such as stress are one form of secondary victimization. The indicators in the remaining pillars also have a distinct relationship with secondary victimization; procedural indicators such as being treated with respect and the lack of improper questioning and outcome indicators such as a disproportionate punishment or an acquitted defendant can lead to re-victimization by the criminal justice system. If we assume that secondary victimization is negatively correlated with satisfaction or the overall cost and quality rating (i.e. as satisfaction goes up, secondary victimization goes down or as interpersonal treatment goes down, secondary victimization goes up), the adapted scale can provide for a suitable proxy variable (similar to measures for satisfaction, fairness and favorable outcome).

Table 5. Secondary Victimization. *Adapted from Uli Orth (2002)*

Indicator
Ability to cope
Self-esteem
Optimism
Trust in legal system
Faith in a just world

IV. Quality of the Procedure Variables

The complexities of justice costs, both immaterial and material, have been demonstrated above. Turning to the procedure, the perceptions users have of their encounters with legal proceedings are formed as a result of how they are treated and whether or not a procedure is fair. The second pillar of the framework – the quality of

the procedure – is perceived as fair and satisfactory if it meets certain criteria. People are interested in the procedure used to derive the solution, not solely the solution itself. Procedural justice holds that in order for users to view a procedure as fair, the following criteria must be met: decision and process control (voice), consistency, bias suppression, accuracy, correctability, ethicality and trustworthiness (Leventhal, Karuza, & Fry, 1980). When victims are treated fairly, their satisfaction with the criminal system rises (Wemmers, van der Leeden, & Steensma, 1995). Informational justice, the extent to which users are provided with explanations and justifications regarding the procedure and outcome, is operationalized as honesty, justification of the procedure, reasonable justification, timely justification, clarification of the justification if necessary. Interpersonal justice is attained when people are treated with politeness, propriety and respect, which comprise the three indicators measuring interpersonal justice. These indicators, summarized in Table 2, were discussed by Klaming and Giesen (2008) as a means of measuring the quality of procedure.

Table 2. Quality of the Procedure Indicators (Existing Framework)

Justice Type	Indicator
Procedural Justice	Process control
Procedural Justice	Decision control
Procedural Justice	Consistency
Procedural Justice	Bias suppression
Procedural Justice	Accuracy
Procedural Justice	Correctability
Procedural Justice	Ethicality
Procedural Justice	Intention to find good solution for victim ²
Informational Justice	Honesty
Informational Justice	Justification of procedure
Informational Justice	Justification was reasonable
Informational Justice	Justification was timely
Informational Justice	Justification was specific
Interpersonal Justice	Politeness
Interpersonal Justice	Propriety
Interpersonal Justice	Respect

A. Procedural Justice Indicators for Victims

Procedural justice has contributed a significant body of research regarding victims and their experiences with police, prosecutors and judges (Erez & Tontodonato, 1992; Paternoster, Bachman, Brame, & Sherman, 1997; Tyler, 1988; Tyler & Folger, 1980; Wemmers et al., 1995). What often is discovered is that negative outcomes are still agreeable when they are results of fair procedures. Victims who perceive treatment by criminal justice authorities to be fair are more satisfied than those who believe the opposite to be true. This assessment of fair treatment is the result of those procedural indicators shown above. At the same time, however, other relevant factors come into play when evaluating victims experiences with the procedure, and those which can be integrated into the model of procedural justice will be explained here.

² This indicator was not discussed in the earlier model.

Victims are often forced to deal with the issue of privacy when pressing charges. Bies (1993) argued for its relevance to procedural justice theory, stating that privacy is an issue when ‘people’s moral expectations about control over their personal information are violated.’ In organizations, seven factors relevant to procedural justice principles were identified, some of which are applicable in legal settings.³ The factors are as follow: authorization of information disclosure, advance notice of information gathering, types of selection procedure used for information gathering, relevancy of information used in decision making, intrusiveness of the information-gathering procedure⁴, target of information disclosure, and outcome of information disclosure.

Authorization of information disclosure, which maintains that people feel their privacy has been invaded when they do not have control over who gets access to information, is relevant to victims of crime. Furthermore, target of information disclosure asserts that when information is relayed to those considered to be ‘outsiders,’ an invasion of privacy is more likely to be felt. This invasion may come in the form of media attention of a given case. Leventhal also argued for the link between ethicality and privacy, offering privacy from the public and offender a place in the current framework. Privacy and ethicality may further be associated through the procedure’s ability to protect victims from offender encounters.

Privacy from the Public

When victims report a crime, they are risking the chance of the case becoming a public matter. This idea is true to varying degrees depending on the country at hand and the legal path being analyzed. The principle of publicity governing trial proceedings and the administration of a fair trial for the accused is clearly a necessary element to maintain. Alternatives do exist, however, when additional suffering should be prevented (i.e. secondary victimization) or the publication of personal information may endanger the victim’s safety. For example, privacy can be attained via holding proceedings *in camera*, implementing restrictions on disclosure of information such as the victim’s identity and restricting press coverage and exposure to the public. Other jurisdiction may adhere to the principle of secrecy, which prohibits certain information from reaching the public (Brienen et al., 2000). Dispensing information to the media and other members of the public is consistent with the concept of ‘target of information disclosure,’ which asserts that the disclosure of information to strangers or outsiders may be considered an invasion of privacy when compared to insiders. When measuring victim satisfaction, there is likely to be a higher rating when privacy is taken into consideration.

Protection of Information (from Offender) As a Form of Privacy

Privacy from the offender is also important in crime of a serious nature and can be distinguished from privacy from the public. Both privacy from the public and privacy from the offender is out of the victim’s control, leaving the victim with no authority on information disclosure. Often, in an attempt to protect offender rights, information

³ Bies, and earlier Leventhal, discussed privacy as a procedural justice element in the context of organizational justice. This framework also utilizes other theories derived from organizational justice, suggesting that here too, privacy can be applied to legal settings.

⁴ Intrusiveness of the information-gathering procedure is covered in the current interpersonal indicator of propriety, which examines the extent to which victims were asked improper questions.

about the victim is available to the offender. Still, laws are in place which prevent the offender from obtaining a victim's personal information, but these laws are implemented to varying degrees depending on jurisdiction. Other measures such as protection orders and information on offender release exist in certain countries. Some of these measures, however, are often more prevalent in countries where organized crime is widespread, and may be less applicable to the 'traditional' victim of rape or robbery. Furthermore, the indicator regarding the outcome's consideration of safety will cover many of these aspects.

Avoiding the Offender as a Form of Privacy

Similar to privacy/protection from the offender, avoidance of the offender – also perceived as a form of privacy - assumes the victim's identity is known to the offender and he or she simply wishes for no confrontation to take place. Is it assumed that unwanted confrontation with the offender can be perceived as unethical and may lead to higher levels of secondary victimization. Therefore, ethicality can further be operationalized – for victims of serious crimes – as the opportunity given to the victim to avoid his or her offender. Various countries allow for this via the use of separate waiting rooms or having the offender leave the courtroom during the victim's testimony (Brienen et al., 2000).

The idea of privacy and protection, from the outside world and the offender is not entirely straightforward. To clarify, privacy in court proceedings is concerned with (1) privacy from the public regarding the case (2) the victim's information (also referred to as protection from the offender) and (3) avoiding the offender (as a form of privacy, linked to ethicality).

B. Interpersonal Justice Indicators for Victims

As interpersonal justice is vital in measuring victim experiences in regard to respect, politeness and propriety (lack of inappropriate questions/comments), the harm done to victims may be trivialized by those individuals encountered during criminal proceedings, having implications for secondary victimization. Other interactional injustice may result from victim blaming, humiliation or insensitive remarks (Herbert & Dunkel-Schetter, 1992). The trivialization of the crime committed can have serious consequences for the victim's self-esteem. Research documents the self-blame characteristics of rape victims (Cascardi & O'Leary, 1992; Finkelson & Oswald, 1995), suggesting that victims of crime are more prone to internalize blaming attitude of officials. Inappropriate questioning should be more specifically operationalized to identify perceptions of victim-blaming attitudes.

C. Restorative Justice Indicators for Victims

Restorative justice, relevant to both the procedure and the outcome, emphasizes the reparation of the harm that was caused by criminal behavior. Dialogue is a central component to restorative justice, indicating that some elements may overlap with procedural justice. Christie's (1977) well-known classification of conflict as property

suggests that victims have lost their right to participate and that restorative justice methods can remedy this problem.

Restorative justice research has concluded positive findings regarding perceptions of fairness in the manner of which cases were handled, for both victims and offenders. For example, Umbreit (1994) found that 83% of victims and 89% of offenders who used mediation felt they were treated fairly in this regard. The difficulty with restorative justice is that its place in the process is less clear cut than, for example, retributive justice which solely focuses on the outcome. Many of the goals of restorative justice are achieved through the actual procedure, rather than the outcome, as is often found in methods such as victim-offender mediation or family group conferencing, suggesting a *process* of restoration.

Victim recognition is an important element of restorative justice and a significant goal of restorative proceedings. Although a desire for victim status can by no means be generalized to the entire population, as many victims want exactly the opposite, many individuals do prefer that the harm done to them by the offender be known. While the current criminal justice system gives precedence to the 'state,' leaving the victim in the dark, restorative justice attempts to find a remedy with the victim at the forefront. Making a procedure conducive to recognition can improve its quality and victim satisfaction, as victims do show interest for this element (Wemmers & Cyr, 2004).

Uncertainty surrounding the crime – whether or not it was random, why the offender acted as s/he did and other details – can leave victims frustrated and in search of closure. Under these circumstances, a face to face encounter with the offender may lead to insights surrounding the criminal act, including why it was carried out. This particular restorative indicator of having the opportunity to ask the offender for an explanation of what happened may lead to higher levels of victim satisfaction (Umbreit, 1994).

Understandably, certain notions overlap with other justice theories, most notably, voice during the proceedings. Restorative justice, in an effort to repair the harm and place victim needs in a central position, makes a distinction between voice towards the various criminal justice agents and voice towards the offender. With regard to expression of feelings and views towards the legal procedure and actors, a procedural justice indicator already exists. Attention must be given to address expression towards the offender. This notion of victim expression towards the offender is an underlying principle of restorative justice, as dialogue is essential (Umbreit, 1994) and expression may be therapeutic. An evaluation of restorative justice conferences in Australia known as RISE (Reintegrative Shaming Experiments) was conducted and found that almost two-thirds of the victims felt that the ability to express feelings directly towards the offender was important (Strang & Sherman, 2003). Restorative procedures, such as victim-offender mediation, are likely to score higher on this element.

Offender accountability, greater voice and participation, understanding of the facts, mediation, and restitution, which follow the principle of individual conflict rather than involving the state, can all be achieved by following the components of restorative justice (Galaway & Hudson, 1996). Although victim-offender mediation will undoubtedly rate high on these principles, measuring the traditional criminal justice

system could also produce favorable ratings on these variables. These opportunities encompass some of the most important victim needs that can be attained during a restorative procedure, and possibly in the criminal justice setting, largely depending on jurisdiction. At the same time, however, dissatisfaction can result, among other reasons, if the victim felt coerced into the procedure, particularly if it was the only way they felt they could be compensated, if the apology by the offender seemed superficial or if the victim felt the offender’s rights were given more considerations than his or her own (Umbreit, 1994).

Before exploring the structure of relevant outcome variables for crime victims in and delving into the final pillar of the framework in the next section, an overview should be offered of the second pillar, argued to be of equal importance. Four justice theories are relevant to this construction – procedural justice, interpersonal justice, informational justice and restorative justice. Understanding a given path’s performance in any of these areas can offer insight into its strengths and weaknesses; whether it is fair or unfair, polite or disrespectful, informative or left the victim in the dark or whether or not it restores the harm.

Table 6. Procedural Indicators for Crime Victims

Justice Type	Indicator
Procedural Justice	Ethicality - Privacy from Public/Media
Procedural Justice	Ethicality - Privacy/Protection from Offender
Procedural Justice	Ethicality - Avoiding Offender
Interpersonal Justice	Trivialization of Harm
Interpersonal Justice	Victim blaming
Restorative Justice	Voice towards offender
Restorative Justice	Recognition
Restorative Justice	Victim Opportunity to Receive Explanation

V. Quality of the Outcome Variables

Regarding the quality of the outcome, justice theories are again utilized, but in this instance, are less straightforward compared to the quality of the procedure indicators. This ambiguity is due to the overlapping indicators that result from the various outcome justice theories. Verdonschot et. al. (2008) found several theories, summarized in Table 3, to encompass a user’s perception of the quality of the outcome after analyzing the relevant research and literature. This summary serves as a base for further development in the realm of criminal proceedings.

Distributive justice addresses how a society should allocate its resources among individuals with competing needs. While distributive justice has varying views and can be interpreted as an umbrella theory for all outcome theories, this study operationalizes distributive justice in terms of needs (resources should be allocated according to people’s needs⁵), egalitarianism (resources should be allocated equally

⁵ While ‘equality’ can also be interpreted as equality across people in comparable cases, here it is seen as equality between parties. The former is included in the formal justice indicator, formal equality.

across people while needs are disregarded) and equity (an outcome should reflect one's efforts). Therefore, in these perspectives, the following criteria have been deduced to measure outcome satisfaction: equity, equality and need. As mentioned, *restorative justice* is also relevant to the quality of the outcome. In this case, important measures include reparation and reintegration. Like restorative justice, *informational justice* elements are applicable to both the procedure and the outcome, primarily justification of the outcome and satisfaction with that explanation. Corrective justice, also referred to as compensatory justice, maintains that when one party injures the other party, the injurer must make the injured party whole again. Many parallels can be drawn with restorative justice as they share the key element of restoring harm, although restorative justice includes facets such as apology and expressing guilt and shame. Also similar to restorative justice is *transformative justice*, which extends past the criminal justice system. The transformative indicators are as follow: improved relationships and outcome favorability. *Formal justice*, which stipulates that adjudicative bodies must afford similar cases like treatment, is another indicator of the quality of the outcome. This notion is comprised of the ability of users to compare their cases with comparable others and the similarity of these outcomes as a result of clear legal commands. Formal justice indicators are based upon formal equality, which encompasses these ideas of transparency and comparability. Finally, *legal pragmatism*, rather than looking at theory of truth or theory of meaning, focuses on facts and consequences. While the framework of the study is based on theory, the outcome can be evaluated in terms of both justice and pragmatism. In this case, the functional aspect of the outcome will not be overlooked, as it is still vital in the analysis (i.e. whether a outcome is enforceable may not deal with justice per se, but is important for pragmatic purposes). Questionnaire indicators include antifoundationalism (pragmatic outcome) and instrumentalism (consequences were taken into account) (Verdonschot et al., 2008).

Table 3. Quality of the Outcome Indicators (Existing Framework)

Justice Type	Indicator
Distributive Justice	Equity
Distributive Justice	Equality
Distributive Justice	Need
Restorative Justice	Reparation monetary harms
Restorative Justice	Reparation emotional harms
Restorative Justice	Reintegration
Informational Justice	Outcome justification
Transformative Justice	Improved relationships
Transformative Justice	Outcome favorability
Legal Pragmatism	Antifoundationalism – outcome solved problem
Legal Pragmatism	Instrumentalism – enforceability
Legal Pragmatism	Instrumentalism – satisfactory outcome
Legal Pragmatism	Instrumentalism – fair outcome
Formal Justice	Formal equality

A. Distributive Justice Indicators for Victims

Rather than taking the distributive stance in measuring equality, ('To what extent did you and the other party pay or receive an equal share in the outcome?') a more compensatory perspective can be applied to crime victims. The question is somewhat in contrast to the retributive indicator which examines to what extent the victim received what he or she deserved, and is not often found to be an equal share. Measuring the extent to which the user feels his or her contribution to the problem was taken into account in the outcome and the same of the offender's contribution may be problematic. For ethical reasons, using the phrase "your contribution to the problem" when targeting victims of serious crime is not an appropriate measure. "Contribution" implies victim accountability, and, as mentioned earlier, victim (self) blame is an often cited concern when dealing with the justice system as these feelings may surface among victims (Cascardi & O'Leary, 1992; Gray, Palileo, & Johnson, 1993). Furthermore, measuring the offender's contribution may be somewhat ambiguous as the victim may perceive this to be the issue under question, and the sole reason for the trial or charges in the first place. To solve this issue, indicators have been adapted which measure both retributive and compensatory justice, as explained below.

B. Retributive Justice Indicators for Victims

Retributive justice aims to avenge the harm that was caused and is not concerned with the future consequences of the punishment. An indicator encompassing the concept of retribution, which is concerned with equity and the "confirmation of societal values violated by the crime" must be formulated (Orth, 2003). The notion of proportionality suggests that the appropriate punishment must be inflicted on the perpetrators for their wrongs in inflicting the original harm. It is difficult to predict how much this factor will impact overall satisfaction as research on retribution and crime victims is somewhat contrasting (Strang & Sherman, 2003).

C. Utilitarian Indicators for Victims

A distinction can be made between the just deserts perspective and the utilitarian perspective (Carlsmith, Darley, & Robinson, 2002). While the deservingness approach punishes the offender in a proportionate way, the utilitarian method asserts that social harmony can be attained via the prevention of future harm. Therefore, punishment is justified if it minimizes the possibility of future offenses. Based on a cost benefit analysis, the idea of pleasure exceeding pain will result in criminal acts (Bentham, 1843). Furthermore, in the utilitarian theory of punishment, systems of economic distributions allocate welfare, while systems of punishment distribute 'illfare.' Both allocations involve incentives, where punishment provides disincentives for contributing to the public harm. Simply put, one type of utilitarian justification for punishment is deterring the possible offender by creating a general fear of punishment.

In addition to deterrence theory, incapacitation theory is also concerned with the prevention of crime (Carlsmith et al., 2002). After a crime has been committed, the simplest option for achieving prevention of future crimes is incapacitation. A main

goal is to restrain a person who has proved himself dangerous as a result of the past crime from carrying out any subsequent criminal acts. While this restraint is often in the form of prison sentences, one could also view a restraining order for domestic violence and stalking victims as a form of incapacitation.

Protection from the offender is an often cited victim need and subsequent reason for which victims contact the police (Shapland et al., 1985; Skogan, Davis, & Lurigio, 1990), particularly in cases involving domestic violence and protection orders (Hart, 1996). While the procedure can be enhanced to account for victim safety, the same is true for the sentence or outcome of the case, especially in acquaintance offenses. For domestic violence victims, obtaining a restraining order as opposed to the police refraining from pressing charges can account for the large discrepancy in satisfaction with the outcome that is likely to result. At the same time, however, victims often prefer immediate protection above sentencing the offender to jail or intervention programs, as they would no longer be able to support the family (Hotaling & Buzawa, 2003). In these cases, incapacitation will not lead to victim satisfaction with the outcome. Recent mandatory arrest laws and no-drop policies may give the feeling of safety, but disagreement further in the process may lead to dissatisfaction (Finn & National Criminal Justice Reference, 2004). As mentioned earlier, domestic violence victims deserve special attention regarding this indicator.

D. Compensatory Justice Indicators for Victims

Compensatory justice has been argued to be the second category of a 'justice-providing reaction' in addition to retribution (Darley & Pittman, 2003). Unlike retributive justice, compensatory justice, similar to corrective justice, attempts to restore victims to the state they were in before harm was inflicted. Of course, due to the pain and suffering often involved, it is hard to accurately define how much a victim may 'deserve' to receive. In compensatory justice, emphasis is given to the victim's worthiness of respect and therefore suggests he or she is equal to the victimizer. Other principles that have been argued to comprise compensatory justice, such as restoration of the status quo ante, making the victim emotionally and physically 'whole' and offering an apology may in fact be necessary for compensatory justice to be achieved. These principles have been covered in the other justice theories. Whether or not compensation must be paid by the offender or a third-party is disagreed upon (restitution v. compensation) and in this research a distinction will not be made (Hill, 2002).

E. Restorative Justice Indicators for Victims

Crimes against individuals, which subsequently are viewed as crime against the society, require a need to restabilize value consensus. This additional element of the society distinguishes crimes from other legal problems, addressing the necessity of restorative justice mechanisms to crime victims. In addition to physical injury, victims often suffer emotional harms as a result of serious acts against them. The restorative justice process has proven to be efficient in restoring the emotional harms of victims (Umbreit, 1994). This element should be extended to the functioning of the criminal justice system and all other paths. One may hypothesize that a procedure such as victim-offender mediation is likely to score higher on this indicator when compared to

the criminal justice process. Accounting for a weighted index, reparation of emotional harms is likely to have a large effect on the overall rating of satisfaction, as this need has been cited as one of significant importance to victims of crime (Strang & Sherman, 2003).

Emotional repair is more probable when the setting of the procedure is conducive to the possibility for an apology. The offer and acceptance of an apology is necessary to produce a restored state and begin the reparation of emotional harms (Strang & Sherman, 2003). This outcome – offender apology – may help attain restorative goals. The core components of apology include, among other things, elements of an expression of remorse or regret and acceptance of responsibility. Apologies further allow the offender to communicate ‘moral inferiority.’ If the victim chooses to do so, he or she may accept the effort made by the offender leading to a balance of status between the two (Petrucci, 2002). As a result, control is in the hands of the victim, offering a form of empowerment in proceedings.

Emotions as a result of the process are assessed as a cost variable. The respondent, however, is requested to disregard the outcome in this evaluation. Certain paths have a direct effect on mitigating negative emotions; therefore, an outcome variable of this alleviation is significant. One in particular is of interest in a comparison between restorative and criminal justice settings for victims of serious crimes: fear. A sense of security, restored by the alleviation of fear, is argued to be one main element of restorative justice (Braithwaite & Parker, 1999). In the RISE program mentioned earlier, fear was assessed on a comparative level between the criminal justice system and the restorative conference (Strang & Sherman, 2003). A significant number of victims who were afraid and felt a sense of insecurity had a reduction in fear after the conference (38% before the conference, 14% after the conference). This sort of emotional restoration is important in evaluating victim satisfaction with proceedings. Correlations are likely to exist between this indicator and victim protection/security. Fear is also likely to decrease when the victim has the opportunity to hear that he or she was not targeted by the offender and rather, the criminal act was entirely random. This alleviation of fear is possible as a result of the opportunity a victim has to ask the offender about the details of the crime – an essential restorative indicator.

As recognition occurs during the procedure, acknowledgment can be distinguished by its place in the outcome. In this instance, satisfaction is related to the reflection of pain and suffering that has been done via a favorable outcome for the victim. While this may be established through incapacitation of the offender, other outcomes, such as a genuine apology, can also produce satisfaction.

While retributive justice attempts to treat people as they have treated others and emphasizes the notion of proportionality, it does not concern itself with rehabilitation or reintegration. Restorative justice, on the other hand, which is more future oriented, stresses the need for offender reintegration when formulating an appropriate outcome. The likeliness of reintegration and satisfaction may coincide under the premise that some victims look out for the offender’s best interests, particularly when juveniles are involved. Reintegration ceremonies in Australia, for example, ask victims what they hope to get from the meeting. Their answers are not always retributive; rather, “they want the young offender to learn from his mistake and get his life back in order” (Braithwaite & Mugford, 1994).

Table 7. Outcome Indicators for Crime Victims

Justice Type	Indicator
Retributive Justice	Just deserts
Utilitarian	Deterrence
Utilitarian	Incapacitation (personal safety)
Compensatory Justice	Compensation
Restorative Justice	Ability for offender to show remorse
Restorative Justice	Ability for offender to accept responsibility
Restorative Justice	Alleviation of fear
Restorative Justice	Outcome acknowledged harm
Restorative Justice	Closure/forgiveness

Removed Outcome Indicators

Distributive Justice	Equality (in terms of equal shares of outcome between parties)
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VI. Characteristics of the Crime, Procedure and Victim

In addition to the cost, procedure and outcome variables, the victim questionnaire must consider several characteristics that serve as control variables. In the final analysis of any procedure, certain characteristics about the case will be needed to ensure that the indicators measuring costs and quality are the direct causes of high or low ratings and to account for spurious relationships. Although conclusions can be made regarding the costs and quality of a given path solely on the information discussed above, the following variables can provide for the formulation of certain hypotheses regarding procedures and valuable insights into other factors influencing victim experiences during their paths to obtain justice.¹ These variables are summarized in Table 4.

While the scope of this paper does not extend to a discussion of these variables, a brief overview is vital to the understanding of outside factors concerning the victim, procedure and nature of the crime that may affect user experiences with justice procedures. The framework includes an evaluation of the defense attorney, primarily his or her levels of interpersonal justice. Certain procedural qualities are reflected in the concepts which measure whether victim preferences were adhered to and whether appropriate charges were filed, primarily decision and process control indicators. The presence of victim assistance is also examined for its relevance to all three pillars, for example less stress (costs), respectful treatment (procedure) and more information (procedure and outcome). Other important variables are the relationship of the victim to the offender and the seriousness of the offense. Both of these factors have implications for the treatment towards the victim, for example as a result of credibility, the idea that the crime is of a private matter, or the trivialization of the crime due to a lack of an ‘ideal’ victim. Again, these factors are directly related to performance on interpersonal and procedural justice indicators. Finally, the framework is dependant upon other variables concerning the past of the victim – previous victimization and previous contact with the justice system. Previous contact with the system elicits certain expectations which in turn will be met or unmet, leading to (dis) satisfaction.

Table 4. Crime/Procedure/Victim Characteristics

Indicator
Defense attorney acting appropriately
Appropriate charges
Going to court
Victim assistance/satisfaction with assistance
Victim-offender relationship
Offense seriousness
Where monetary interest was obtained
Previous victimization
Previous contact with system

VI. Steps for the Future and Conclusion

The concepts included in this paper have attempted to capture all variables, emotions and behaviors that affect satisfaction with a given path to justice. Important to note is that these theories overlap and contrast with one another. The existing literature may categorize a given indicator in a different manner than done above, however both are acceptable classifications of the criteria. The current instrument is hypothesized to effectively measure the costs and quality of a procedure and the outcome. This document, taken together with the paper assessing the Access to Justice Index and any amendments resulting from various pilot studies, will comprise how to measure the costs and quality of a procedure and outcome for victims of crime.

This examination begins with the assertion that, to date, a methodical framework is lacking which targets victims of crime via a thorough evaluation of their experiences when travelling a justice proceeding. While certain differences do exist between victims of crime and all other justice users, the beginning of the paper asked whether or not these differences are significant. To provide for the lack of a structured methodology, the content is outlined in terms of a victim experience. When defining an experience, three pillars – cost, quality of the procedure and quality of the outcome – are operationalized. Costs are categorized into monetary, time and intangible costs while the quality of the procedure and outcome is operationalized in terms of various relevant justice theories and their indicators. The additional indicators applied to crime victims are centered around restoration, utilitarianism, privacy and protection and more specific aspects of interpersonal justice. Several control variables are necessary to evaluate procedures as they have been documented in the past as affecting overall satisfaction, often due to the decision whether or not to prosecute a case. In this way, distinctions can be made among differing variables, offering a more explanatory illustration of access to justice rather than a purely descriptive one.

A framework has been provided to measure the perceptions and experiences of victims of crimes in different settings regarding costs, quality of the procedure and quality of the outcome. The measurement tool and its accompanying index which prioritized the given indicators can have positive implications for evaluation, comparative research and policy suggestions in the field of access to justice.

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Appendix A.

Crime Victim Indicator	Information on the Crime	
	Offense	What crime was committed against you?
	Beginning path (time)	When did you first take action to solve the problem?
	End path (time)	Please indicate when you received the outcome.
	Motivation	Please indicate what your interests (needs, wishes and worries) were or which interests motivated you to take action in order to get your problem resolved.
	Claim - material	How much money did you hope to get from the process?
	Outcome – material	How much money did you receive from the process?
	Claim – immaterial	Besides money, what did you hope to get from the process?
	Outcome - immaterial	Besides money, what did you receive from the process?
	Control Variables	
√	Offense severity	Was there a weapon used during the crime and/or were you severely hurt?
√	Appropriate charges	What charges were brought against the offender?
√	Appropriate charges	To what extent did you agree with the charges?
√	Previous contact with system	Have you had previous contact with the criminal justice system?
√	Previous victimization	Have you been victimized in the last five years?
√	Victim Assistance	Did you receive assistance during the process? Were you satisfied with [type of assistance]

√	Victim Preferences	Please indicate whether or not you wanted to go to court or have the charges dropped
√	Victim-offender relationship	Did you know the other party before the problem occurred?
√	Where monetary interest was obtained	Please indicate whether you obtained your monetary interest in the criminal process or in a separate civil process.
	Costs	
√	Costs (<i>domestic violence victims</i>)	Please indicate if any of these consequences of reporting occurred: dual arrest, offender arrested – no income, children taken away
	Monetary costs	Who paid for the monetary costs of the procedure?
	Money lost due to attending process	Estimate the money you lost because of the process.
	Total time costs	Estimate the time you spent on the process.
	Stress costs	Please indicate the amount of stress you experienced as a result of the process
	Other emotions costs	Please indicate how the process made you feel: frustration, anger, humiliation, fear, hopelessness.
√	Secondary victimization - copability	Please indicate what type of consequences the process had on your ability to cope with the problem.
√	Secondary victimization – self-esteem	Please indicate what type of consequences the process had on your self-esteem.
√	Secondary victimization – optimism for future	Please indicate what type of consequences the process had on how optimistically you view the future.
√	Secondary victimization – trust in legal system	Please indicate what type of consequences the process had on your trust in the legal system.
√	Secondary victimization – just world	Please indicate what type of consequences the criminal process had on your faith in a just world.
	Quality of the Procedure	

	Procedural Justice (PJ) – Voice to authorities	To what extent were you able to express your views and feelings towards the police, prosecutors and/or the judge during the process?
	PJ – Process control	To what extent were your views and feelings considered during the process?
	PJ – Decision control	To what extent were you able to influence the outcome arrived at by the process?
	PJ - Consistency	To what extent were the same rules applied to you and the other party?
	PJ – Bias Suppression	To what extent was the process objective and unbiased?
	PJ - Accuracy	To what extent was the process based on accurate information of what really happened?
	PJ - Correctability	To what extent were you able to correct wrongful information during the process?
	PJ - Ethicality	To what extent was the process ethical and in line with the moral standards of society?
	PJ – Intention to find good solution	To what extent did the neutral intend to find a good solution for you and the other party?
√	PJ – Ethicality (privacy)	To what extent did the process consider your privacy from the public and the media?
√	PJ – Ethicality (privacy)	To what extent did the process consider your privacy/protection from the offender (i.e. keeping your identity hidden)?
√	PJ – Ethicality (avoiding offender)	To what extent were you able to avoid seeing the offender (i.e. separate waiting rooms, offender leaving courtroom during testimony)?
√	RJ – Voice to offender	To what extent were you able to express your views and feelings towards the offender during the process?
	Restorative Justice (RJ) - Recognition	To what extent did the process recognize the harm that was done to you?
	RJ – Receival of explanation	To what extent did you have the opportunity to ask the other party for an explanation of what had happened?
	Process fairness	To what extent did you find the process fair?
	Process satisfaction	To what extent were you satisfied with the process?
	Interpersonal (IP) - Politeness	To what extent did the neutral treat you in a polite manner?
	IP – Respect	To what extent did the neutral treat you with respect?

	IP - Propriety	To what extent did the neutral refrain from making improper comments?
	IP - Propriety	To what extent did the neutral refrain from asking improper questions?
√	IP - Propriety	[If contact with defense counsel] To what extent did the defense counsel refrain from asking improper questions/making improper comments?
√	IP – Lack of trivializing harm	To what extent did the neutral refrain from trivializing the harm done to you?
√	IP – Lack of victim blame	To what extent did the neutral refrain from making you feel you were to blame for the crime?
	Informational Justice (IF) - Honesty	To what extent was the neutral honest in his or her communications with you?
	IF - Preparation	To what extent did the neutral explain the process thoroughly?
	IF – Explanation of rights/options	To what extent did the neutral explain your rights and options during the process thoroughly?
	IF – Understandability of explanation	To what extent did you understand the explanation provided by the neutral?
	IF – Explanation timely	To what extent did the neutral communicate details about the process in a timely manner?
	IF – Explanation clarification	To what extent did you have the opportunity to ask the neutral for clarification regarding the details of the process?
	IP - Fair treatment	To what extent you treated fairly by the neutral?
	IP - Satisfaction	To what extent were you satisfied with the neutral?
	IF - Trustworthy	To what extent did you find the neutral trustworthy?
	Reliability of neutral	To what extent would you rely on the neutral to resolve a problem in the future?
Quality of the Outcome		
√	Retributive Justice – Just deserts	To what extent did the outcome (punishment) even out the wrong that was committed by the offender?
√	Compensatory Justice - Compensation	To what extent did the outcome you received (compensation) even out the wrong committed by the offender?
	Distributive Justice (DJ) - Equity	To what extent did the outcome consider the efforts the other party made to resolve the problem?

	DJ – Equity	To what extent did the outcome consider your efforts to resolve the problem?
	DJ - Needs	To what extent were the other party’s needs considered in the outcome?
	DJ - Needs	To what extent were your needs considered in the outcome?
	RJ/CompJ - reparation monetary harms	To what extent were your monetary harms repaired as a result of the outcome?
	Transformative Justice (TJ)/RJ – Improved relationships	To what extent did the outcome improve the damaged relationship with the offender that resulted from the problem?
	Formal Justice (FJ) – Transparency	To what extent was it possible for you to compare your outcome with the outcome in other similar cases?
	FJ – Similar outcomes	To what extent was your outcome similar to the outcome of other people in similar cases?
	IF – Explanation outcome	To what extent did you receive explanation of the outcome from either the police, prosecutor or judge?
	IF – Satisfaction explanation outcome	To what extent were you satisfied with the explanation you received about the outcome?
	Legal Pragmatism - Enforceability	To what extent was the enforceability of the outcome taken into account?
	Legal Pragmatism - antifoundationalism	To what extent did the outcome solve your problem?
√	Utilitarian - Deterrence	To what extent is the outcome likely to keep the offender from re-offending due to fear of punishment?
√	Utilitarian – Incapacitation	To what extent did the outcome take your safety into account through a means of incapacitation?
√	RJ - Reintegration	To what extent did the outcome provide the offender with opportunities to keep him or her from committing future criminal acts?
	RJ - Acknowledgment	To what extent did the outcome acknowledge the harm that was done to you?
	RJ – Closure/Forgive	To what extent were you able to move forward with your life after you received the outcome?
√	RJ – Alleviation of fear	To what extent were you less fearful as a result of the outcome?

	RJ – Reparation emotional harms	To what extent were your emotional harms repaired as a result of the outcome?
√	RJ – Expression of remorse	To what extent did the other party have the opportunity to express remorse or regret during the process?
√	RJ – Acceptance of responsibility	To what extent did the other party have the opportunity to accept responsibility during
	Transformative Justice – Outcome Favorability	To what extent was the outcome favourable for you?
	Legal Pragmatism – Satisfactory outcome	To what extent were you satisfied with the outcome?
	Legal Pragmatism – Fair outcome	To what extent did you find the outcome fair?
	Costs worth outcome	To what extent were the monetary costs worth the outcome?
	Time worth outcome	To what extent was the outcome worth the time you spent on the process?
	Emotions worth outcome	To what extent do you think the process and its outcome were worthwhile?
	Demographics	
	Gender	
	Age	
	Ethnicity	
	Marital status	
	People in household	
	Education	
	Employment	
	Annual income	