Measuring Justice: Defining Concepts, Developing Practice

Sarah Armstrong, Trish McCulloch, Beth Weaver and Dominic Reed

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Acknowledgements

Contents

List of Tables and Figures

Abbreviations and terminology

CJ   criminal justice
CJS   criminal justice system
DA   domestic abuse
DJ   distributive justice
DV   domestic violence
IPV   intimate partner violence
PCS   person-centred support, services or approaches
PJ   procedural justice
PSA   Problem solving approach (court)
PTSD   post-traumatic stress disorder

Note about terminology: Throughout we refer to 'victims' in reference to those who have experienced criminalised harm. We recognise this term may carry negative and stigmatising connotations as a label, suggesting a totalising identity that does not acknowledge agency. We have chosen to use it as the primary term (as opposed to 'survivor' which is the term increasingly used in gender-based violence research) to accept the predominant terminology of the research evidence cited, but also because some of the evidence reviewed includes non-gender-based victimisation experiences. We have opted not to use the term 'offender' to refer to those convicted of a crime. Although some research continues to use this term, it is falling out of use for similar reasons of being stigmatising and overly determining as a complete identity.

Executive Summary

Chapter 1 Introduction and methodology

This research was funded under a Scottish Government grant call for 'experiences of justice', and reviews concepts and measurement techniques for justice experiences. The aims of this project are: to provide an introduction to key frames of justice for Scotland (especially procedural justice and person-centred support); to gather and analyse international literature on how justice is defined and measured; and to present and assess various mechanisms for measuring justice experiences most applicable to Scotland.

The research was conducted in 2019 and distilled 53 sources of evidence, largely empirical studies of justice experiences, to inform the analysis. These studies were of courts, prisons, policing and more. They cover experiences mainly of victims, but also of accused/convicted, legal professionals, third sector groups and public attitudes. Guidance, technical and policy documents are also included where key concepts and measurement issues were addressed. All sources are in the English language and mainly from the US, UK or Australia with some material relating to the EU/Europe.

Chapter 2 Procedural justice

Procedural justice (PJ) explores how people's experiences of official agencies and actions shape their views on the legitimacy and fairness of the justice system. Developed especially from the 1980s, there is now a large body of research and theory on PJ. A key claim of PJ is that perceptions of being treated fairly and honestly leads people to accept an outcome even if they preferred a different outcome. The idea of fairness has been broken down into different components, with a common set of contributing variables comprising: voice, neutrality, respect and trust.

The research on PJ has been extensive especially in the area of policing, exploring how police contact with suspects and the public can shape views of questioning and arrest. There is emerging work on court and other criminal justice stages (punishment). This offers some supportive evidence of key PJ claims. However, research also shows that substantive justice concerns about outcomes remains important, sometimes more so than procedural concerns, for victims and accused and convicted people.

Chapter 3 Person-centred support

Person centred support (PCS) approaches emerged first in health and social care settings. While there are many definitions, a fundamental principle is empowering and supporting those receiving services to play a greater role in deciding the nature of their care. Ironically, service users often have not been involved in developing definitions of PCS.

A main feature of PCS is shifting from a model of delivering discrete services in response to particular needs, towards recognising those who are receiving

services as whole people who have needs, rights and interests to be taken into account, all of which should be balanced and considered holistically. Often PCS is understood as a form of personalised care, but it extends beyond this aiming at collaborative service planning, respecting dignity and acting with compassion. PCS therefore aims at supporting people to live the lives that they want as opposed to working towards population level standard outcomes. This has implications for how PCS is measured.

Criminal justice is beginning to engage PCS ideas, but the research still is limited. Most research has focused on those convicted of crimes and their involvement in co-production of sanctions. Some work has explored PCS in the context of victims and addressing their needs in the face of criminal legal processes.

Chapter 4 Conceptualizing justice

There are many theories of justice. In the empirical literature we collected, 14 distinct justice concepts were identified.

These varied according to who experiences justice, who delivers it and the defining outcomes of justice. For example, healing and therapeutic concepts of justice arose most commonly in research on victims. Examples of justice outcomes ranged from healing to social equality to neutrality and professionalism.

Some concepts of justice are complementary but others are contradictory. Most concepts of justice implicate issues of respect, involvement, information, outcome and (individual, family, community or wider societal) wellbeing.

Research has shown that both victims and accused/convicted people care about justice and perceive this in terms of fairness, honesty and consistency. Evidence for healing or therapeutic justice (where criminal justice processes support victim healing) is limited.

Chapter 5 Experiencing justice

This chapter harnesses the empirical evidence to understand how people experience and view justice. It organises the evidence by: **crime type** (violent vs non-violent crime and justice experiences); **actor** (with most research focused on victims but including some work on accused/convicted people, legal actors and support workers and the public); and **stage of justice** (from arrest through post-trial and punishment).

The evidence shows views of justice vary along each of these dimensions. Most of the research we analysed focused on victims participating in a court process.

Chapter 6 Measuring justice

The chapter breaks down measurement into: whose experience is being measured, the lack of diversity in much victimisation research; the types and frequency of different measurement methods; and common measurement techniques. Measurement methods are presented using practical examples. The most common measurement methods are surveys, interviews, observation and secondary analysis of survey or administrative data.

This chapter presents a synthesis of **eight factors emerging from a range of research evidence on what shapes justice experiences**:

- Information
- Interpersonal dynamic
- Voice, participation
- Professionalism
- Inclusivity & equality
- Rights
- Outcomes
- Wider (societal) justice

Chapter 7 Contemporary Scottish perspectives

To contextualize the international evidence, we engaged with a range of stakeholders over a year. This included academics running studies in Scotland on justice experiences, policy makers and those involved in statutory agencies and other justice services.

These reflections showed person-centred support is a strong frame within Scotland, mentioned more commonly than procedural justice. There was a high level of awareness of key research findings especially related to victimisation.

Across different stakeholder groups, meaningful inclusion of non-professionals in justice processes and concern for rights were predominant themes. In terms of challenges for justice, stakeholders identified the problem of persistent social inequalities in Scotland and the recognition that there are many negative justice experiences which taint willingness to engage with criminal justice processes.

Chapter 8 Concluding points

Six key messages are distilled from the preceding chapters:

- A justice journey – the process by which an individual comes to feel a harm has been addressed and resolved – does not begin or end with a criminal justice process.
- Criminal justice has a limited role to play in just societies.
- More inclusive and diverse perspectives are needed in understanding how justice is experienced.
- Processes of justice matter, but so do substantive outcomes.
- People first, person-centred approaches hold promise, but also risks when transferred to criminal justice settings.
- Measuring justice experiences also sets expectations of justice experiences.

1. Introduction

Background and aims

How just is justice? This is the fundamental query of the project presented herein. The specific setting is criminal justice. Exploring this question led to more questions: Justice according to whom, and at what stage of a legal process? How do different people involved in a process define justice – kindness, a legal outcome, revenge? Where and when does justice happen: in a court's judgment, in a victim's life long after a trial is over, in a system's performance over time? How can experiences of justice be captured, quantified and qualified? And ultimately, how might answering these questions lead to responses that mean (criminal) justice is done better?

This project was funded through an open call for research proposals on 'experiences of justice' (Justice Analytical Services division, Scottish Government, JAS). The call sought to develop an evidence base to inform the Scottish Government's Justice Vision, specifically in relation to the aim of improving victim and witness experiences of legal processes. This call constituted an important opportunity to explore and develop foundational thinking about the question of justice in government policy.

We undertook two activities mainly during 2019. First, and the most substantial element of the work involved an international review of research that has attempted to map and measure experiences of justice. We selected and explored this research through two key frames: procedural justice (PJ) and person-centered support (PCS), presented in Chapters 2 and3; these lenses are important in current Scottish justice policy and helped us assess the relevance of different sources of evidence for Scotland. We distilled the main concepts and measurements of justice in the research, developing both theoretical and practical analyses of this, presented in Chapters 4-6. Second, we engaged with the other researchers working on projects funded through this call (Chapter 7), as well as with policy and practice stakeholders in Scotland, thereby connecting the international literature to contemporary Scottish research, policy and practice.

These activities flowed from the aims of this project of:

- Providing an accessible introduction to procedural justice and person-centered support frameworks;

- Producing a clear account of how justice and different 'user' experiences of criminal justice processes are defined in international research literature and in contemporary Scottish research;

- Summarizing and broadly assessing the range of measurement tools predominant in capturing justice experiences;

- Distilling the learning of these prior steps to inform practical advice and guidance for practitioner and policy/analytical professionals.

Methodology

The main activity of this research was an international, indicative review of evidence. As noted, this was guided by a focus on procedural justice and person-centered support. These are frames that are guiding current policy efforts, and practically speaking, provided a means of winnowing and managing a large amount of research on justice experiences.

Procedural justice (PJ) studies have produced extensive evidence showing that *how* people experience criminal justice, in a range of settings and interactions, may be equally or more important than substantive outcomes in their overall assessment of the legitimacy and trustworthiness of legal processes.

Person-centered support (PCS) is a concept originating in health; it aims to change thinking and practice by directly involving the people 'using' 'services' in the design, development and delivery of these. The Commission on the Future Delivery of Public Services (also known as the Christie Commission, Scottish Government 2011) identified person-centered public services as the 'prize' of public service transformation. While PJ is well-established in studies of criminal justice, as a concept and practice, PCS is significantly underexplored in the criminal justice field (c.f. Weaver 2011). This project therefore provides a valuable opportunity to understand how PCS might play out in a justice context.

The literature search initially was conducted by the project research assistant employing search terms 'justice', 'experience*' and 'procedural justice' or 'person-centered support' or 'person-centered services'. We worked roughly with a twenty-year period (allowing results from as early as 2000, including systematic reviews containing studies from the 1990s). Over 200 works were returned from searches in leading social sciences databases, from which abstracts (reflecting primarily English language material from around the world) were considered by all research team members to screen for relevance. In the project inception meeting with JAS, interest was expressed about court experiences, as, especially in the case of procedural justice, research disproportionately covers police contacts, compared to other justice actors or stages. Scanning therefore sought to identify less well studied stages of justice including court experiences and post-court (e.g. punishment settings). While civil justice was not specifically excluded from the research, the search terms produced research almost entirely concerned with criminal justice settings and experiences. **This initial search was supplemented through**:

- Snowballing research citations: promising studies included in reference lists of search results were looked up and considered for inclusion;

- Personal knowledge of literature: the co-investigators have a combined experience of several decades on research about justice, user experience, procedural justice and co-production that made us aware of several relevant studies that had not emerged through the search process (and which also increased inclusion of more Scottish research than showed up in initial search results);

- JAS input: JAS staff drew the team's attention to its own efforts developing a user benefit toolkit and related European research on improving justice quality (e.g. CEPEJ, 2017) which led us to include some, but not nearly all, of the vast literature on public trust and confidence in justice;

- Wider search for PCS materials: as PCS is a relatively new paradigm in criminal justice, our initial search terms produced much less material than for PJ literature. We therefore widened our search for PCS-related material, by exploring the literature in the health and social care sectors, where there is more research evidence;

- Targeted searching: given the project aim of gathering measurement methods, additional searching was conducted focusing on measuring experiences of criminal justice processes.

The approach of our evidence analysis was synthetic and indicative of the research on justice experiences. That is, we sought to amass a large literature to gain a sense of and draw together key themes related to how justice is experienced and measured for diverse groups and situations, rather than to produce an exhaustive collation of all evidence. This means **we have collected a significant amount of work addressing conceptualization and measurement issues in experiences of criminal justice.** The results we worked with largely consisted of original research, but also other materials including in some cases policy, technical and guidance documents. Documents were read through, against our background knowledge of justice definitions and experiences, and key themes identified and presented and discussed in the chapters that follow. A table of works we included in generating findings is in the Appendix, while a references list includes all sources cited in this report.

While we had no expectations about what and whose experiences of justice would feature in research, **by far most work on experiences of justice relates to the experiences of victims, and particularly victims of violent crime, and even more particularly gendered crime** such as domestic abuse and sexual violence. Participants in existing research, unsurprisingly, are predominantly women, and more disappointingly, limited demographically being predominantly ethnically white, non-disabled, women. Nevertheless, the existing research is instructive and helpful for understanding experiences generally of justice, but has to be recognised as reflecting disproportionately a specific justice user group. However, a reasonable amount of research we collected does include perspectives of others, and this helps round out the picture to improve understanding of the extent to which people in different roles share expectations about what justice is and whether an experience is perceived as good or not.

The secondary activity of this project involved exploring conceptualizations and measurement of contemporary Scottish justice experiences. This activity was carried out through informal interviews with lead researchers of the three other projects funded through this call. It also involved stakeholder engagement consisting of meetings and presentations with a range of people from statutory agencies and the third sector.

How to use this report

This report is substantial, providing a complete documentation of this project. It is likely that few will have the time to consume it from beginning to end. We have structured the report to allow for accessing those parts that are most directly useful for a particular purpose, with chapters divided accordingly and set out in the table of contents. The chapters are mainly written in a way that they can be read as stand-alone briefings on a given topic. The table of evidence included as an appendix offers an independently useful resource, summarizing key research on justice experiences, describing study design features and main findings.

If you could read only one thing…

…About how experiences of criminal justice relate to justice generally

Most of the research we found comprised single topic studies, with a focus on a specific group, or legal process or crime type. All were interested in, and stimulated in some way, larger reflections on societal justice and how the criminal justice system might contribute to (or hinder this). However, one study stands out as an engaging, rigorous project that connects experiences, in this case of victims of violence, to a deeper understanding and theorization of justice beyond criminal process. This is the **research conducted in Australia by Robyn Holder (2015, 2018) with female victims of domestic violence and male victims of non-domestic violence.** Holder's book (2018) *Just Interests: Victims, Citizens and the Potential for Justice*, takes seriously and documents that all victims are different, all experiences unique and each stage of a legal process constitutes a distinct experience of justice, to argue for recognition of victims as ordinary people and citizens. This research encapsulates the range of concerns and findings across the research, through a single study pursuing the same ends as this project and presenting an accessible account of what happens when people are drawn into formal legal systems. It contains both analysis of qualitative and quantitative data, and numerous stories of individual experience that communicates the nuance of justice experiences. This work effectively conveys an understanding of justice as part of what it means to feel included and recognized both as an autonomous person and as part of a community and a society. **Readers interested in this focus, may be especially interested in Chapter 5.**

…About measuring and presenting information about experiences of services

Two works stand out for offering clear, evidenced discussions of measuring experiences of services. These both come from the PCS field and are Debra De Silva's (2014) *Helping measure person-centred care: A review of evidence about commonly used approaches and tools used to help measure person-centred care* and National Voices (2017) *Person-centred care in 2017: Evidence from service users*. De Silva's 2014 review offers a useful layout of the range of measurement methods that have and could be used in the context of person-centred care. The National Voices 2017 report provides an especially clear way of presenting information that could be adapted for organizations seeking to present their own data on experiences. While neither of these reports are concerned with criminal justice directly, they offer models for the range of data gathering mechanisms, presentation of information as well as have substantive value in distinguishing different stakeholders whose views should be included to gain more holistic understanding of experiences. **Readers interested in this focus, may go directly to Chapter 6.**

2. Procedural Justice Overview

Overview of the PJ research literature

Summary

Procedural justice (PJ) explores how people's experiences of official agencies and actions shape their views on the legitimacy and fairness of the justice system. In essence, the theoretical literature contends that **when people are treated fairly by authority figures, they are more likely to obey the law and comply with authorities**. It reasons that 'people's perceptions of procedural justice are important contributors to their satisfaction with outcomes – **independent of the substance of those outcomes – and in turn are a key component in the legitimacy accorded the relevant authorities'** (Jenness and Calavita, 2018: 47) (e.g. Leventhal, 1980; Lind and Tyler, 1988; Tyler and Lind, 1992).

The empirical literature encompasses experiences from policing (Sunshine & Tyler, 2003) to courts (Kirchengast, 2016) and less frequently prisons (Jenness and Calavita, 2018; Beijersbergen, et al., 2015; Reisig and Mesko, 2009) and community supervision (Blasko and Taxman, 2018), and captures the perspectives of citizens (Dai et al., 2011; Tyler, 2006), defendants/prisoners (Guzik, 2008; Henderson et al 2010), victims (Anderson, 2015; Felson and Pare 2007) and professionals (Baker et al., 2014; Greenberg and Tyler, 1987). While 'empirical research has provided a great deal of support for the hypothesized effects of fair procedures on positive outcomes, most important of which appears to be the perception that authorities are legitimate and deserving of voluntary compliance' (Henderson et al., 2010: 384), there is also a considerable amount of research that challenges this argument, as we elaborate below.

Origins and Theoretical Constructs

Procedural Justice emerged in the context of critiques of the conceptual bases of distributive approaches to the study of justice (Greenberg and Tyler, 1987:129). One of the major limitations noted was the **focus on justice as defined by the ends of social exchange to the exclusion of the means by which those ends are achieved** (Folger, 1986; Leventhal, 1980). The importance of procedural justice concerns was initially demonstrated in Thibaut and Walkers' (1975) research through which they **identified various decision-making processes that contributed to people's perceptions of fairness**. In particular, they distinguished between process control (defined as having an opportunity to participate in or be heard in the decision-making process) and decision control (control over decisions about outcomes). Their analysis led them to argue that PJ requires decision control to be invested in an independent arbitrator (e.g. judges / sheriffs) and process control (often referred to as 'voice' (Lind et al., 1990) in the defendants themselves.

A more structural approach was advance by Leventhal (1980) who conceptualized **procedural justice as having multiple dimensions or components**. Several theoretical antecedents of procedural justice have since been proposed, which have led to the identification and emergence of different characteristics of PJ, and which have variously informed the empirical measures of PJ in subsequent research. Baker et al. (2014: 1042) note that 'although they are considered some of the strongest and most robust predictors of procedural justice, Leventhal's criteria of procedural fairness are perhaps the least studied antecedents of procedural justice. Leventhal's (1980) six criteria of procedural fairness includes consistency, correctability, ethicality, accuracy, representation (voice), and bias suppression. The concept of voice, an extension of Thibaut and Walker's (1975) process control

perspective is one of the most frequently examined predictors of procedural justice in organizational and criminological research (Folger, 1977, 1987; Lind, Kanfer & Earley, 1990; Tyler, 2006). Additionally, **quality of treatment and quality of decision-making have been identified as predictors of procedural justice judgments** (Tyler & Huo, 2002).

Tyler and Huo (2002: 20) observe that 'studies show that people use procedural fairness criteria to evaluate their experiences, and that they particularly focus on comparisons of their experiences to their views about appropriate ways for authorities to act when making decisions'. Indeed, they suggest that **'a fair process leads to an acceptable outcome' even if a different outcome is preferred** (ibid). The four interdependent principles underpinning their conceptualization of procedural justice are **voice**: an opportunity to tell one's story, voice one's concerns and perceptions of the issues involved and how they might be handled, and to participate in decision-making processes; **neutrality**: making decisions with transparency, and based on proper procedure; **respect**: feeling that interactions are respectful rather than demeaning or dismissive; and **trust**: influenced by people's perceptions of the intentions of authorities and the extent to which they feel heard and understood (see also Jackson et al., 2010). Hollander-Blumoff (2011: 5 cited in Jenness and Calavita, 2018: 46-7) **further included trustworthiness of the decision-makers**. Together, these factors hold strong potential for understanding, improving and measuring the quality of people's experience of legal processes. However, these theoretical constructions have been both supported and challenged by empirical research and, in turn as Jenness and Calavita (2018) note, **there have been a number of critiques** of the empirical literature, in terms of the methodological operationalization of procedural justice factors and in relation to **inconsistent or vague definitions across studies** (Bottoms and Tankebe, 2012; Johnson et al., 2014).

Measurement issues are addressed further in Chapter 6, though the table excerpted below, usefully displays how different studies have investigated particular dimensions of procedural justice in police-public contacts using observational methods. And although different studies measure the same element, this can be defined in diverse ways. For example, one study cited below (Dai et al., 2011) measuring participation, which might be construed as 'voice' actually involved assessing whether police gave consideration to citizen views and whether explanation was given for rejecting/disregarding views.

Table 2.1 Elements of procedural justice measured in prior research

Study	Citizen participation	Neutral decision-making	Dignity	Trustworthy motives	All 4 elements in one indicator
Reiss (1971)			X		
McIver and Parks (1983)				X	
Mastrofski et al. (1996)	X	X	X	X	
McCluskey et al. (1999)	X	X	X	X	
Mastrofski et al. (2000)				X	
Mastrofski et al. (2002)			X		
McCluskey (2003)	X	X	X		
Engel (2003)	X				
Sun (2003)				X	
Gould and Mastrofski (2004)		X			
Reisig et al. (2004)			X		
Sun and Payne (2004)				X	
DeJong (2004)				X	
Sun, 2006				X	
Sun et al. (2008)				X	
Rabe-Hemp (2008)				X	
Foley and Terrill (2008)				X	
Dai and Nation (2009)				X	
Dai et al. (2011)	X	X	X	X	
Rossler and Terrill (2012)				X	
Mazerolle et al. (2012)					X

Source: Jonathan-Zamir et al. (2015: 852)

Settings and Subjects of Empirical Research

Research has principally focused on studying procedural justice in terms of policing and courts; few have systematically examined the concepts and realities of procedural justice in the correctional setting (though see Beijersbergen et al., 2015; Blasko and Taxman, 2018; Henderson et al., 2010; Jenness and Calavita, 2018; Reisig and Mesko, 2009). Accordingly, only a handful of studies have explored PJ from the perspective of 'offender' populations and at that, principally in relation to police and court settings and specialist community corrections programmes (Jenness and Calavita, 2018). As we proceed to illustrate, **existing research is largely based on individual encounters with the law or hypothetical vignettes** and analyses are rarely contextualized with regard to specific penal or institutional conditions or individual socio-situational circumstances. Indeed, several scholars have called into question the measurement of PJ in the context of corrections (e.g. Beijersbergen et al 2015, Henderson et al, 2010). For example, in the prison setting contact between authorities and individual (in this case prisoner) is more involved, intensive and enduring than, for example, between citizen and police (Jackson et al. 2010). This would suggest that perceptions on PJ might be all the more important for this 'user' group and yet it is outcomes, or substantive justice that emerges as significant for perceptions of fairness across prisoner communities (e.g. Henderson et al. 2010; Jenness and Calavita, 2018) and frequently for victims or survivors (e.g. Felson and Pare, 2007, Hickman and Simpson, 2003; Orth, 2002).

Overview of findings

Experiences and perceptions of procedural justice or fairness are thought to significantly and positively affect attributions of legitimacy and, in turn, compliance (Tyler and Fagan 2008; Tyler and Jackson, 2014; Blasko and Taxman, 2018) incidences of misconduct in prison (Reisig and Mesko, 2009, Beijersbergen et al., 2015), and recidivism (Gover et al 2004; Paternoster et al., 1997; Blasko and Taxman, 2018). Indeed, it has been widely argued that procedural justice may be more significant in

this regard than the perceived favourability or fairness of the outcome (Tyler and Huo, 2002), although more recent studies (Biejersbergen et al., 2015; Jenness and Calavita, 2018) suggest that this may be contingent on specific penal and institutional contexts and individual social contexts (Beijersbergen et al., 2015; Hefner et al., 2018), subjective perspectives and situated positions (Berrey et al., 2012), all of which shape justice experiences. In what follows, we delineate **ten key findings emerging from our analysis of the PJ literature**.

Specialised courts

1. **Specialised courts based on problem-solving or therapeutic justice frames enhance perceptions of procedural justice, compared to traditional court processes**. For example, Gover et al.'s (2004, 2007) mixed method process and outcomes evaluation of a specialised criminal domestic violence court in South Carolina, found that the court successfully met the needs of both victims and defendants in terms of fairness and enabling their voice. In terms of outcomes, the Court had an abrupt and permanent effect on domestic violence arrests and reduced recidivism.

Victims, distributive justice and procedural justice

2. **tend to place greater emphasis on outcomes than the PJ literature suggests, although perceptions of fair and sensitive treatment are also important**. Hickman and Simpson (2003) explored whether victims of domestic violence are more likely to contact the police in the future if they viewed their previous experience as either procedurally fair or achieving their preferred outcome. While both factors were deemed important, the previous arrest of the person in accordance with victim preference was a significant predictor of willingness to report again. Felson and Pare's (2008) analysis of the *National Violence Against Women Survey* identified a strong relationship between victim satisfaction and punishment severity, indicating that outcomes were the best predictor of victims' satisfaction. Orth's (2002) examination of the effects of criminal proceedings on victims however, identified that both procedure and outcomes of criminal proceedings were significant and that satisfaction with the court decision outweighed punishment severity.

Prison context

3. **The relationship between procedural justice in a prison context, attitudes to authority and recidivism is complex and contingent**, and is likely to be affected by a range of individual and socio-structural factors on release. Beijersbergen et al.'s (2015: 63) longitudinal survey of 1241 Dutch male prisoners ages 18-65 found that 'prisoners who felt treated in a procedurally just manner during imprisonment were less likely to be reconvicted in the 18 months after release albeit the effect was small. No evidence was found for a mediating role of legitimacy. Prisoners who feel fairly and respectfully treated in prison felt more obliged to obey the law and expressed more support for CJ authorities but this has no significant or direct effect on recidivism. Ultimately, the authors acknowledge that 'outside the correctional facility, it is possible that other…factors may be of more importance to recidivism than the manner in which someone was treated by authorities' (ibid: 78). This emphasizes the significance of institutional and social contexts in not only shaping perceptions of PJ, as we outline below, but its effects.

4. **Penal cultures and institutional contexts in which PJ is being measured have significant implications for and effects on perceptions of PJ.** Building on the above, the authors identify the Dutch context as a liberal and human penal context, which they venture may explain

effects. They cite Tankebe (2009) whose survey of citizen perspectives of the police in Ghana, where citizens feel an obligation to obey or comply as an outcome of force, fear and intimidation, rather than a sense of justice or legitimacy. Beijersbergen et al. (2015: 64) further note that 'most…existing studies have been conducted among citizens; only a handful of studies have explored the association in offender [sic] populations'. And 'at present, research examining the relationship between procedural justice and re-offending among offender [sic] populations is limited and has been restricted to the police and court settings, and to community corrections programs, like drug treatment courts and mental health courts' (ibid: 66; see also Jenness and Calavita, 2018: 6). Evidence suggests that the nature, extent and intensity (e.g. prior experiences, length of sentence, relationship with other authorities) of people's involvement in specific justice contexts is likely to influence perceptions of PJ.

5. **Perceptions of PJ in a prison context is associated with reduced participation in misconduct and enhanced compliance.** Beijersbergen et al. (2015) identified a causal relationship between perceptions of PJ and subsequent compliance behavior in prison. While controlling for prior misbehaviour, prisoners who felt treated fairly and humanely were less likely to report misconduct/receive a report, although they found no support for the reverse effect. Their study confirmed the mediating negative effect of negative emotions, specifically anger; those who felt unfairly treated by authorities were more likely to experience anger, and those who felt angry about their treatment, were more likely to engage in subsequent misconduct. These findings resonates with Reisig and Mesko's (2009) research conducted in an adult male Slovene prison: prisoners who felt treated in a procedurally just manner were a) less likely to report engaging in misconduct b) less often officially charged with violating institutional rules in the following six months and Baker et al.'s (2019) survey of 290 men and women incarcerated in a US jail whose perception of procedurally just treatment by detention officer procedurally just was significantly associated with their commitment to institutional rules. In contrast, Van der Laan and Eichelsheim (2013) found no effect of perceived PJ on registered aggressive misconduct among juveniles in six Dutch correctional institutions.

6. **In the prison context, substantive justice both outweighs and drives perceptions of procedural justice.** Jenness and Calavita's analysis of 120 interviews across three Californian prisons found that 'prisoners privilege the actual outcomes of disputes as their barometer of justice…grounded in, among other things, the high stakes of the prison context…These findings do not refute the importance of procedural justice, but show the power of institutional context, to structure perceptions of and responses to fairness' (2018: 41). Their findings indicate that outcomes are not only more important to prisoners' satisfaction than their perceptions of a fair process are, but in many cases the former drives the latter. Thus, an unwelcome outcome is taken as evidence that the process was unfair, such that participants were often **'hard-pressed to make any distinction between an unfavorable outcome and an unfair process'** (ibid: 42). They explain this by referring to the context (ibid: 42-3): 'Prison is a hierarchical total institution where the stakes are high, where autonomy for prisoners is deliberately curtailed, and where prisoner appellants rarely prevail. We argue that these high stakes, limited autonomy, and asymmetrical power relations comprise an environment in which the outcome of a prisoners' grievance can sometimes literally mean life or death'. 'So dominant is this substantive dimension to their satisfaction that procedural dimensions are largely subordinate to it, and indeed defined by it' (ibid: 67). **Similar findings have been identified by research into victims' experiences.**

Situated justice

7. **The concept of situated justice is often overlooked by theories of PJ yet the evidence suggests that what is perceived to be fair and just is subjectively and situationally contingent.** As the above makes clear, **there is both a subjective and situated element to perceptions of PJ**. For example, in reference to an analysis of employment discrimination cases, Berrey et al. (2012: 4) found that 'participants only talk about the fairness of the parts of the process that advantage their opposition and disadvantage themselves…from a situated perspective, what each side wants in a fair legal system is not an unbiased process (as the procedural justice literature suggests) but one that benefits their own side' (Berrey et al., 2012: 4) – which they refer to as situated justice. They explain this discrepancy between their findings and that of the PJ literature by referring to the decontextualized nature of much existing PJ research. In the real world, participants are embedded in institutional contexts, and their situated positions and social circumstances shape their perceptions of what is fair and just. Berrey et al, (2012: 30) show that in these cases, participants often do not distinguish between *how* a decision is arrived at and what that decision *is*, 'complicating the distinction between process and outcome that is a mainstay of the procedural justice literature' (see also Brockner and Wiesenfeld, 1996). Our analysis of this literature suggests **this can explain the variation in findings across empirical studies which explore PJ from the vantage point of different stages and users and as an outcome of different methods**. In short, **social contexts shape attributions of fairness, and justice and attributions of legitimacy: '[a] procedure that consistently produces unfair outcomes will eventually be viewed as unfair itself'** (Epp et al., 2014: 6; see also Guzik, 2008; Hefner et al., 2018). Essentially, then, theories of PJ fail to account for the subject positions that people identify with and which shape perception of PJ (Guzik 2008) and the social contexts that characterize people's lives and that shape perceptions of fairness and justice. (Hefner et al., 2018; Berrey et al., 2012). People's perceptions of fairness are shaped by who they are, how they see themselves, where they are positioned in society and how much relative power they possess. Thus substantive justice, in terms of outcomes, matters in justice contexts (Felson and Pare, 2007; Jenness and Calavita, 2018) but so does distributive justice (Hickman and Simpson, 2003) – how we perceive we are treated relative to similarly situated others, so both dimensions need to be incorporated into research into PJ.

Spillover effects

8. **How one is treated at one stage in the journey through the justice system can affect perceptions of justice in subsequent stages; this is referred to as the 'spillover effect' (Baker et al., 2014).** Baker et al. (2014) administered 1256 surveys to 1515 prisoners in one day in one prison in North West Florida. They identified that PJ perceptions were significantly influenced by their perceptions of the honesty of the police officers and the judge and their perceived opportunity to have their voice heard in police and court encounters; they also identified that **perceptions of treatment by police can spill over onto perceptions about the courts**.

Importance of Voice

9. **Voice is a significant indicator of perceptions of PJ, both empirically and experientially even in the absence of decision control, though, contrary to the PJ thesis, substantive justice (outcomes) matters too (see #6).** Across the literature, the concept of voice is one of the most frequently examined predictors of procedural justice and (Folger, 1977, 1987; Lind, Kanfer, & Earley, 1990; Tyler, 2006). It also emerges as one of the most significant factors in

perceptions of PJ across 'user' groups (e.g. Anderson 2015; Baker et al., 2014; Bennett, Cattaneo and Goodman 2010; Brockner et al., 2001; Dai et al., 2011; Gover et al., 2007; Hefner et al., 2018). Bennett Cattaneo and Goodman (2018) found that, over and above incidences of repeat abuse, the outcome of the criminal case, and expectations about the court system, **more empowering experiences in the court predicted improvement in depression and quality of life for victims of IPV, in addition to stronger intention to use the system in the future if needed.** Here, **empowering experiences were related to the opportunities to represent their views and the identification of those views reflected in decisions or responses at various points in the court process**. By contrast, Hefner et al.'s (2018) study of IPV victims' experiences of the Civil Protection Order process was characterized by experiences of being silenced, disempowered and marginalized, and which replicated or reproduced the power asymmetries experienced in abusive relationships. Indeed, some studies have identified that participation in the criminal justice system can engender secondary victimization for victims, with concomitant negative impacts on their psychological wellbeing (Id.; Orth, 2002; Laxminarayan 2013).

Global vs. Specific Justice Judgments

10. **There is an important distinction to be made and complex relationship between global and specific procedural justice, which is often overlooked in empirical / survey based methods and measures of PJ.** Gau (2014) identifies that global attitudes tend to be stable over time and that past attitudes are robust predictors of future attitudes and unlikely to be altered by isolated encounters; negative personal encounters appear to leave greater impressions upon people than do positive ones. Global attitudes might also impact the perceptions people form about the quality of their specific experiences. In essence, **people can feel one way about the police, for example, in the abstract, and very differently about specific encounters**. Indeed, in their observational study of specific citizen-police encounters, Dai et al. (2011) found limited support for the effects of PJ factors on expressions of citizen disrespect and non-compliance with requests. Building on our previous finding, only voice consideration, as an indicator of police decision making was significantly correlated with non-compliance; non-compliance reduced by 60% where people felt their voice was heard.

Limitations and emergent directions of PJ research

One of the most significant limitations of the existing literature is the **lack of standardisation of measures and models employed across empirical efforts to test the key precepts of theories of PJ** (Beijersbergen et al., 2015; Dai et al., 2011). Not only does the operationalization of a given PJ element vary from study to study, which makes comparison of findings difficult but:

> *'The very existence of this plethora of approaches is testament to the absence of agreement about the correct way to measure and model procedural justice…In short, the testing of* **hypotheses derived from the procedural justice model…has outpaced the development of sound measurement techniques'** *Gau (2014: 188, citing Bottoms and Tankebe, 2012).*

While there have been attempts to develop standardised measures and models, producing some detailed technical recommendations for future research designs (e.g. Baker et al., 2014, Gau, 2014; Henderson et al., 2010; Jonathan-Zamir et al., 2015), this remains an area for development. Notwithstanding the challenges of operationalising theoretical concepts, the seeming universalizability of theories of procedural justice has been problematized by empirical investigations

which reveal a more complex and contingent phenomenon than existing frameworks suggests. We identified **three pressing considerations that empirical measurement of justice experiences should take into consideration, and which can, in turn, contribute to theoretical advancements**.

Firstly, existing empirical research reveals that perceptions of PJ vary for different groups at different stages and in different contexts, and, indeed its salience in some contexts has been questioned. This would imply the need for more research on perceptions of justice in a variety of institutional contexts (Jenness and Calavita, 2018), and across a broader range of 'user' groups, and within that, taking account of demographic differences. Research into perceptions of women and those convicted of serious offences is limited (Baker et al., 2014) and **there are gaps in understanding as to how social identities and inequalities intersect with experiences of (in)justice**: for example, the experience of individuals with mental health or learning difficulties or who are within same-sex or elder intimate relationships (Mulvihill et al., 2018). Overall, there is a need for more research into relationships between demographic variables, which include people's situated positions and social contexts, and perceptions of PJ (Baker et al., 2014). In sum, there is a pressing need for more context specific research into perceptions of justice (Jenness and Calavita, 2018).

Secondly, research designs need to take account of the relationship between global-versus-specific measures of procedural justice, which Gau (2014) contextualized in terms of attitudes towards the police, but which could be applied or explored in other justice contexts (see also Chapter 5). Global attitudes are those informed by a multitude of sources that include personal experiences as well as exposure to friends' perceptions and media portrayals. Specific attitudes are the impressions that justice experiences leave on individuals, based on a specific encounter. PJ has been measured in both ways, with potentially different results and implications, and, as such, research should seek to clearly identify which is being measured to clarify whether expressed attitudes might be the effect of specific encounters or an outcome of internalised beliefs, dispositions or socialisation. Relatedly, building on Baker et al.'s (2014) work, there is considerable scope to further investigate spillover effects on perceptions of PJ from experiences of involvement in one part of the justice system into another.

Thirdly, **a significant issue often elided by theoretical discussions of PJ is the subjective nature of judgements about the fairness of procedures, about what is perceived to be just, and the extent to which this differs depending on participants' position in and relationship to specific justice contexts**. As Dai et al. (2011) note, for example, citizen perceptions may not accurately reflect experiences, and pronouncements of anticipated responses may not coincide with actual behaviours. What may be 'objectively' just or unjust may not be subjectively perceived that way and here which emphasises the importance of measures of justice experiences that not only capture individual subjectivities, and perceptions, but which can, unlike citizen surveys alone on which much of the PJ literature is based, facilitate objective observations or insights. Robust measures of procedural justice, then, are likely to require mixed methods and multi-model research designs that can capture perceptions, behaviours and actions from a range of vantage points.

3. Person-Centred Services Overview

'Person-centredness' is both an old and an evolving concept (Harlock, 2009). Available research speaks to a collection of ideas and practices which have a long history and are widely recognised, if poorly understood (National Voices, 2017). It is also, importantly, an evolving concept, marked by considerable fluidity and flex. Its fluidity reflects the different disciplines, movements and contexts within which person-centred ideas and approaches continue to evolve, as well as the necessarily flexible nature of an approach intended to recognise and be responsive to the diverse rights and needs of persons.

Our focus is on understanding **what a person-centred service means and looks like within justice services**, or, more accurately, for people who use justice services. This emphasis speaks to one of the defining and arguably most challenging features of a person-centred service, that is, **the reorientation of services from service systems and outcomes, towards the people who use and co-produce services and the personalised outcomes to which they aspire**. The literature on person-centred justice is significantly underdeveloped, such that understanding and application of person-centred approaches in justice tends to be either lacking or muddled. This review therefore examines person-centred approaches across three overlapping frames: health, social care and justice, drawing out key messages from each.

Understanding PCS

Described as being 'notoriously difficult' to define, there is no agreed definition of person-centred services, nor is there agreement on its core components (Sharma et al., 2015). Person-centred approaches are discussed using a variety of terms, reflecting the different spaces within which theory and practice continue to evolve (Dowling et al., 2006). Within this diversity there are important consistencies: **person centred services are consistently defined as services which strive to locate the people who use services at the centre of those services** (de Silva, 2014).

Person-centred approaches in health

Research on person-centred approaches is most developed within health. There is a mix of small scale studies and larger analytic reviews, with a focus on advancing definitional clarity and meaningful systems of measurement. Large scale reviews have typically been commissioned by independent bodies and charities and underline the significance of research investment and infrastructure in advancing evidence-led understanding within a given field. Almost all of the available research has been conducted by academic researchers in hospital settings. As de Silva (2014) notes, drawing on an international review of 23,000 studies, **an important finding from the literature is that people using services have generally not been involved in defining what person-centred care means**.

The terms 'patient-centred care' and 'person-centred care' dominate the health literature and are often used interchangeably, with movement towards the latter. This shift reflects **developing conceptualizations of people who use services as whole persons with plural and fluid identities, interests and needs beyond their identity within a service system**. Both terms are typically understood as broad and multi-dimensional concepts, encompassing three overlapping spheres: (i) the holistic concept, (ii) core components or principles, and (iii) specific behaviours or activities that support person-centred care (de Silva, 2014; Collins, 2014).

Definitions of person-centred care - including core components and behaviours - are marked by variation and overlap. The **Picker Principles identify eight principles of person-centred care** based on research into what is important to patients and form the basis for patient experience measurement systems across the US, UK and parts of Europe. **De Silva's (2014) review identifies six 'recurring components' of person-centred care**, while **Collins (2014) identifies four core principles and three supporting behaviours** (See the three figures below). What is significant about each of these definitions is that they emerge from efforts to advance the *measurement* of person-centred care and highlight the important relationships between these areas. However, while attention to developing robust systems of measurement has done much to advance definitions of person-centred care, it can also be argued that developing conceptualizations become dominated by what can be measured – that is, what can be counted is what ends up counting.

Figure 3.1 Three examples of principles underlying person-centred support

Picker principles of person-centred care (Picker.org)

1. Fast access to reliable healthcare advice
2. Effective treatment delivered by trusted professionals
3. Continuity of care and smooth transitions
4. Involvement of, and support for, family and carers
5. Clear information, communication, and support for self-care
6. Involvement in decisions and respect for patient's preferences
7. Emotional support, empathy and respect
8. Attention to physical and environmental needs

Components of person-centred care (de Silva, 2014)

1. Experience of care
2. Dignity and compassion
3. Activation and engagement
4. Person centred communication
5. Shared decision making
6. Supporting self-management

Person-centred principles and behaviours (Collins, 2014)

Principles
1. Being person-centred means affording people *dignity, respect and compassion*
2. Being person-centred means offering *coordinated* care, support or treatment
3. Being person-centred means offering *personalised* care, support or treatment
4. Being person-centred means being *enabling*

Behaviours
1. Collaborative care and support planning
2. Self-management support
3. Shared decision making

De Silva and Collins highlight the importance of being able to distinguish between person-centred principles and behaviours arguing that these distinctions become important in measurement. Collins also highlights the inter-relationships between person-centred care and associated principles and components, including personalisation and co-production. For Collins, personalisation is a core principle of person-centred support, while co-production is a component of personalisation and enablement (both of are discussed in more detail below). A number of key studies underline that **definitions of person centred care need to recognise and be responsive to the particularities of the service setting and context** (Wilberforce et al., 2014), to the nature and dynamic of care and support 'encounters' or 'episodes' and to the particular experiences, needs and priorities of the people accessing services (Collins, 2014). In addition, a number of studies identify that **person-centred support needs to be multi-disciplinary and adopted across all levels of a service**.

Person-centred approaches in social care

Within social care, person-centred approaches became prominent in the UK in the 1980s through the disabled people's movement. **Located within a user led movement and a social rights discourse, person-centred philosophies became associated with a radical approach to care and support, challenging existing models of care marked by paternalism and standardisation** (Beresford and Flemming, 2011). Research on person-centred approaches within social care is less well-developed. There is limited evidence of investment, a reliance on single and small-scale studies and a focus on person-centred support within disability, mental health and older people's services. To an extent, the focus of the literature reflects the definitional and measurement concerns noted within health, but the literature is marked by a stronger contribution from people who use services and by a more critical lens.

Person-centred approaches are mostly discussed under the terms **person-centred support and personalisation, terminologies which are often used interchangeably**. Over the last decade, personalisation has become a particularly prominent concept, describing person centred ideas and principles and practices and a headline for service reform. For these reasons and others, as Leadbeater (2004) observes, personalisation has become a 'very potent but highly contested and ambiguous idea'.[1]

Attempts to define person-centred support in social care risk simplifying a complex and conflicted literature. For some, personalisation is a 'simple' idea. As Leadbeater (2004) outlines:

> *'Personalisation is … simple: by putting users at the heart of services, enabling them to become participants in the design and delivery, services will be more effective by mobilising … people as co-producers of the public goods they value'.*

Similarly, a number of user-led studies report considerable clarity and consensus in understandings of person-centred support. The *Standards We Expect* consortium (2011) concludes: '**Person-centred support means you are at the centre of your service. Services should work with you to help you live your life in the way you want'**. As is common, this definition is supported by the identification of key components, in this case: 'eight important things':

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[1] In our review of the social care literature we mostly use the term person-centred support, reflecting its more direct relationship with person-centred ideas and principles. However, personalisation is used where the literature being discussed makes direct use of this term.

1. Choice and control
2. Settings goals
3. Good relationships
4. Listening
5. Information
6. Being positive
7. Learning
8. Flexibility

However, there is little consistency across available definitions, leading others to conclude that there is no 'true' meaning of personalisation, any more than there is a 'true meaning of empowerment or participation or choice' (Ferguson, 2012: 57). For Ferguson, these are 'contested concepts, terrains of political struggle and debate on which different social forces seek to impose their preferred meaning'.

The contested nature of person-centred support appears to reside in two important aspects. The first is that the term is used to describe different interpretations and applications, categorised by Leadbeater (2004) as **shallow and deep personalisation, and as sustaining and disruptive innovation respectively**. Shallow and sustaining approaches describe top down efforts to advance a more evidence-based approach to public services and goods, in this case through the application of personalised tools, focused at the level of the individual consumer-client. Deep and disruptive personalisation describe a value-based concept and practice, located within a framework of human rights and social citizenship, and advanced within a context of individual and collective relationships marked by enablement, co-production, choice and control. **In deep personalisation, the role of the state and public service professionals lies in the co-creation of conditions for bottom-up social innovation and the co-creation of public goods**.

A second area of conflict lies in the suggestion that personalisation is simple. While in theory, person-centred services is a compelling concept, **the application of PCS ideas and principles within socio-political climates marked by individualism, inequality, marketization and welfare retrenchment is demonstrably complex** (Prandini, 2018; Beresford, 2014; Ferguson, 2012). Important questions include: what does a person-centred service look like across diverse service settings and user groups? **How should the rights and preferences of the individual be balanced with those of others? What about involuntary user groups? Is enablement a choice or a requirement? Do all have equal access to and capacity for enablement?** Who are the winners and losers in these frameworks, and what does winning and losing look like for those involved? Added to these questions are associated questions relating to workforce capacity, the development of effective community support systems and appropriate mechanisms of governance. These questions occupy much of the literature on person-centred support with little in the way of clear answers. What is clear is that person-centred support is not an easily understood or applied concept, and it cannot be meaningfully advanced apart from an understanding of the social, economic and political forces which act upon it. These issues are significant for the understanding and application of person-centred support within justice where questions of access, equity, choice, capacity and power are key and where the need to advance the individual and the social good are defining features of Scottish justice.

Person-centred approaches in criminal justice

Person-centred ideas are least developed within justice, reflecting the fact that person-centred support is yet to become established as a framework for practice across this field. Person-centred ideas travel under and within a variety of terms and frames, including, for example: personalisation, co-production, user/citizen-centred practice, responsivity, procedural justice, restorative justice,

community justice, desistance-based approaches and The Good Lives Model (Mulvihill, 2018; McCulloch, 2016; Weaver and McCulloch, 2012; Fox et al., 2013; Weaver and Lightowler, 2012; Weaver, 2011). Added to this complexity is the fact that justice services describe a range of justice stages, professional groupings and services and serve a variety of individuals, groups and communities. Together these factors make for a complex and disparate research base that is not easily analysed. Of the very few studies that address person-centred ideas in criminal justice directly, most focus on questions of relevance and potential rather than on specific questions of definition, understanding and measurement. With these caveats, some indicative themes can be noted.

- Most studies **focus on the application of person-centred ideas within community justice and rehabilitation**. A very small number of studies report on the use of person-centred approaches with victims of domestic and sexual violence.

- Limited attention is given to defining a person-centred approach though there is a preference for co-productive models over individual-consumer models. However, accounts of person-centred approaches in practice mostly speak to the latter. **Individual-consumer approaches are considered to have limited value** for justice users or stakeholders (Fox 2018).

- A person-centred approach is typically constructed as a challenging philosophy for justice and rehabilitation, however key elements are identifiable in longstanding and recent initiatives (Weaver, 2012, 2011). There is **very little critical engagement with assumed obstacles and tensions**.

- A person-centred approach is considered to have particular **synergies with Desistance and Good Lives 'models' of justice**, specifically the shared emphasis on social citizenship, relationship based-practice, co-production and community (Fox et al., 2013; 2016).

- Most studies note that there is **limited evidence on the effectiveness of person-centred approaches in justice settings**, however discussion in this area mostly consider outcomes from a system/ service perspective (Fox et al., 2013; Renauer et al., 2003)

Measuring person-centred support

Research on the **measurement of person-centred approaches is predominantly health-based** and focuses on the measurement of person-centred *care* by researchers, and sometimes health teams, **within hospital settings**. There is a **conflation in the literature between the measurement of person-centred care and patient experience/satisfaction**, with a number of studies focussing on the latter. The measurement of person-centred care is constrained by the absence of a clear definition, by a **privileging of system and professionally-led outcome measures** and by a focus on individualised over collective approaches. We found very few studies which speak to the measurement of person-centred support within justice services. Those that do tend to privilege the impact of person-centred approaches on pre-defined service outcomes.

De Silva (2014) provides one of the most extensive reviews of approaches used to measure person-centred care. Commissioned by the Health Foundation, this work focusses on two important strands of measurement: 'what' and 'how', and we adopt a similar approach here.

What is measured?

Approaches to measuring person-centred care typically attend to three main areas: the broad concept, specific behaviours and, to a much lesser extent, less tangible sub-components. Across these areas, available studies focus on one of four main issues (de Silva, 2014):

- **definitions**: how patients or professionals defined the components of person-centred care
- **preferences**: the type of care patients wanted or the attitudes and values of health professionals
- **experiences**: the extent to which care was experienced as person-centred
- **outcomes**: the impacts of person-centred care

There is an emphasis within empirical studies on **the measurement of *processes* or *experiences* of person-centred care with less attention given to the measurement of *outcomes*** (Collins, 2014; National Voices, 2017; de Silva, 2014). However, de Silva found that a high number of studies described as measuring experiences of person-centred care were actually measuring patient experiences of /satisfaction with health and care services. Most studies focus on a small number of 'key' ingredients of person-centred care, often those that are easiest to measure (National Voices, 2017). These findings speak to a distinction – and conflation - within research between what has become known as **patient reported outcomes measures** and **person-centred outcomes measures.** Patient reported outcome measures elicit patient perspectives on pre-defined and service led processes and outcomes, while person-centred outcome measures are outcomes defined by the person (Barrie et al., 2013). As Collins (2014) and others conclude: before we can construct a person-centred support and associated measurement system, we need to understand the performance of the system from the person's perspective.

Qureshie's (2001) early work on personal outcomes is important here. Based on research with older people, carers and social care staff, Qureshie developed **a typology of outcomes which identified three 'clusters' of outcomes important to older people, broadly mapped as: (i) process, (ii) change and (iii) quality of life outcomes**. This work is important in identifying the different types of outcomes important to people and the interplay across outcome areas. It has led to a number of initiatives and applications across health and social care in the UK and beyond. The *Talking Points Personal Outcomes Approach* is one example (Cook and Miller, 2012). Developed in Scotland by the Joint Improvement Team, this evidence-based framework summarises the outcomes identified as important to adults living in the community. The framework identifies 15 outcomes across the three clusters as shown below:

Table 3.1 Outcomes for person-supported approaches

Process outcomes Experienced through seeking, obtaining and using services	Change outcomes Improvement in functioning and wellbeing	Quality of life outcomes Whole life outcomes
Listened to Having a say Treated with respect Responded to Reliability	Improved confidence Improved sills Improved mobility Reduced symptoms	Feeling safe Having things to do Seeing people Staying well Living as you/where you want

Source: Cook and Miller (2012)

Person-centred outcome frameworks provide a useful example of what a more person-centred, holistic and flexible measurement framework might look like. However, as the 'Talking Points

Framework' underlines, the tool is intended as a 'talking point' for identifying and measuring outcomes rather than as a prescriptive framework.

A small number of studies highlight that **there is more to measuring user experiences than the measurement of worker-user relationships**. Smith (2018), for example, highlights a **lack of evidence around community-led approaches to person-centred support**. Relatedly, some recent studies emphasise the importance of looking beyond individual and service specific outcomes, towards inclusion of broader wellbeing and social outcomes (Stickley, 2015).

How is person-centred support measured?

De Silva (2014) identifies the most common methods used to measure person-centred care, including attention to the merits and demerits of each. In order of frequency, the most common methods used are:
- Surveys of clinicians/ practitioners
- Surveys with patients/ service users and, to a lesser extent, families, with some evidence of the use interviews and focus groups
- Observation of clinical encounters
- Examination of service users records or other routinely collected data

Measurement can be conducted at various points in a person's care or support journey, ideally reflecting the changing purposes/ priorities of support at different stages (de Silva, 2014). Most studies highlight the limitations of any single approach, tool or measurement point and instead favour a combination of approaches and measurement points. **Little attention is given to the relationship between approaches to measurement and different user groups**, beyond a general acknowledgement that the form and style of measurement tools should be appropriately tailored.

However, Miller (2011) highlights a need to attend to the different agendas driving outcome measurement practices in public services, highlighting again that not all of the above-listed methods are measuring person-centred experiences or outcomes. Miller describes these agendas as 'improving' and 'proving' agendas. For Miller, **the improving agenda put the person at the centre with a focus on culture, practice, communication and flexibility. The proving agenda, more consistent with managerialism, centres on *evidencing* improvement**, emphasising robust measurement, standardisation and tools. Miller observes that both are necessary but that an improvement agenda must remain paramount. Relatedly, a number of studies highlight the importance of co-production in the development of measurement approaches, including the involvement of often excluded and marginalised groups (Beresford et al., 2011). Other studies underline the importance of a holistic and coherent approach to person-centred practice and measurement, with attention given to the potential of logic models that put person-centred activities and outcomes into coherent, theoretically principled sequences (Collins, 2014).

Personal (vs professionally defined) outcome measurement approaches emerge as one of the few *practice-based* measurement approaches where the emphasis is on working *with* people to improve the efficacy and experience of services (Barrie et al., 2013). As Barrie et al. describe: person-centred outcome approaches **emphasise flexible, co-productive and talking approaches to engagement, assessment, planning, intervention and review,** and in doing so offer an important counter to the 'excessive emphasis on questionnaires, checklists and tick boxes in recent years'. Whether constructed as a counter or complement to top down approaches to the delivery and measurement of public services, person centred outcomes are attracting significant interest and may offer a bridge between the perceived (over)drive for new and improved technologies of measurement and the evident caution within user-led accounts regarding new tools.

The overarching conclusion from the literature on the measurement of person-centred support is that there is no magic bullet and that it is principles, intent and practice rather than the choice of measurement instrument that matters:

> *'No matter how appealing and simple any given tool appears to be, unless the underlying philosophy and principles of a personal outcomes approach are firmly understood across the organization, and the engagement is effective, there is significant risk of completely missing the point of outcomes focused working.' (Barrie et al., 2013)*

Implications and Conclusions

There are a number of implications that emerge from this overview. Six initial implications are identified.

1. Defining person-centred justice

In 2004, Gillespie and colleagues observed that the UK government policy had made person-centred care **a priority for health services but did not clarify what the term meant**. This resulted in professionals, educators, managers and patient representatives all developing different understandings, reflecting their own backgrounds and roles. In 2014, de Silva concluded the same and **the same observation can be made today in respect of recent Scottish justice policy**. There is a need to carefully **consider how to describe** *and* **define person-centred 'support' so that it is meaningful and practical for justice users**. This should involve: (i) consideration of terminology and whether person-centred 'support' is best used and understood as a universal concept, (iii) more explicit engagement with described tensions, and (iv) clearer distinction between consumer and co-productive models.

2. Measuring person-centred justice

There is clear evidence of a **relationship between advances in the understanding and application of person-centred 'support' and sustainable efforts to measure it**. Person-centred justice is likely to become meaningful when we commit to measuring it.

3. Involving justice users

Understanding, **measuring and improving the experience of person-centred justice requires us to understand the experience and performance of the justice system from the person's perspective, recognising that justice persons are plural**. This is a new lens and will require a more person-centred, inclusive and systematic understanding of justice encounters and journeys and a more creative and co-productive approach to knowledge development.

4. Investment, infrastructure and support

As Collins (2014) and others observe: public services are not person-centred services. Similarly, service users are not uniform in their readiness and capacity to engage in person-centred ways. Advancing person-centred care and support in health **requires sustained and targeted investment, the co-creation of an enabling infrastructure and the creation of bodies, networks and communities** with capacity to advance and support person-centred support in meaningful ways, including from the bottom up. Improving understanding, experience and measurement of person-centred justice will almost certainly require the same.

5. Purpose and intent

Research on the measurement of person-centred support underlines the importance of being clear about the purpose and intent of measurement, which should **prioritise *improving* rather than proving person-centred outcomes**. Again, **this is a new lens for justice services** and relationships where 'hard' outcomes, 'objective' measures and 'standardised' tools have dominated in research and practice.

6. Overcoming barriers

Almost every study on person-centred 'support' identifies barriers to implementation, including how these might be overcome. **The barriers to advancing and measuring person-centred justice are significant** but may be more universal than we assume. Overcoming barriers will require us to recognise and reconcile the contradictions (barriers) in our political rhetoric, in our policy and practice frameworks and in our justice relationships. This is both the starting point and the end goal. As Cruddas (2012: npn) notes:

> *'… public leadership is not the technical task of delivering "outcomes". It's the moral practice of getting people together. It's about unlocking the capacity we all have to work collectively for the common good. It's the same at every level … it's about relationships and reciprocity.'*

4. Conceptualizing Justice

This chapter builds on the frames set out in the previous two chapters to identify different concepts of justice employed in empirical research. While the next chapter is the main presentation of evidence on how justice is experienced, this chapter does supplement discussion of concepts of justice with illustrative examples showing how different concepts play out in terms of an experience of a criminal legal process.

This chapter thus aims to specify and develop the conceptual insights of these previous chapters and lead on to the next two chapters on experiences of justice and how these can be measured.

What kind of justice?

Even though we focused search efforts primarily around work which adopted a procedural justice or person-centred support frame, we were surprised by how **many different concepts of justice** in addition to these arose across the research we collected. Similar to Mulvihill and colleagues (2018), who identified 18 different models in research on legal/criminal justice experiences of gender-based violence, we identified at least **14 distinct types of justice being talked about explicitly or implicitly in the literature we gathered**:

- Procedural justice
- Distributive justice
- Embodied, lived justice
- Individualised, personalized justice
- Situated justice
- Therapeutic, healing justice
- Professionalism and quality as justice
- Informational justice
- Interactional justice
- Interpersonal justice
- Satisfactory justice
- Legal, rights-based justice
- Social justice
- Community justice

Different concepts of justice imply different courses of action to achieve it. **There may be overlap and complementarity, but there may also be conflict and contradiction**. There may be multiple ideas of justice at work, but participants may place different emphases on these. For example, and discussed below, policymakers, prosecutors and victims of crime may feel justice requires that victims 'have a voice' and some meaningful influence on proceedings but have very different ideas of what this means and what limits should be placed on it.

In what follows, we describe these different concepts and consider their interrelationships.

Procedural justice

In Chapter 2 we provided an extensive discussion of procedural justice (PJ) and so need not duplicate that here. It arises here to note that it appears in literature on experiences of justice including research we came across when not specifically searching for this term, conveying that **PJ ideas are a pervasive concept of justice**. There are numerous specifications of its meaning, but across a range of research a common basic idea is **acknowledging that *how* people are treated during a legal encounter or process is important, possibly more than the outcome of an encounter or process, in their subsequent judgment of justice** and acceptance of legal actions. We noted the elements of PJ are continuing to evolve with Tyler and Huo's (2002) **4-part categorization a particularly influential version, consisting of: *voice, neutrality, respect* and *trust***. How each of these elements is specified and measured in research is not standardized, with some research noting that, as one example, 'voice' can mean different things (Anderson, 2015) such as having the opportunity of speaking in a proceeding or having one's input formally taken account of, or even having the direct ability for one's expressed views to determine decision-making. **Elements of PJ overlap with other concepts of justice. For example, the element of 'neutrality' is similar to ideas of justice professionalism** (see below, and CEPEJ, 2017) – conducting work in an objectively fair way according to established rules and procedures. The elements of PJ, and inclusion of other ideas about justice, can blur in designs to test PJ levels. It remains fairly common to phrase questions (in both research and organizational feedback) in terms that contain unspecified constructs; for example, asking 'how satisfied are you with your treatment by X?', or, 'how fairly do you feel you were treated by X?' treats fairness and satisfaction as unambiguous concepts.

There is **widespread awareness of PJ research and principles within policy and practice, reflecting changing ideas about what criminal justice is for and how it can be defined as successful**. The main impact may be the increasing concern for non-professionals drawn into criminal justice – primarily victims but also accused, witnesses and members of the public – and the aim of ensuring justice processes are experienced as fair and respectful by these groups. However, much of the PJ research, as discussed in Chapter 2, points out the opposite also is true: when people feel their treatment has been unfair or disrespectful, they are more likely to reject outcomes and to feel legal actors lack legitimacy, undermining trust in justice structures. There remain questions about the relative balance of importance placed on procedural justice considerations compared to outcomes – and as we noted in Chapter 2, some research has found that **substantive concerns continue to be important to different groups including victims and those serving sentences**.

Distributive justice

Distributive justice, along with procedural justice, will be one of the most recognized terms in this field. The two concepts often are contrasted and compared. **Often summarized as focused on outcomes, this does not mean distributed justice is a self-evident or simple idea**. Broadly, in normative political theory **distributive justice refers to fair and equitable distribution of resources across the whole of society**, connecting to a concept of social justice. **In the criminal legal context, often the concept is narrowed to mean specifically the ultimate result of a legal process: conviction/acquittal and sentence**. However, Holder's (2018, and see Chapters 4 and 5) research with victims of violence from arrest through sentence, shows how **at each legal stage there may be distributive justice expectations and achievements**. For example, decisions to arrest and prosecute a person accused of violence are distributive justice issues, as is the sentence on conviction. She found varying levels of satisfaction with outcomes at different stages, and in line with other research, a lower level of satisfaction at later stages than at earlier stages: most felt police (81%) and prosecution decisions were fair (85%) while a smaller majority felt court (69%) decisions were (Holder, 2105: 199).

The multiple stages of a process and goals of victims at each of these led Holder (2018: 147) to characterize **distributive justice as a 'composite concept'** encompassing personal (safety and protection), 'offender' (rehabilitation and rights) and community (deterrence and accountability) elements.

Holder (2018) found patterns in types of victim and the importance they placed on outcomes at different stages, and a belief of just outcomes being achieved at one stage but not another. Some domestic violence victims in her research did not want an arrest or prosecution, but then were satisfied that there was a conviction and sentence. Non-domestic violence victims were more likely to want arrest and prosecution, but also to feel less satisfied with outcomes where sentences were felt to be lenient.

Traditional targets in criminal justice, as measures of distributive justice, may also be challenged when looked at from perspectives besides those of victims. Criminal justice professionals, in Scotland and elsewhere, have sometimes questioned the extent to which prosecution, conviction or even reduced reoffending rates are measures of a successful outcome. This message emerged in the recent evaluation of Aberdeen's Problem-Solving Approach court (PSA) (Eunson et al., 2018). Interviews with legal professionals (Sheriffs, defence agents, CJSW, and others) reflected a consensus that **it is 'too simplistic to think of success for the PSA solely in terms of stopping participants offending altogether'** (Id.: 47). Of 52 cases observed in the PSA evaluation, 19 did not complete the period of deferred sentence, a 'failure' rate of more than one-third (Id.: 33). However, most justice professionals and participants (including those who 'failed' in terms of sentence completion) felt the PSA was a success on distributive grounds: **even incomplete participation in problem-solving approaches secured deep and sustainable change for many** and triggered positive changes in attitude and lifestyle.

Research exploring the views of **legal professionals has found that conventional understandings of justice fitting especially with distributive and rights-based models predominate**. Most judges and prosecutors continue to see justice associated with their perceptions of correct outcomes that are reinforced by adherence to due process.

DJ and PJ are typically contrasted and separated in research, but increasingly researchers are coming to see the two concepts as interdependent, alongside other justice concepts, too. For example, Alaggia et al. (2009) found that **the level of upset over court outcomes (of conviction or acquittal), for parents of children who had been sexually abused, was connected to the amount of time the legal process took, the level of resources invested in it, and the extent of upheaval in their lives due to the court case**. In other words, the acceptability of the final result was dependent on how the process was experienced, in addition to pre-existing ideas of what parents wanted as an outcome in the prosecution of their child's attacker.

Satisfactory justice

Many studies on user experiences of justice explore this issue in terms of 'satisfaction' (Holder, 2015, Kunst et al., 2015). Within the field of victimology, 'aspects such as **participation, interpersonal treatment, compensation, and retribution' are 'important indicators of satisfactory justice'** (Laxminarayan, 2013: 120). Research on satisfaction emphsises victims and the victim experience, but other standpoints also are explored through satisfaction such as witnesses. A Council of Europe project has **urged more attention to 'internal stakeholders', that is court staff, in order to know the extent to which criminal justice professionals perceive the activities they are involved in and the outcomes these produce to be satisfactory**, and the barriers to achieving this (CEPEJ, 2017). Such concerns make clear that satisfaction of external users cannot be fully understood or addressed

without having a comprehensive sense of those who deal with them. The Council of Europe has urged the use of 'customer satisfaction' surveys to embed 'a concept of justice that is focused on users of the "service" in addition to the performance of the judicial system' (Id.: 29).

The problem with satisfaction as an overall concept for probing justice is that '**the term can hide as much as it reveals'** (Holder, 2015: 184):

> *'While useful for policy purposes, [satisfaction] tells us little of the detail that persons are being asked to assess, is vague on context, ignores motivations and expectations and fixes identity and place.'*

This is not to say that satisfaction cannot be a useful construct, but it requires specification into integral components. Surveys that ask about satisfaction without any sub-questions can be misleading. In consumer and marketing research, understanding of customer satisfaction is sophisticated finding it can have both procedural and distributive aspects (e.g. Martinez Tur et al., 2006). Customer satisfaction research is not irrelevant to the public sector as it seeks to maximise related outcomes: satisfied customers will seek to use a service again and are more likely to trust and recommend satisfactory products and services (Id.). Satisfaction, across research, describes elements that include quality of the 'service', i.e. treatment (respect, recognition, involvement, consideration, caringness, professionalism) as well as outcomes (fair, desirable, understandable); these issues are untangled further in the next chapter where examples of different questions probing satisfaction are included.

Holder (2015: 205) breaks down the elements of satisfaction, drawing on distributive and procedural justice concepts to organize key themes of satisfactory justice: **quality of interpersonal treatment, outcome acceptance, influential voice and respect for 'offender' rights**. These themes, in turn, contain component elements:

Table 4.1 Components of victim satisfaction

Table 8.2 Themes underlying victims' distributive and procedural justice evaluations

Quality of interpersonal treatment	Outcome acceptance	Influential voice
Recognition of standing	Relationship to offender-related concerns	Uniqueness of being known and 'knowing'
Equality of treatment	Relationship to victim-related concerns	Demonstrations of respect and recognition
Information as reciprocity and recognition	Normative and governance concerns	Constitutive of a dialogue with justice officials
Interaction as respect		Connection with 'properness' of decision making
		Giving and receiving information as a powerful transaction

Source: Holder (2015: 205)

Individualized, personalized and situated justice

Individualization is a core feature of person-centered support and services (though PCS also resonates with other concepts of justice including procedural, rights-based and social justice; see Chapter 3). **Individualized justice means organising and adapting levels of interaction, services and outcomes around the needs and expressed desires of the individual**. This will lead to different approaches in similar cases, and approaches which may be at odds with traditional criminal justice goals. One victim of domestic abuse may wish to have a legal response that does not create new challenges in terms of income or childcare (if their abusive partner is jailed), while another would support robust prosecution and a custodial sentence (Anderson, 2015). Achieving this concept of justice in the aggregate means supporting a process and outcomes in which individuals feel their own needs and expressed wishes are reflected in courses of action that officials pursue. Problem-solving courts and victim advocate services may be thought of as employing concepts of individualized justice in the sense of supporting person-centred responses (Eunson et al., 2018). To be sure, **personalized forms of justice are not automatically inconsistent with, and may support effects of realizing other ideas of justice**. In the case of problem-solving courts that address the individual needs of a person under court ordered sentence, there may be an end result of reduced offending which also supports community justice.

A **personalized approach to justice can be compared to 'situated justice'** mentioned in our previous discussion of procedural justice (see Chapter 2, and Berrey et al., 2013). It describes how a person's particular circumstances, experiences and standpoint will affect their assessments of justice. This further overlaps with the notion of embodied or lived justice described next. Individualised justice is not an unproblematic ideal; we noted in Chapter 3, that there is a risk of reductive implementation of this concept in thin, consumerist forms (and also mentioned below, in contrast to social justice approaches, see, Mladenov et al., 2015); in addition, particularly when applied to those being punished, can support an individualistic 'responsibilising' discourse.

Embodied, lived justice

Embodied, lived justice encompasses ideas such as Holder's (2015: 206) conceptualization of a justice where a scholarly preoccupation with:

> *'… distributive or … procedural effects in a dynamic setting is … woefully inadequate. In human hands, justice [in her research] was conceptualised as **a vibrant experience and relevant to a set of external and internal standards. It was not static, nor did it adhere to one object**.'*

An embodied sense of justice can include situations where the characteristics and history of a group of people shapes the nature and views of experiences with authorities. For example, **historically negative experiences between some communities and police may predispose those communities** towards a default view of injustice in contacts with police. This is related to concepts of social justice and procedural justice. However, research on economically marginalised and ethnic minority communities in France has found that procedurally just interactions may overcome a negative predisposition towards police that is part of a community's lived experience (Roux et al., 2011: 45).

By emphasizing **justice as fluid, dynamic and situated in time and space**, embodied conceptualizations challenge abstract and universal ideas of defining and measuring justice. Embodiment concepts may militate against attempts to scientifically separate precise, compartmentalized queries about aspects of treatment or outcome and challenge projects seeking to develop standard indicator approaches. **In**

these conceptualizations, emotions are a relevant and central part of experiencing an encounter as just (Holder, 2018).

Therapeutic, healing justice

Therapeutic justice envisions **legal systems as supporting and even being a central mechanism of healing and recovery**, whether for victim recovery from a crime experience, a sentenced person adopting a journey of rehabilitation or a community's return to normality following crime. **Restorative justice models thus might be thought of as a form of healing justice**, though the massive literature from this field was not systematically included in this project. The current prominence of ACEs (adverse childhood experiences) and development of trauma-informed approaches in justice also sits in a therapeutic justice category. ACEs are not only a factor to be accounted for in understanding and explaining behaviour, but through this awareness official responses might be designed to ameliorate their negative effects. Therapeutic justice is a common frame for problem-solving courts, as is procedural justice (NCSC, 2005). Eunson et al. (2018) found **most participants (convicted people) in Aberdeen's PSA court felt positive about their experiences consistent with a therapeutic justice model**; these feelings seemed stimulated partly by a positive experience with a judge (central to this concept of justice) as well as by receiving tangible support for their problems (consistent with personalized and social justice models).

A healing role for justice can **overlap with procedural justice notions, as in the role and importance of victim's having a voice in proceedings**. Victim advocates and therapists in Reghr and Alaggia's (2006) study felt that simply being able to express themselves and to be heard was part of the healing process for victims. Interestingly, this research also found that, despite different ideas about the purpose of legal proceedings, victim advocates and justice professionals (judges, prosecutors) all 'viewed victims as expecting to feel better after going through the justice system' (Id.: 39).

However, a healing effect for victims is an inconsistent finding in research. Bennett Cattaneo and Goodman (2010:497) found that 'an empowering experience in court predicted … improvement in both depression and quality of life, above and beyond experiences of reabuse, the outcome of the criminal case, and expectations about the court', but, the way they report their results makes it difficult to assess the statistical significance of this finding. Other research (Wemmers, 2013) has offered more complete articulation of statistical significance of healing effects, finding an **association between how well victims felt they had been treated and PTSD levels. In this case, however, the associations are especially prominent around negative effects: victims who felt unfairly treated reported 'more frequent and more severe PTSD symptoms'** (Id.: 229). This research also found that all victims, regardless of their initial level of PTSD and across perceptions of both fair and unfair treatment by authorities, experienced reduced levels of PTSD. It found a non-statistically significant pattern that time reduced PTSD for all categories of victims (Id.). A recent, in-depth Scottish research project notably found that **'none of the victim-survivors [of sexual violence], including those who cases resulted in a guilty verdict, believed that "justice" had been achieved in their case'** (Brooks-Hay, et al., 2019: iii). The authors of this study consistently identified themes of feeling harmed and damaged by proceedings, suggesting **the opposite of healing was a more typical experience of justice**.

Professionalism and quality as justice

Similar to an effectiveness element in procedural justice research, this concept of justice emerged in work exploring **how professional, competent, qualified, and efficient key actors are** (e.g. CoE 2017, NCSC, 2005). It involves **valuing and supporting the ability to conduct legal proceedings efficiently, legally and to a high standard** (CEPEJ, 2017). When assessed from the perspective of victims, it included an element of perceived dedication, competence and compassion (Holder, 2015). In studies

of justice systems there was a focus on quality control and improvement measures such as training and fiscal compliance (NCSC, 2005; CEPEJ, 2017). Generally, the research on indicators of trust or confidence in courts and criminal justice, emphasizes this kind of justice often alongside elements of procedural justice (such as procedural fairness) (Hough and Sato, 2011). However, in this work, procedural justice is valued as much for securing compliance (as a more inclusive approach compared to top-down, coercive styles of justice) as intrinsically desirably as a value (e.g. Hough and Sato, 2011).

Informational justice

Having or being **provided information that is accurate, timely and helpful is a key component of informational ideas of justice**. However, it is **entangled with other justice models**. Having good quality information sometimes is connected to an attitude of compassion personal care (towards victims) or respect for rights (as in the case of accused) and generally to being treated fairly, honestly and respectfully – connecting to interpersonal, individualized and procedural justice. Good quality information is also treated as an element of justice as professionalism or quality (and particularly in the context of information sharing and effective communication and coordination between different parts of the justice system). Information provision may include more than accurate and timely updates on court dates, such as signposting to services (Laximaniryan, et al., 2013: 122).

Interactional and interpersonal justice

Interactional and interpersonal concepts of justice focus on the nature and quality mainly of how legal professionals treat non-professionals (victims, witnesses, accused, convicted) in justice systems. (Laximaniryan et al., 2013) treat these as concepts emerging after the original development of procedural justice models, but related, with the former more focused on the fairness of procedures. 'Interactional justice was later introduced, arguing that the treatment shown toward individuals also impacts justice evaluations' (Id.: 121) 'Interpersonal justice refers to the level of respect and propriety shown toward victims' (Id.: 122). While these concepts often are embedded in contemporary models of procedural justice, some research continues to explore these specific issues of treatment and respect as independent, intrinsically important constituents of justice.

Legal, rights-based justice

Rights have long been a frame governing criminal justice settings, traditionally conceived in terms of the rights of the accused, supporting the integrity of the legal process (captured in the idea of the rule of law) and this continues to underly how legal professionals view the integrity and legitimacy of legal processes. Mulvilhill et al. (2018) separated rights-based justice concepts into victims' rights and human rights (often pertaining to the rights of accused and detained people); we combine them here in that the research we reviewed did not consistently distinguish these. For example, Holder (2015, 2018) found that **victims' assessment of how fair a legal proceeding sometimes included a consideration of the extent to which the rights of the person accused of violence were respected**: 'They didn't eliminate his rights to help me. In that way, justice was fair' (Holder, 2018: 197). This **challenges the characterization of victim and accused/convicted rights as balanced in a zero-sum game**. Person-centred approaches often mention rights as an underlying foundation and justification, having originated partly through rights-based struggles for patients to have more involvement and access in their care (Smith, 2018). In justice research, Douglas and Harpur (2016) analysed the justice experiences of DV victims with learning disability noting their typically poor treatment raised human rights issues that are distinct from but associated with victims' rights. Rights-based views, combining this range of approaches, thus **includes both a negative (meaning protection from) and a positive (meaning an entitlement to) duty of the state**; in the case of learning disabled victims might create, as an example of negative rights, limits on the state's removal of children, or as a positive rights claim,

create a duty to ensure full access to court processes, such as through specialist support for these victims.

Social justice

Although meanings are diverse (Mulvihill et al. 2018), social justice broadly refers to **addressing societal level inequalities, and conceptualizing justice accordingly in holistic, societal level terms**. Notions of social justice (and social rights) emerged partly out of concern with individualized notions of justice that compartmentalized and narrowed understanding of public interest. Such a narrowed view can neglect **structural social inequalities which entrench disempowerment and marginalization of particular groups**. It emphasizes 'inclusionary strategies that are premised on economic inclusion to achieve social justice' as opposed to 'those that aim to demonstrate that the institutions of justice are themselves fair and just' (Hough and Sato, 2011: 10).

Although not explicitly discussing social justice, the Aberdeen PSA evaluation consistently found justice professionals and court participants identifying **issues beyond criminal justice as both the source and solution of the problems that brought people into conflict with law**, particularly housing and mental health services (Eunson et al., 2018: 24). This work suggested that conventional criminal justice processes, even when effective within their own parameters (in terms of catching people who commit crime and securing convictions and sentences) can have unintended negative consequences in creating barriers to accessing social support for people in the most marginalised positions and communities.

Governments are increasingly interested in inclusive, social justice ideas, though some have expressed concern about the susceptibility of agendas to become instrumentalized and top-down (Walby, 2012). Mladenov et al. (2015: 322) note that a social justice perspective in person-centred approaches emerged in health care and disability services as a bottom-up, emancipatory quest, but when adopted as official policy became **at risk of substituting a marketized (consumer choice, cost savings, efficiencies emphasis) interpretation of 'personalisation' for a more emancipatory version** (see also, Chapter 3).

Community justice

The community or wider public as the main stakeholder of legal decisions is a well-embedded idea, and research suggests it is one accepted at some level by victims and especially by judges and prosecutors. It reflects **an idea of justice in which legal actors represent the community, protecting their interest and safety but also guiding their actions by a sense of a given community's norms**. It may be positioned as **oppositional to individualized ideas of justice**, as this judge stated in one study (Propen and Lay Schuster, 2008: 312): "An individual does not get to dispense individual justice. It's got to fit within the scheme of what is acceptable in the community". Community justice refers both to this understanding of public interest but **may also be employed in ways similar to social justice**, as an attempt to draw attention to the interests of and impacts on communities of state decisions and distributions of resources. Communities may be based on interest, identity or geography.

Conclusion

This chapter considered the range of justice concepts or principles that emerged in research on criminal justice experiences. These may inform or be the aspirations of but are not the same as the institutions and actors that make up criminal justice. The range of conceptualizations shows how different ideas of justice arise in different contexts, and that conceptualizing justice is a contingent,

situated process. **Most ideas of justice raise issues of respect, involvement, information, outcome and (individual and community) wellbeing**. Procedural justice is a dominant model of justice that incorporates many of these elements, but these have been identified independently as distinct factors in a range of research models adopting diverse theoretical lenses. It is clear from research (see Chapter 2 and the next chapter) that **outcomes still matter, and can shape a sense of injustice even where people have felt treated fairly**. Satisfaction often is used as to gauge experiences, but has been, frequently, poorly theorised with inadequate attention to is constituent constructs. Holder (2015, 2018) has gone some way to correcting this flaw, attempting to explain **what underlies satisfaction judgments about how one has been treated, what goes into accepting an outcome, and what it means and why it is important for victims to have a voice in criminal proceedings**.

There are, it should be clear, many different concepts of justice flowing through legal processes, and many overlaps and interdependencies of these. There are also competing and contradictory elements of different justice models. Concepts of justice are not independent of each other and cannot be treated as separate ideals to be independently pursued. Rather it may be more **useful to think of justice concepts more loosely as groupings of qualities which inform people's sense of having been treated in a way that recognises their personhood and of generally adjudging a process as having integrity and being worthy of obedience**.

5. Experiencing Justice

This chapter moves from a conceptual analysis of justice to a presentation of research examples of how people empirically experience (criminal) justice processes.

Violent vs non-violent crime

Views about the quality or fairness of justice experiences have been found to vary by the type of crime involved. Violent crime, and especially gender-based and sexually violent crime, followed by homicide, were the most frequently studied crime types in experiences of justice research, and this was primarily explored in terms of the victims' perspective. However, there is research on other forms of violence, including ordinary assault, and on property and other offences, as well as research gathering views of other actors. Overall, this body of work suggests, unsurprisingly but not without contrasting findings, that **victim experiences of violent crime and their experience of justice processes is associated with more and longer-term distress (though there are differences within the violence category) than for victims of other crimes.** Research on experiences of crime estimated that 31% of the variance in victim distress is attributable to the type of crime (whether violent or non-violent) (Green and Pomeroy, 2007). Research on experiences of violent crime has found these victims are prone to suffer PTSD more than victims of non-violent crime (Wemmers, 2013).

As noted, **most contemporary research on victim experiences of justice involve victims of violent crime, and especially gendered forms of violent victimisation**. This seems to be a recent trend. For example, Kunst et al.'s (2015) systematic review of studies exploring victim distress levels and satisfaction with criminal justice produced 20 eligible studies, mainly conducted during the 2000s and 2010s, only four of which included victims of non-violent crime, and nine of the 22 (45%) related to victims of domestic or sexual violence. In an older systematic review containing research mainly from the 1990s with some from the 2000s and later, of 22 eligible studies, more than half (12) included victims of property crimes (especially burglary).

The **nature of crime may explain some of the observed variation in satisfaction levels by gender**. For example, Felson and Pare (2007: 215) found that 'victims of sexual assault are more likely than victims of physical assault to be dissatisfied with the police and the courts' and this explained gender differences in satisfaction (i.e. women were more likely to be victims of sexual assault and have more negative assessments of legal processes than men, who were more likely to be victims of physical assault). This suggests the severity and form of violence is important for both levels of distress and how victims experience criminal justice processes.

In contrast, **Wemmers (2013: 228), in her own sample, found no difference in by crime types (personal, i.e. violent, and property) and procedural justice assessments of victims**. She did find, however, that PJ assessments were significantly associated with levels of PTSD (Id.). While all participants in that research experienced declining levels of PTSD from the initial contact with police to a point six months later, the relative difference in PTSD remained; in other words, **victims who felt they were treated unfairly from the start of a process had higher levels of PTSD** and though these levels declined they were still higher at the six month point as the PTSD levels of victims who had felt they were dealt with fairly from the start.

A final point to note about crime type and victim engagement: Violent crime experiences affect not only participation in legal systems, but also research. In Wemmers' (2013) time series research with

188 crime victims, the drop-out rate for victims of violent crime (29%) was nearly three times that of victims of property crimes (11% attrition).

Actor

Crime victims

The vast majority of research on experiences of justice relates to crime victims. It would be impossible to summarise a literature that now constitutes an entire sub-discipline – victimology – and it is expected that readers will be broadly familiar with the main research findings about victim experiences of crime and criminal justice (with one summary, from Holder, 2015, presented in the table below). As mentioned above, **research on victims also, and increasingly, involves research on a specific form of victimization – gendered violence**, especially domestic abuse and rape/sexual assault. The implications of this for understanding experiences of all victims or for developing criminal justice processes is not well developed. One effect of the expanding victim research has been the bifurcation of 'victim' and 'offender' into mutually exclusive categories (though this also is increasingly recognized and reflected on in victim research). This can be analytically useful but is not empirically representative of the fact that there is **significant overlap of victim and crime perpetration experiences** (see Schinkel, 2019). Gormley's (2017) research offers an important study showing this, exploring pervasive and lifelong experiences of victimization amongst people with learning disabilities in prison.

Collectively, the studies we reviewed showed that by participating in a legal process, **victims can feel**, alternately and simultaneously:

- **Empowered**: When enabled to participate and where victims have felt legal professionals took them seriously and engaged caringly (Bennett Cattaneo and Goodman, 2010).

- **Re-victimised and traumatised**: This is a common and familiar theme in research. Re-victimisation occurs when effects of crime (loss of control, sense of violation, unpredictability, distress, coercion/pressure) are also produced by participating in justice processes. Re-victimsation effects have been found in sexual assault and domestic violence victims (e.g., Brooks et al., 2019; Holder, 2018; Douglas and Harpur, 2018); families of homicide victims (Englebrecht, 2011); and parents of sexually abused children (Alaggia et al., 2009), among others.

- **Punished**: Douglas and Harpur (2018) found DV victims with learning disabilities experienced legal processes in punitive ways, putting their custody rights of children at risk, and exposing them to coercive social services for their 'failure' to protect themselves.

- **Criminalized**: Holder (2018) researched victims some of whom had criminal histories; these victims felt the lack of interest in their victimisation and/or the perceived lenient outcomes of cases was a legal judgment of their underservingness and continued culpability.

Holder (2015: 189) summarises common findings in the literature about the negative experiences of victims as:

Table 5.1 Common research findings of negative experiences of victims

- EXCLUSIONARY: victims' sense of alienation and exclusion from all aspects of the justice process;
- DISRESPECTFUL: the experience of routine discourtesy and disrespect;
- UNCOMMUNICATIVE: the absence of information and the withholding of information;
- UNSUPPORTIVE: the lack of support, assistance and advocacy;
- INCONSISTENT & BIASED: disquiet as to the thorough, unbiased and timely performance of justice as it functions from investigation to prosecution, adjudication and sentence management;
- EFFICIENCY & SYSTEM FIXATED: the perception that process efficiencies trump the proper administration of justice, especially with regard to charge negotiation;
- POOR & UNFAIR OUTCOMES: inappropriate or inadequate decision-making, especially with regard to sentencing;
- NON-PARTICIPATORY: the failure to hear from or involve victims adequately or at all;
- LACKING IN RIGHTS: a perception that, while defendants have rights and representation, victims have neither

Source: Holder (2015)

A thread running through victim research is that **victims are not an undifferentiated group that is in a suspended state of crisis**: 'victims of crime have significantly different experiences in the initial aftermath of the crime event' (Green and Pomeroy, 2007: 72). And, it would be incorrect to treat all victims as having a single and unchanging level of distress: '**Most victims of crime return previctimization levels of emotional well-being within a few days or weeks**' (Kunst et al., 2013), apparently independently of any criminal justice response.

Victims vary just as individuals vary; their experiences may be patterned or have shared characteristics based on age, gender, economic position, ethnicity, social/family support but this will not capture all the variation. These factors and more also intersect in ways that make it difficult if not impossible to say any single one is a useful index to gauging group experiences. **Inequalities issues have been identified as a concern to accessing services or making the most of services**; victims may have inconsistent experiences that raise questions about equality of access to just and respectful treatment (Brooks Hay et al., 2019; Douglas and Harpur, 2018).

As noted above, differences in satisfaction with police and courts may be as much a function of crime type (with more sexual violence cases in court involving female victims) than gender (Felson and Pare,

2007). The **main commonality amongst victims**, concludes Holder (2015: 187), is 'the shared experience of participation in the standard and routinised procedure of criminal case processing.'

A strikingly consistent finding across research is the **common but mistakenly high expectations victims have about criminal justice processes**. Many thought they would have more input, be more consulted and have more influence than turned out to be the case. Engelbrecht's (2011: 143) excerpts from families of homicide victims illustrates this point:

> *'But I thought that was our call. It's not our call. I said I don't want to do that, and he [prosecutor] goes, well it's not up to you.'*

> *'[prosecutor:] I am just consulting you, but the final decision is mine.'*

Victims' aims in engaging with a legal process are informed by multiple concepts of justice. Research has shown them to be concerned about **procedural justice for accused/perpetrators as well as themselves** (Gover et al., 2007; and see Holder, 2018). They have **distributive justice concerns, too**, that combine an interest in a fair outcome for themselves as an individual victim but also include a societal interest in justice, from their perspective as an ordinary citizen: 'It's about consequences to actions. The justice system is there to remind people of this' (Holder, 2015: 202).

What do victims want? Holder (2018) calculated **the influence of different factors on victim satisfaction**, showing the mixed balance of what they wanted from a legal process:

- Quality of interpersonal treatment (13%)
- Outcome acceptance (40%)
- Influential voice (8%)
- Respect for offender [sic] rights (6%)

Gover et al. (2007) in research on a domestic violence court found that both **victims and defendants were more likely to accept a judicial decision if they felt that both sides had been treated fairly**. This research challenges the conventional balancing of victim and defendant interests and rights in a zero-sum game (a point noted in the previous chapter regarding rights-based conceptions of justice).

Are victim experiences improving? Felson and Pares (2007) found support for the idea that **criminal justice systems may be perceived as less hostile for those reporting sexual crimes than in earlier times**; their large-scale secondary survey analysis found greater dissatisfaction of this type of victim with police and courts in the 1980s compared to the 1990s. However, more recent, small scale qualitative research (Brooks-Hay et al., 2019) found that while there were examples and areas of excellent practice, **many survivors of sexual assault reported the same sorts of negative experiences that have been identified across the decades**.

Accused and convicted people

Chapter 2 observed that **procedural justice research is predominated by work in policing contexts, involving encounters with the public and suspects** with police. There is a strong body of evidence from this work showing that **interactions perceived as procedurally just, allowing for some variation in definitions, have a positive effect on experiences and views of criminal justice actors** (see also Hough and Sato, 2011). However, Gozick's (2008: 111) study of presumptive arrest and prosecution in domestic violence cases found that accused perpetrators experienced this blanket approach as an 'unjust sanction…rather than as the consequences of their own actions'; this suggests 'the power of the law as a force for social change may be…limited.'

Limited research is available on experiences of accused/defendants in court. Gover et al. (2007) conducted research in specialized domestic violence courts finding that **defendants who felt fairly treated and given a chance to participate in proceedings were more likely to accept the judgment in their case and also had lower reported levels of repeat abuse**. Court observation work led to Eunson et al. (2018: lii) concluding that 'positive encouragement from the Sheriff and the interaction of the reviews increased the importance for some participants of "doing well"', which suggests a specific interpersonal justice effect of problem-solving courts. Further, 'opportunities for offenders [sic] to explain themselves and what is going on in their lives tends to make them feel fairly treated, which in turn makes them more likely to comply with the current order and with legal requirements in future' (Id.: 37).

Originating in health settings, it has been recognized that **person-centred approaches are challenging in justice contexts** (Weaver, 2011). As noted in Chapter 3, a person-centred approach **aligns with criminal justice ideas of desistance and the Good Lives 'models' of justice**, specifically the shared emphasis on social citizenship, relationship based-practice, co-production and community (Fox et al., 2013; 2016). There remains scant evidence of outcomes in justice settings, and though we are developing a fuller picture of how PCS, and related ideas of **co-produced and user voice in services, can support positive experiences of justice for people sentenced to punishment** (see, e.g., McCulloch, 2016; Weaver and Lightowler, 2012). The research base on procedural justice (e.g. Blaxo and Taxman, 2018) **can remain tied to instrumentalized goals of reducing reoffending**. This contrasts with how experiences of justice are explored from the perspective of victims, where the instrumental goal of prosecution and conviction was seen as part of the problem, stimulating research interest in the need to understand victim experiences for their own value as well as for developing broader trust and confidence in criminal justice. As with victims, **the different positions and capacities of those involved in criminal justice may lead to unequal, inconsistent access to or ability to participate in co-productive and PCS designed services** (McCulloch 2016; and see, National Voices, 2017).

The work on those serving prison sentences similarly tends to prioritise experiences of justice in terms of how likely sentenced people will comply with their punishment. Beijersbergen et al. (2015) found that juvenile **prisoners who felt they were treated respectfully were more likely to obey institutional rules**, but that this did not affect their views of the legitimacy of their punishment. For those in prison, as we noted in Chapter 2, **substantive justice both outweighs and drives perceptions of procedural justice** (Jenness and Calavita, 2018).

The research makes clear that penal settings raise new questions and dynamics for questions of procedural justice and justice more generally, which existing work on policing encounters cannot automatically answer. As with victims, people in prison have diverse backgrounds and identities, and Inequalities issues emerge strongly for people in prison. Schinkel (2019) found that **prison entailed trauma for those serving sentences who were also mothers or fathers, and that this produced negative effects for their desistance**. Gormley (2017) found that **people with learning disabilities are disadvantaged and marginalised in unique ways in prison, facing intersectional forms of oppression** and disenfranchisement through criminal justice involvement. Interestingly, **short prison sentences were found to have an effect of disconnecting those in prison from their sense of shame and remorse** for the harm they had caused to others showing for this group that **criminal justice interventions undermined people's sense of justice and commitment to making amends** (Armstrong and Weaver, 2010; and see, Weaver and Armstrong, 2011 for exploration of these issues in relation to experiences of community sentences).

Professionals and practitioners

Though not researched as often as the perspectives of victims, views of legal professionals sometimes are included in research to explore secondary perceptions of how victims, witnesses, accused and sentenced people experience criminal justice settings. However, the views of professionals are important in their own right. A Council of Europe guide states that **legal professionals should be included in 'customer satisfaction' surveys as 'internal' clients, just as victims and witnesses are as 'external clients'** (CEPEJ, 2017: 31). That is, those working in the criminal justice system are *experiencing* justice, too, through their own work and participation *contributing* to justice. Working conditions and workloads, justice beliefs, professional standards and consistency are some of the elements that affect both the ability to address justice experiences of others but also their own sense of contributing to a meaningful and fair system.

Just as a common victim complaint is lack of information, so, too, can professionals have this concern. **Judges in one study commented about frequently lacking adequate information to make decisions**, in that case on protection orders in domestic violence hearings (Person, et al., 2018: 1482). This is only one example, though similar issues of workload and information arose in conversations with Scottish professionals (see Chapter 7), and it shows that informational justice may not be a unique concern of victims. Improving justice experiences needs to account for experiences of professionals as well. Workloads were an issue in Anderson's (2015) observational study, finding that even in specialist courts, **heavy caseloads affected time judges spent engaging with litigants which had effects on how involved and empowered accusers and accused felt**.

In terms of professionals' own views, research has found that **judges and lawyers may retain classic views of the purposes and interests of criminal law, namely to oversee a process that determines if a crime has been committed** and then identifies and punishes the perpetrator (e.g. Reghr and Alaggia, 2006). This often is associated with legalistic ideas about justice, and particularly the priority of ensuring that a process adheres to legal rules that respect the rights of accused, who is seen to have most at stake in a proceeding. Defence perspectives endorse this view: in Englebrecht's (2011) research on homicide prosecutions, one defence lawyer said: the 'victim cannot dictate how a case should be prosecuted or defended. A neutral party needs to do it and that's the prosecution' (p. 141).

Prosecutors may see themselves as representing the victim in proceedings, or, given that the ultimate victim of crime is the community, the public interest. These positions undergirded **a general prosecutorial view that ultimately decisions rested with them and their own, professional, assessment of the public interest**. Prosecutors have recognized that this may mean they 'represent best interests of the community… and sometimes the victim's interest is in not in the best interest of the community' (Englebrecht, 2011: 138). No research studies were found where prosecutors thought of their contribution to justice in terms of conveying the wishes of victims directly to the court, or of premising their decisions mostly or entirely on this. While **judges and prosecutors agreed that victims should have a role in the process, this often was understood in more limited terms compared to the views of victims themselves** (Id.). For example, victims felt they had a right to speak to prosecutors and express what they would like to happen in case, while for prosecutors, a 'large role' for victims meant they should be consulted, advised of case progress, timetable, and allowed some input into what should happen to a defendant (Id.: 138). Some prosecutors in this study reported being in touch with victims 'very often' and felt it important to keep in touch, possibly as a duty of notification and transparency (Id.).

This research concluded that, in contrast to the claims above that victims are highly diverse in background, expectation and capacity, that '**criminal justice officials had the tendency to ''typify'' the experiences of victims and relied on their own ideas about what ''average'' victims experienced**' and

therefore wanted from a process (Englbrecht, 2011: 131-2). This may explain why increasing participation of victims had little observed effect on day-to-day operations.

In terms of research that asks professionals to comment on others' experiences and interests, some common themes emerge. First, **professionals view victims as having unrealistic expectations about what a legal process can achieve**. As one judge put it: 'Some victims expect to find that the court process is somehow going to bring an end to the pain they're feeling or the fear or insecurity and they're surprised when it doesn't. They leave the system feeling ill-served or underserved' (Reghr and Alaggia, 2006: 39).

The main studies cited in this section also have included **perspectives of victim advocates** (e.g. Englebrecht, 2011; Reghr and Alaggia, 2006; see also, Propen and Lay Schuster, 2018). Such advocates are an increasingly visible part of criminal justice processes. Advocates have been found to be **an important means of addressing informational, interpersonal and expectation needs of victims**, assisting their navigation of a confusing and mysterious process. The advocates themselves often echo the perspectives of victims in terms of describing alienating and distressing qualities of legal processes.

Little work has explored how professionals and practitioners experience working according to particular justice models. Barrie et al (2013), however, noted that in health care settings, **practitioners adopting person-centred care approaches experienced greater satisfaction in their jobs**.

Stage

Different stages of the justice process can present different experiential issues. The preceding section conveys similar issues addressed below but through different participant perspectives. This section offers a view of the movement through the legal process.

From beginning to end

Overall, there are **some positive signs in the research for criminal justice officials**. **From a distributive justice perspective, most victims** in Holder's (2005, 2018) research **were satisfied with decisions made at various points in the process, from initial police contact through court adjudication**. And as noted, the distress levels of victims who feel they have been treated fairly or in empowering ways, decreases more than the distress levels of those who felt unfairly treated (Wemmers, 2013; Bennett Cattaneo and Goodman, 2010; noting that distress levels dropped for all to some extent). This research has found a statistical link predicting that at least some of this decrease is due to the quality of their treatment.

However, perhaps less encouraging, is that **satisfaction levels with the justice overall (both decisions/outcomes and experience of the process) seems to decline as a prosecution progresses**. Holder (2015: 190) charts this decline in her research sample, finding that satisfaction declined successively over the three points of her data collection. From a strong majority who felt satisfied early in a process, this satisfaction level dropped by more than half by the end of the process.
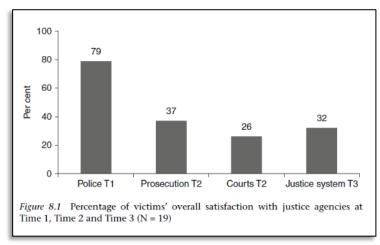
Figure 5.1 Satisfaction levels of victims at different stages of criminal justice

Figure 8.1 Percentage of victims' overall satisfaction with justice agencies at Time 1, Time 2 and Time 3 (N = 19)

Source: Holder (2015)

Arrest and investigation

The weight of research we reviewed suggests that the **initial stages of a legal process, and particularly interactions with the police, are disproportionately influential of how victims evaluate their later or overall justice experiences**. Wemmers (2013: 229) citing prior work in this area, says: 'Research shows that how the police treat victims is more important for victims' procedural justice judgements than how they are treated by other criminal justice authorities such as the prosecutor or the judge'. And, as mentioned in Chapter 2, there is also evidence of a 'spillover effect' for people convicted of crimes; women prisoners' judgments about court fairness was directly correlated in one study (Baker et al., 2014) with their rating of how fairly they were treated by police.

Good and bad experiences with the police may have asymmetrical effects on victims' wellbeing and willingness to engage. Good (interested, non-sceptical, communicative, caring) experiences seemed to allow victims to maintain a fairly positive attitude about engaging with the legal process, while negative (uncaring, skeptical, non-communicative, inconsistent) contacts had deeply damaging effects. Wemmers (2013) used a PTSD tool to measure victim distress and found that those who felt they had been treated unfairly had higher PTSD scores six months after police/investigation contact than those who felt they had been treated fairly. Holder's (2015) findings might suggest that even positive early experiences do not translate into later positive experiences.

Court

Courts are intimidating environments, and understandably so given their serious and authoritative function. The authority of the court is communicated in architecture, dress and rules. It may feel excluding to those not familiar with courtroom culture which includes the legal vocabulary and understanding of what is and is not typical in this setting. Hence, it is not surprising that **even in courts which have sought to reduce factors of intimidation, non-professionals may still feel cowed and unable to participate fully**. Alaggia et al. (2009) found that provisions to make it easier for children to testify – screens, CCTV and video testimony – often were not used or were ignored. Even problem-solving courts which aim at enabling informal relational dynamics to encourage participants to be open about their problems find it difficult to rid legal proceedings of all elements of formality (Eunson

et al., 2018). However, this did not uniformly create a barrier to positive experiences for participants and staff (Id., and see Gover et al., 2007).

Observational work on courts has found that **judges' views of litigant credibility, that can in turn influence decisions, can be based on the appearance of litigants** (how they are dressed, their body language and demeanour) (Person, et al., 2018: 1487). Moreover, testimony from experts (e.g. police witnesses) tended to be taken more seriously than that from the litigants themselves (Id.).

Anderson's (2015) ethnographic research described the **subtle and unsubtle ways that victims can be disempowered in court hearings**. She describes one scene in which prosecutor and judge speak to each other ignoring victim, fail to explain technical issues, do not address parties by name, and where the judge interrupts the victim. Person et al. (2018) similarly characterized types of **unengaged (no eye contact, minimal communication to litigants, asked few questions) and engaged judges (concerned, interested disposition, asked clarifying questions, spoke directly to litigants)**. However, this research also found that **it is not straightforward connecting engaged and unengaged judicial behaviour to fair or unfair decision-making or processes**. In fact, some of the unengaged judges may have reinforced a sense of neutrality amongst parties: not being on anyone's side (by appearing uninterested in both parties) can reinforce at least some elements of procedural justice perception (Person, et al., 2018: 1490). What is clear, though, is that court interaction and culture can and has been found to affect victims' (and also the accused's) sense of being empowered to participate, and to feel heard and thus ties to distress levels of participating in a justice process.

Punishment, post-conviction

Research on procedural justice experiences of those serving sentences, mainly in prison, was summarized in Chapter 2. In addition, in Chapter 3 the work on sentenced people in relation to person-centred principles is considered. Collectively, this has found that **those in prison respond well to respectful and fair treatment, but that substantive concerns remain important**. Research with people serving community sentences has sought to explore how co-productive approaches might be valuable beyond an instrumental interest in reducing reoffending, but also be capable of empowering people to develop stakes in their own lives and communities (Weaver, 2011; McCulloch, 2016). The Aberdeen PSA evaluation (Eunson et al., 2018) echoes this work in its findings that **positive encouragement from a judge had a powerful role allowing people to see themselves capable of more than simply ceasing offending but also in contributing to their sense that they could contribute something positive to their communities**. The authors (2018) wondered whether this was a more important achievement and measure of success than completion of the court sentence or reduced offending.

Imprisonment is a very particular setting where the constraints on normal living may intensify the weight placed on tangible outcomes. Gormley's (2017) work raised particular issues about the experiences of people with learning disabilities who may be disproportionately likely to caught up in criminal justice processes. Many did not understand the purpose, or sometimes even the nature or length of their imprisonment. They also did not necessarily distinguish between experiences of victimization in the community with the kinds of bullying, harm and damage they experienced during their sentence. This underlines that **the ability of imprisonment to communicate a message or to stimulate processes of remorse are limited, and it may be experienced in ways that cause further damage to a person that further disables their wellbeing and thus capacity to be part of a thriving community**. While this work was conducted with a specific population, those with learning disabilities, similar conclusions have been found in research on prison's general populations (Schinkel, 2019; Armstrong and Weaver, 2010).

Beyond the criminal justice system

Two studies captured views of victims at two points in a process, early on (initial court hearing) and following the conclusion of legal proceedings (Wemmers, 2013; Bennett Cattaneo and Goodman, 2010). Their time series design involved data collection six months following initial data collection, and at that point many, though not all, cases had concluded (or proceedings ended, not been pursued). These studies measured distress (Wemmers, 2013) or wellbeing/quality of life (Bennett Cattaneo and Goodman, 2010) finding **both positive and negative effects on victims after involvement in criminal justice processes**.

Orth (2002) administered surveys several years later after victims participated in trials. This study found **overall negative effects for participants including markers for psychological stress of court proceedings**. These effects were predicted by victims' negative perception of how they were treated (PJ) as well as by how satisfied they were with the outcome of trials.

This is promising though still niche research. It would be of interest in future research to explore longer term impacts of criminal justice participation, among not only victims, but also others including accused/defendants, advocates and the public. This would offer the opportunity to develop understanding of how criminal justice experiences fit and interact with other experiences that are part of people's lives.

Positives amidst negatives

Much research on victim experience was instigated by a sense of concern or evidence of a problem, most typically around the negative experience of victims in criminal justice processes. Some research set out with open-ended aims, such as to explore how empowered people felt in legal processes, or to measure associations between distress and level of procedural justice, for example. Evidence of negative experiences of justice systems was consistently found in most research. However, most of the research also reported positive findings. **Majorities of respondents in most studies at least moderately agreed that they were satisfied or had a sense of acceptance as well as reporting positive reactions to at least some aspects of their experiences**. In research which probed the issue, **majorities would turn to official systems again in response to crime**. Property crime victims generally suffered low levels of or quickly receding distress after crime. There were many examples cited of highly positive contacts between justice professionals and victims of violence and their families. **Experiences of caring, consistent and honest contact with professionals was associated with a range of positive outcomes**, including reduced PTSD, greater willingness to participate in proceedings and greater willingness to accept outcomes.

Two quotes from respondents in Englebrecht's (2011: 137) research with families of homicide victim captures the **existence of positive experiences even within a wider negative judgment** of legal processes:

> *'She was great. She told [us] what [we] could expect, that [we] could get compensation from the crime victims' board, that there was counselling available, and that [we] had a right to deliver an impact statement.'*

> *'They were welcoming to me. It was, "glad you are here," they really wanted to have me involved and that meant everything.'*

It is important that positive experiences are included in an overall reporting of how justice is experienced. **Most people experience declining levels of distress following crime whether or not they felt they were treated fairly** (Wemmers, 2013). This finding combines with the discovery of an asymmetrical effect to positive and negative experiences, where positive ones help people stay engaged even if they hold doubts or negative judgments about the process, while negative ones can compound, lengthen or add new trauma, to qualify the role of criminal justice in justice generally, as measured through people's experiences. **There are ways to make justice processes less difficult and damaging to victims and others, but there may be no way to eliminate entirely the stresses of formal legal processes on all involved.**

Letorneau and colleagues (2012) found in reanalysis of their own research that '[d]espite the negative aspects of the legal system, **women in both studies cited positive examples of feeling comforted, validated, and even empowered by the actions of the specific service providers.**' (Id.: 585). This was the only study to present in tabular form positive experiences, alongside negative ones, and provides a useful juxtaposition of the mixed experiences women with children had in dealing with the criminal justice system (see below):

Figure 5.2 Positive and negative dimensions of victim experience of criminal justice

Table 1 Mothers' reports of positive and negative interactions with the justice and recommendations

Positive	Negative	Recommendations
Accessible	Bureaucratic Interactions	Greater Efficiency
• Inexpensive	• Financial necessity	• Compile information in one place
• Easy to navigate	• Long wait times	• Utilize modern technology
• Personal	• Inflexibility	• Keep to consistent protocol
• Non-confrontational	• Difficulty accessing information	• Make health care more available
Empowering	Revictimization	• Allow greater flexibility
• Allow women to feel in control	• Exploitation of legal loopholes (by offender)	Personal Connections
• Prove women don't have to take the abuse	• Insufficient results	• Be more aware of how abusive relationships work
	• Fear/manipulation during policy treatment	• Proactive
Comforting	Ineffectual Practices	• Greater reassurance
• Supportive	• Sense of not being adequately protected	• Female presence
• Non-judgmental	• Intimidation allowing charges to be dropped	• Counseling on safety and the legal system
• A sense of protection/safety	No emotional support	Offer emotional support as well as legal support
• A female presence		

Source: Letorneau et al. (2012)

Conclusion

This chapter has situated abstract ideas of justice into specific effects and experiences. It makes clear how **an experience of justice is contingent on the personal characteristics and circumstances of the person involved, their stake in the process, the stage of a process and the number and nature of people with whom they interact.**

The varying findings about how just people find their experience of legal systems to be is not, as some authors of systematic reviews seem to believe, a function of varying quality of research design but a sign that **justice is not a static state or experience, nor are the people easily categorised exclusively as**

victims, perpetrators of harm, justice professionals or members of the public. One person can be all these things, and even within these categories there is great diversity. Moreover, a person may have different experiences and assessments of justice at different stages of a legal process.

Generally, research on experiences of justice is overrepresented by experiences of victims, and of a particular kind and background. More work needs to be done developing understanding of the perspectives and experiences of legal professionals, explicit recognition and inclusion of people with experiences both of victimising and being victimised, and those who have contact with legal systems in other ways (for examples through jury service). Filling out the picture with these views would provide information that could help improve the journey and experiences of victims of crime.

Ultimately, though, no one's justice experience begins or ends with a criminal justice process (Schinkel, 2019; Holder, 2018). This is only one part of a person's own journey through crime and its after-effects, whether victim, perpetrator, witness or professional. A system interest in improving a person's 'end-to-end' journey, may privilege the start and of a formal legal process, and miss out opportunities of supporting, or not worsening, a person's life journey. Overall, research on experiences of justice suggests that efforts to improve criminal justice processes and systems should focus at least as much on their capacity to do harm as on their potential to support wellbeing across people's entire lives. This might lead towards research into ways of minimising contact with and the burden of justice systems while maximizing its positive aims in terms of victims as well as professionals, accused and convicted people, witnesses and the public.

6. Measuring Justice Experiences

This chapter sets outs some considerations for measuring justice experiences, and second, it presents a range of techniques researchers have used to do this offering practical examples for those seeking to design measurement instruments.

We offer some comments on the implications, potential and limits of different measurement approaches, and by providing numerous examples from existing research show how different methods have been put into practice. It builds on the document we prepared in 2019 by request of JAS to reflect on measurement and monitoring issues in the Domestic Abuse (Scotland) Act 2019 (available at www.sccjr.ac.uk). Examples of methods are taken from evidence selected for this review (the complete list of which appears in the Appendix Table of Works Reviewed).

There is no right or wrong, best or worst method. Rather different approaches, or combinations of approaches, will be more or less useful depending on the purpose of measurement, such as to learn about a specific issue; a further consideration is feasibility given resources, time constraints and other logistics. Chapters 2 and 3 discussed and reflected on measurement issues, respectively, for PJ or PCS. This chapter adopts a more practical approach drawing on research evidence to give examples of the kinds of settings particular methods were employed to study. The examples come from research on criminal justice; while focused on PCS, de Silva's (2014) thorough discussion of measuring experiences of services is also recommended reading.

Measuring whose experience?

Expectations and experiences of criminal justice can vary by the different situations people are in as well as by their personal characteristics. The table below summarizes the range of perspectives (or roles) that arose in evidence we reviewed. It is important to emphasise that **different perspectives are not mutually exclusive**. Holder (2018) gives an example of this in noting that one of her participants was not only a victim but also a legal professional, another was a victim of assault who also had a criminal history of assault.

Table 6.1 Different issues arising for different positions in the justice process

Position/Role	Research collected relating to	Issues identified in research
Victim/Witness	violent crime non-violent crime secondary victimisation (e.g. family member) personal circumstances equality characteristics	loss of control lack of information lack of influence treated disrespectfully or ignored disinterest if not 'ideal' victim non-majority victims not engaged (e.g. children) no healing effect
Suspect/Accused	arrest/questioning court processing	disrespectful treatment unfair decisions, results excluded voice
Convicted person	sentencing prison community sentence parole social work supervision	disengaged from remorse wider issues not addressed disrespectful treatment unfair treatment invasive, privacy violating treatment
Professional	police prosecutor court staff judge social work third sector victim/witness advocate/support	limited time lack of information in amount or at time needed different expectations than victims and others tension of accused and victim rights lack of resources to provide level of service 'system' demands and culture (scheduling, rules, workload) stress, secondary trauma
Public	resident of specific neighbourhood, community jury member observing court media, general public opinion	distrust lack of confidence don't understand processes or outcomes

Diversifying what is known about *victim* experiences

We have already noted that most research on experiences in criminal justice is about victims. This is limiting. We showed in the previous chapters that experiences of other participants in a process are important for understanding how well criminal justice systems are contributing to justice generally and necessary also to fully appreciate how the experiences of victims might overlap or exist in tension with other ideas of justice.

Existing research on victims also reflects the experiences of a rather narrow demographic. The research base mainly consists of adult women, and in the UK especially ethnically white women, which is understandable to some extent given demographics and the nature of crimes studied and the historic neglect and under representation of gendered forms of violence. Much research also recruits study participants through intermediary organizations such as courts, prosecutor offices or victim services, which may narrow the range of those included in research by focusing on those most likely and able to make use of services.

Of the 52 works we reviewed, which included material from nine countries plus two European-wide projects, only two of the victim studies that included ethnicity information involved participants who were not predominantly white: Bennett and Cattaneo's (2010) study of domestic violence orders in Washington, DC, and Gover et al.'s (2007) study of specialist DV courts; both had a majority African American participant sample. One other study (Person, 2018), involving research on judges and courts in DV cases, can be inferred to have involved victims who were majority or near majority African American given the demographics of the areas where the research was conducted. Only one piece of research focused on the attitudes of ethnic minorities to justice authorities (in France in relation to policing, Roux et al., 2011). Additionally, only two studies focused on victims who have disabilities: Gormley (2017, technically a study of involved in criminal justice as 'offenders' but where high levels of victimization was found) and Douglas and Harpur (2018) which both involved research with learning disabled people. Some studies, mainly surveys, do capture information about socioeconomic status / deprivation and education levels of participants.

As a result, there is limited understanding of the experiences and views of people who do not or cannot actively engage with the CJS, but who may be at heightened risk of victimisation. **Existing research on justice experiences insufficiently accounts for victims who**:
- have **disabilities**
- have had **past negative experiences of criminal justice** (such as those previously in conflict with law or where a prior case of victimization was perceived as not being managed well)
- are not generally covered in national surveys and routine data collection, e.g. **children, people whose first language is not English, people experiencing homelessness**
- are **engaged in other state services** (like child protection or social welfare services)
- for **a variety of reasons may not be able or willing to actively seek engagement** with services and justice professionals.

Developing more inclusive and diverse perspectives may require **targeted data collection of underrepresented and intersectionally identifying groups**, and **being explicit about the diversity in participant samples**, or more **self-conscious attempts at inclusion in routine data collection activities**. In Scotland, these issues are recognized to some extent and this is reflected in recently commissioned work exploring experiences of repeat victimisation that specifically includes experiences of people in conflict with law.

Measuring what?

The preceding chapters show that measuring justice may involve different ideas about what exactly is being measured. PCS literature draws attention to the difference between patient focused and health care focused **outcomes** as well as the limits of outcome focused measurement, and this work as well as the PJ literature have pointed to the need to **measure a person's experience throughout the process of an overall experience**. Furthermore, each concept of justice entails a particular approach to measurement, and **within common frames like 'satisfaction' and 'fairness' there is a need to specify what exactly is being measured** by defining and clarifying the subcomponents of these.

From concepts of justice to constructs of measurement

Amidst the many and overlapping concepts of justice that inform research and policy, it is **easy to end up producing measurement tools that are onerous in being excessively detailed/comprehensive or, alternately, oversimplified, such as in broad questions of satisfaction**. In this section we **distil elements (or constructs) that arise consistently across a range of research which is core to people's assessment of their justice experiences**. This may help focus efforts of measurement.

The box below compares key elements of PJ and PCS across the various sets of principles relating to these respectively (see Chapters 2 and 3):

Table 6.2 Procedural justice and person-centred support models compared

Procedural justice	Person-centred Support
o Importance of voice, neutrality, respect and trust o Distinction of quality of treatment and quality of decision-making o Fairness as an overarching principle	o Focus on information for empowerment, self-care and independence o Attention to physical needs/abilities and environment o Inclusive of carers and families and the need to support the networks of individuals

These factors are most applicable to service users such as victims and accused/convicted people. PCS pays more attention than PJ or other justice-focused research to equality and diversity issues; for example, PCS constructs include measurement of elements like physical environment and physical abilities that affect inclusion and access. PCS literature also occasionally has problematized an individualistic focus, emphasising the importance of families and carers as part of holistic determination of needs and services. These features of PCS arguably are worth adapting to address equality and inclusivity issues in justice settings. However, PCS and PJ frames are not exhaustive of justice experiences. In addition to the principles they reflect, research evidence also has pointed to the **continued importance placed on substantive outcomes, rights and professionalism when people assess their experiences of justice**. All concepts and components had some evidentiary basis in research we reviewed, but **evidence is weaker for therapeutic effects of justice processes (for victims)**. Across all frames, settings and actors, **evidence was strong in demonstrating ways the criminal justice system can be experienced as harmful or damaging**.

All these considerations inform the synthesis presented in the table below. The table identifies evidenced elements that go into judgments of fairness and satisfaction for different actors including victims, accused/convicted people, professionals and the public. It is not intended to be a meta-model for measuring justice, but does attempt to provide the list of elements where evidence demonstrated the most robust basis of a person's positive experience of justice.

Table 6.3 Synthesis of key components shaping a justice experience

Element	Detail / Question Guidance
Information	Enough information to understand: how things work, what can happen, what different roles are and how much influence these have, how to make timely and supported choices. Professionals are provided information in timely ways and reasonable quantities to support considered action.
Interpersonal dynamic	Respectful, empathetic treatment between professionals and non-professionals that acknowledges in formal and informal ways everyone's value and importance in a process.
Voice, Participation	Supporting an environment and practices where people are enabled and given opportunities to make their views known and have these acknowledged and considered.
Professionalism	Professionals adhere to standards of competence, preparedness, respectful and even-handed engagement; they are supported by training, resources, reasonable workloads and organizational cultures that allow for consistent practices and continuities of staff.
Inclusivity & Equality	An individual's wider circumstances, relationships and needs are considered in enabling their access to and participation in a process and in pursuing particular outcomes and strategies.
Rights	Recognition of and guidance of conduct and decisions by relevant rights frameworks.
Outcomes	Decisions at each stage and sub-stage and results overall generally are perceived to be considered, fair, justified and proportionate.
Wider Justice	Sense of justice beyond the CJS; recognising the harm that can result through criminal justice processes, keeping their role limited; a broad-based sense of supporting or not obstructing individual, community and societal wellbeing, thriving, fairness.

Scale, unit and perspectives of measurement

A more technical issue is considering and specifying the scale and unit of enquiry. In terms of scale, **inquiries can be framed on a personal (specific) level or abstract, general (global) level**. Specific measures of PJ have been found to be more important than global measures in, for example predicting a prisoner's compliance with rules in the institution (Beijersbergen et al., 2015). Researchers sometimes talk about global justice views in terms of legitimacy and specific views as procedural justice (Id.).

Professionals are more likely to be asked for **vicarious experiential views** – that is being asked about how others (victims, witnesses, accused) have been treated in a process. Victims research generally asks direct questions about the **person's own view** of the process.

The unit of analysis typically is the individual, though it is possible to work with **larger units such as communities or places** (such as courts or neighbourhoods).

The different scales, perspectives and units all affect measurement choices, with the table below presenting typical phrasing of questions for each case:

Table 6.4 Global and specific scale forms of inquiry

Scale, perspective and unit	Example question or statement
Specific inquiry	I had a good/bad experience of court
Global inquiry	Courts are mostly fair/not fair
Information about **personal** experience	Were you given a meaningful opportunity to speak?
Information about **other's** experience	Was the victim in the case treated fairly?
Individual unit of analysis	Did the judge listen to you?
Group unit of analysis	Are police trusted in this neighbourhood?

Measuring how?

The research we gathered displayed a diverse range of methodologies including qualitative and quantitative designs, mixed/dual methods projects, longitudinal, cross-sectional, prospective and retrospective approaches. The following techniques, in order of frequency, were most common, but with great heterogeneity in specific applications as well as combinations of these methods:
- Surveys/Tools
- Interviews
- Observations

Lesser used techniques included:
- Secondary analysis of administrative and survey data
- Case studies
- Case file reviews

In the rest of the chapter we discuss the main measurement methods, their strengths and weaknesses, and illustrate this with examples from research.

Surveys
- Closed and open response choices
- One factor, multiple factor
- Longitudinal, cross-sectional
- Administration mode (face to face, telephone, CAPI, online/app)

Most, in fact nearly all, research about procedural justice uses surveys, mostly questionnaires designed and administered specifically for a research project. Surveys are common in many other kinds of justice research as well, and not uncommonly are used in combination with other methods (principally interviews). Some research has involved secondary analysis of large-scale surveys that offer large datasets with relevant questions for analysis. **Almost all surveys make use of simple ranking/Likert scales for responses (e.g., 'never, seldom, sometimes, and almost always')** though examples below show alternative possibilities.

Large scale surveys typically do not include open questions (e.g. a box for a respondent to write further comments), though this can be useful when applied sparingly in smaller scale surveys.

Advantages of surveys are:

- Can be constructed to be brief and quick to complete
- Can allow for information to be gathered across large populations
- Provides standardised, consistent means of comparing issues at different time points
- Can include open-ended questions (text boxes) to allow for exploration of 'how' and 'why' explanations and identify unexpected issues
- Ease of presentation and range of information visualisation possibilities

Challenges/limitations of surveys are:

- Difficulty of drafting well: an extensive amount of underlying research, testing and refinement is needed to prevent multiple concepts being interrogated in the same questions, overlap of concepts across questions; different values placed on questions limiting comparability and ranking; embedding cultural knowledge that is not shared across population surveyed
- Can be disengaging/alienating with low response rates, especially in completing open-ended options (particularly for sensitive topics/witnesses)
- Limited depth of information, less insightful for why and how questions
- Only picks up issues already identified, does not allow for emergence of unexpected issues
- May not be appropriate or need adaptation for particular groups, such as children, those with language barriers, etc.

EXAMPLES

Most **procedural justice surveys** are in the form of questionnaires administered to individuals. In surveys of procedural justice, the **four factors** framed by Tyler and Huo (2002) are common (voice, neutrality, respect and trust), but PJ has also been constructed as a **three-factor** (quality of decision-making, quality of treatment, overall fairness), **two-factor** (quality of decision-making, quality of treatment) or even **one-factor** (overall fairness) model (e.g., in Henderson et al., 2010). Three examples of questions are included below to contrast global vs specific approaches and different settings (police, court, prisons); all used simple ranking responses:

Figure 6.1 Example of a procedural justice survey (policing) using global questions

TABLE 1: Items Used in Previous Research to Assess the Measurement Properties of Procedural Justice

Study	Items
Reisig, Bratton, and Gertz (2007)	*Procedural Justice—Quality of Treatment* Police treat citizens with respect Police take the time to listen to people Police treat people fairly Police respect citizens' rights Police are courteous to people they come into contact with *Procedural Justice—Quality of Decision Making* Police make decisions based upon the facts Police explain their decisions to the people they deal with Police make decisions based on their own personal feelings Police make decisions to handle problems fairly Police don't listen to all citizens involved before deciding what to do

Source: Henderson, et al. (2010)

Figure 6.2 Example of a procedural justice survey (court) using specific questions

Procedural Justice

Procedural justice was assessed with six items (Cronbach's $\alpha = 0.79$): "The judge felt that his primary duty was to administer justice" (ethicality), "The judge had sufficient information for his decision" (accuracy), "The criminal investigation was not conducted well enough" (accuracy), "My interests were not sufficiently taken into account in the trial" (representativeness), "In comparison to the perpetrator, I had too few rights" (representativeness), "I had sufficient opportunities to present my point of view and my demands" (representativeness). Answers were measured on a 6-point scale (0 = not at all right, 5 = completely right).

Interactional Justice

Interactional justice was assessed with three items (Cronbach's $\alpha = 0.64$): "The judge had prejudices toward me," "The judge insinuated that I was partially to blame for the crime," "The judge treated me with respect and politeness." Answers were measured on a 6-point scale (0 = not at all right, 5 = completely right).

Source: Orth (2002)

Figure 6.3 Example of a procedural justice survey (prison) using both specific and global questions

	First Exploratory Factor Analyses				Second Exploratory Factor Analyses			
	1	2	3	h²	1	2	3	h²
Procedural justice during imprisonment								
1. Staff members of this correctional facility treat me with respect	**0.82**	0.01	−0.01	0.68	**0.83**	0.00	0.00	0.69
2. Staff members of this correctional facility apply the rules accurately	**0.83**	0.04	−0.02	0.70	**0.83**	0.03	−0.01	0.70
3. Staff members of this correctional facility respect my rights	**0.84**	0.03	−0.02	0.71	**0.84**	0.02	0.00	0.71
4. Staff members of this correctional facility give honest explanations for their actions	**0.81**	−0.02	0.03	0.65	**0.81**	−0.03	0.04	0.66
5. Staff members of this correctional facility try to get the facts before doing something	**0.66**	0.02	0.04	0.46	**0.66**	0.02	0.05	0.46
6. Staff members of this correctional facility give me a chance to express my views before they make decisions	**0.77**	0.00	−0.07	0.59	**0.78**	−0.01	−0.06	0.59
7. Staff members of this correctional facility are courteous to me	**0.80**	−0.05	−0.01	0.61	**0.80**	−0.06	0.01	0.61
8. Staff members of this correctional facility listen to me when deciding what to do with me	**0.72**	0.03	−0.07	0.53	**0.73**	0.03	−0.06	0.54
9. Staff members of this correctional facility treat me fairly	**0.78**	0.02	−0.03	0.62	**0.78**	0.01	−0.02	0.62
10. Staff members of this correctional facility take decisions based on opinions instead of facts	0.40	−0.03	0.07	0.16				
11. Staff members of this correctional facility make decisions in fair ways	**0.77**	0.02	−0.02	0.60	**0.77**	0.01	−0.01	0.59
12. Staff members of this correctional facility treat everyone equally	**0.65**	0.00	0.03	0.43	**0.65**	0.00	0.04	0.42
Legitimacy: Support for criminal justice authorities								
13. The police do their job well	0.01	**0.65**	0.09	0.46	0.01	**0.65**	0.09	0.46
14. The police are there when you need them	0.00	**0.55**	0.14	0.36	0.00	**0.55**	0.14	0.36
15. The State Counsel's Office does its job well	0.03	**0.84**	−0.12	0.68	0.04	**0.84**	−0.13	0.68
16. The State Counsel's Office is trustworthy	−0.01	**0.81**	−0.07	0.63	−0.01	**0.81**	−0.07	0.63
17. Judges are trustworthy	0.02	**0.67**	0.04	0.48	0.02	**0.68**	0.04	0.48
18. Judges do their job well	−0.01	**0.74**	−0.01	0.53	−0.01	**0.74**	−0.02	0.53

Source: Baker et al. (2014)

Other examples of survey use:

Hough and Sato (2011) developed 45 questions about trust in justice included in the 2011 sweep of the European Social Survey (ESS5: Trust in Police and Criminal Courts). This data could be analysed and compared with national survey data to explore, for example, how the Scottish population compares in terms of general confidence in criminal justice. One example question from the ESS questions is:

Figure 6.4 Example of question phrasing and response ranking for a trust in justice survey

*"Taking into account all the things the police are expected to
do would you say they are doing a good job or a bad job?"*

(Five ranked response options from 'very good job' to 'very bad job')

Source: Hough and Sato (2011)

Felson and Pare (2007) analysed responses in the US National Violence against Women and Men survey that included three questions about experiences of justice:

Figure 6.5 Example of question phrasing and response ranking for a victim satisfaction survey

"How satisfied were you with the way the police handled the case?"
"How satisfied were you with the way you were treated during the court process?"

(Four ranked response options: 'very dissatisfied; dissatisfied; satisfied; or very satisfied')

Source: Felson and Pare (2007)

Another question in the same survey is useful to see examples of non-ranked response options:

Figure 6.6 Example of question phrasing and non-ranked response options in a victim satisfaction survey

"Is there anything else the police should have done to help you?"
Response options:
   – "Should have charged, arrested him/her, committed him/her, kept locked up"
   – "Should have taken complaint more seriously, believed me, not laughed at me"
   – "Should have taken a report, followed through with investigation, questioned him/her"
   – "Should have been more supportive, positive, provided moral support"

Source: Felson and Pare (2007)

Scales and Tools

There are numerous validated scales that have been used in measuring justice and service experiences. These can be valuable for providing a pre-existing, tested instrument that can be used in various ways and may be especially useful in both initial assessment and in longitudinal and time series research to map changes in feelings, processes or outcomes over time. Research that we reviewed in both criminal justice and health mentioned numerous scales and tools. A selection of these are included below.

Table 6.5 Measurement scales used in previous justice and PCS research

Scales used in justice research	Scales used in PCS research (de Silva, 2014: 15-19)
o Modified post-traumatic stress symptom scale (Wemmers, 2013) o Impact of event scale (Green and Pomeroy, 2007) o Mental, physical, and spiritual wellbeing (Green and Pomeroy, 2007) o Various procedural justice tools (Gau, 2014; Jonathan-Zamir, et al., 2015) o Modified quality of life scale (Bennett Cattaneo and Goodman, 2010) o Modified 4-item court empowerment scale (Bennett Cattaneo and Goodman, 2010) o General self-efficacy scale for practitioners (Fox et al., 2018) o Short Warwick-Edinburgh Mental Well-being Scale (WEMWEBS) (Fox et al., 2018) o Shortened Utrecht work engagement scale (Fox et al., 2018)	*For patients* o Client-Centred Care Questionnaire o Client Generated Index o Measure of Processes of Care o Youth Friendly Health Services Questionnaire o Patient Satisfaction Questionnaire o Patient Approach and Views toward Healthcare Communication Scale o Shared Decision-Making Inventory *For professionals* o Artefact of Culture Change Tool o Benchmarking Person-centred Care o Measure of Processes of Care for Service Providers o Personhood Questionnaire o Tool for Understanding Residents' Needs as Individual Persons (TURNIP) o Organizational Values Questionnaire

Source: listed within table

Interviews
- Semi-structured
- Narrative, in-depth
- Structured
- Peer led, supported
- Longitudinal, one-off/cross-sectional

Interview methods allow for qualitative exploration of issues to understand people's experiences, how they make sense of these and why they hold particular views. Sample sizes do not generally seek to achieve statistically significant portions of a population, but through thorough qualitative engagement and a saturation approach (continuing to include new participants until no new issues arise) aim at rigorous and representative data on identified topics.

Interviews in justice research **commonly involve structured** (where respondent is kept to answering specific questions as in a verbal survey/questionnaire, e.g. Gover et al. 2007) **or semi-structured** (themes guide interview with opportunity of more open-ended responses) **approaches**.

Interviews of the same participants at multiple time intervals allows for capturing evolving and longer-term impacts of experiences. Most research involves a single interview, but an increasing amount of research has a time series design where people are interviewed at two or three points in time, generally to capture and compare their changing views through their experience of a legal process (e.g., Holder, 2018; Wemmers, 2013). Bennett Cattaneo and Goodman (2010) used a therapeutic justice frame in interviewing 142 women who were in court due to a partner's abuse, at 3 and 6 months starting at an early point of the legal process.

Unlike quantitative survey data, which can be displayed easily to show comparisons, patterns and trends, interview data is difficult to summarise and present in ways that can be consumed quickly by the reader. However, **interview data can be presented in accessible, visually engaging and comparative ways**. Most interview research is reported by researchers selecting interview excerpts that illustrate an identified theme. Such data also might be presented in tabular form, as thematic/content analysis data is reported. **More attention generally should be given to presentation of data for accessibility to and use by non-academic audiences** (Hough and Sato, 2011).

EXAMPLES

Gover et al. (2007) interviewed 50 victims and 50 defendants in a specialised domestic violence court in the US used **structured interview** questions with either yes/no or Likert scale options of 'excellent, good, fair, poor, and don't know':

Figure 6.7 Example of structured interview questions in measuring court experiences

General satisfaction with the court process:
"What was your overall impression of the way that your case was handled by the court?
"How would you rate the overall quality and professionalism of the court?"

Perceptions of the court process:
"How was the waiting time to hear your case?"

Having a "voice" in one's case:
"Do you feel that the court gave you adequate time to explain your side of the story?" and
 "Do you feel that the judge was concerned with your side of the story?"

Fairness, justice, and respect:
 "Do you think that the outcome in your case was fair/just?" and
 "Do you think that you were treated with respect and dignity by the court?"

Court's overall response to domestic violence:
"Do you think that the Domestic Violence Court's response to domestic violence cases is too easy, too harsh, or just right?"
"Based on your experience in court would you recommend that other victims seek prosecution?"

Source: Gover et al. (2007)

Alaggia et al. (2009: 238) interviewing parents of child victims 'collected [data] using the long interview method, an in-depth interview process. A semi-structured interview guide was used with several open-ended questions'. Examples of questions include:

Figure 6.8 Example of semi-structured questions for interviewing parents of child victims

"Under what circumstances were charges laid?"
"What process occurred around the laying of charges?"
"Are there any other factors that you feel impacted your legal process/experience?"
"What advice would you give regarding the changes to the legal system?"

Source: Alaggia et al. (2009)

Hefner et al. (2018: 7) conducted **multiple, semi-structured interviews** making use of 'both deductive codes from existing literature and the interview guide, as well as inductive codes that emerge… from the data' in their study of women's experiences of obtaining civil protection orders in cases of domestic abuse. The **approach to analysis** is described in the extract below:

Figure 6.9 Example of approach to analysis of qualitative interview data in a domestic violence study

'The interviews were analyzed using codes and subcodes for both the court process and outcome. As the analysis progressed, more distinguishing codes and subcodes emerged including four final themes: (a) the silencing of women's voices, (b) reproducing abuse through power and control, (c) mediator demeanor and guidance, and (d) fairness in the court outcome.'

Source: Hefner et al. (2018)

Armstrong and Weaver (2010: 10) used **semi-structured interview questions** to explore the experience and meaning of sentences of 22 people in prison and 13 people on a community order in Scotland. In addition to a standard coding approach, they also took account of affect and length of responses in generating themes. In this case, the terse replies in this **example of participant data** gives a sense, in addition to literal negative responses, of the lack of engagement with their criminal sentence:

Figure 6.10 Example of interview transcript from qualitative research with sentenced people

[What expectations did you have about being in prison?] You mean what I thought it'd be like? Thought it'd be worse than this. [How long are you in so far?] A few weeks. [Purpose of your sentence?] Don't know. [Did the Sheriff say anything about why?] Nah, just sentenced me. Didn't say much. [Do you feel the prison sentence is having any impact on you?] Nah. **120 days, knife possession (PS13)**

Source: Armstrong and Weaver (2010)

Narrative interviews, life history interviews, unstructured interviews are other forms of the interview method. They allow more wide-ranging views to be shared and for participants to fully take charge of the story they wish to share with the interviewer. These can be useful in cases where research is more exploratory, seeking to identify key issues, or to better frame understanding in terms of lived experience and a person's own interpretation of what is important. They are more time intensive; structured interview research we reviewed often had interview times of 30 minutes to one hour, while unstructured interviews can range over several hours and multiple contacts. **Semi-structured approaches are more feasible under time constraints and allow for specific, pre-determined themes (e.g. reflecting on involvement in a justice process) to be explored while giving space for informants to speak about these in their own words and potentially raise unanticipated issues**. It is unsurprising these are the most common form of interviews used in qualitative research.

Observation
- Direct, in person observation
- Audio- or videotaped interactions
- Indirect, real time observation (e.g. via Skype, and now Zoom)
- Structured, semi-structured, unstructured/ethnographic approaches

Observational methods are useful in capturing interactional and dynamic aspects of situations, generally in real time. Observation also allows for capturing relational information and unconscious behavior that may not be remembered or disclosed in interview and survey methods. Observations can pick up how legal professionals, for example, engage victims, witnesses and accused incorporating both verbal (directly speaking to them or to lawyers) and non-verbal communication (e.g. eye contact).

The most structured forms of observation research can be used as a quantitative tool where trained observers note and rate traditional procedural justice survey factors (produced as a coding frame) often using yes/no or ranked responses. The least structured forms of observation are ethnographic in their immersive, thick descriptions of settings and people.

Advantages of observation: Allows researcher direct access to interactions (rather than mediated through individual participant view as in interviews or questionnaires); allows for capturing shifting dynamics, for example Jonathan-Zamir noted that a 'dignity' element in police-citizen contact can involve multiple respectful and disrespectful incidents in a single encounter that can be noted

through observation but which survey response offers limited ability to capture (with single response to question about feeling treated with respect). Structured observations share the advantages of administered surveys in offering easily presentable data that can be compared with other data. Unstructured observation provides rich data that sheds light on the relational and unspoken dimensions of interaction, factors that are central to many of the concepts of justice included in Chapter 4, like interpersonal/interactional, procedural, therapeutic/healing and social forms of justice.

Challenges/limitations of observational methods: Some settings are not feasible or are inappropriate for observation, or at least particular kinds of observation. For example, legally privileged conversations or distressing situations may dictate against direct observation (the wellbeing of bother observer and observed should always be considered). Observational data that is semi-structured or unstructured is difficult to present in summarised form (as in tables and graphs) and may face barriers of skepticism in environments and disciplines which privilege more positivist and quantified forms of data. Bias of subjectivity and interpretation may be an issue for observation which can be addressed through more structured forms, training in observation and analysis or more detailed and full descriptions (i.e. unstructured) of observation as in ethnography.

EXAMPLES

Jonathan-Zamir, et al. (2015: 850) used a highly **structured observational approach** to explore PJ in policing encounters: '[trained student r]esearchers accompanied patrol officers on full shifts, observing their interactions with citizens. They noted features of the situation such as the nature of the problem, the setting and the number of officers and citizens on scene, the characteristics of the citizens involved, and the behavior of both officers and citizens. Observers took brief field notes and recorded detailed narratives after concluding the observation session. Then observers answered a series of **close-ended questions about each observation session**, each encounter, and each interaction':

Figure 6.11 Example of structured observational research instrument

Table 2 Descriptive statistics of the individual items composing the sub-indices (N = 319)

	Values	N	%
Participation			
Officer asked the citizen to provide information/viewpoint	Yes	309	62.8
Citizen provided information/viewpoint	Yes	309	80.6
Officer expressed interest in information/viewpoint	Dismissive	249	1.2
	Inattentive	249	4.6
	Passive	249	27.0
	Active	249	67.2
Neutrality			
Officer expressed desire to hear all viewpoints	Yes	313	11.5
Officer indicated he would not make a decision about what to do until s/he had gathered all the necessary	Yes	311	6.4

Source: Jonathan-Zamir, et al. (2015)

Gover et al. (2007: 612) used **semi-structured observations** to document 'the general context in which court cases were processed … The qualitative data gathered through courtroom observations were meant to complement the interview data and describe the general courtroom work group. … Observations were **guided by an open-ended instrument** that required research staff to identify the extent to which the court process was collaborative, whether victims and defendants were given an opportunity to voice their concerns to the court, and whether victim and defendant concerns had an impact on the decision-making process.'

57

Anderson (2015) produced **unstructured observational accounts** of interactions in specialized courts hearing domestic abuse cases. The shaded parts of the excerpted description capture how four different actors (judge, prosecutor, defender, victim) interact in a brief exchange, and conveys through particular details (the sigh of a victim, the lack of using a name) how a feeling of victim exclusion can be produced in subtle but cumulative ways.

Figure 6.12 Example of ethnographic description of a courtroom scene

'The clerk calls the name of the defendant in the first case on the probation compliance calendar. The prosecutor tells the judge, "There was a motion to rescind, I guess initiated by the victim. The state did not receive a notice. I want it stricken." The judge asks, "Is the victim present in the courtroom?" and a woman seated in the gallery says, "Yes." The judge looks at the public defender and asks, "Are you representing this client?" The public defender replies, "Yes, but I just found out about the motion this morning." The judge says, "Will the protected party come up?" and the victim stands and walks to the front of the courtroom. The judge asks the woman to state her name for the record, and then says, "Ma'am, the state is objecting to the motion because they were not informed until this morning. Is the victims' rights advocate present in court? Yes, she is present. Perhaps you can check with the rights advocate to schedule a motion? I can't entertain it unless the state is prepared." The prosecutor says, "My office is not going to file it. He went right out and violated it." The victim starts to speak, saying "Your honor, I was not the person who started it." The judge interrupts her to say, "The motion is denied. It can perhaps be heard at omnibus [next month]." The victim says, "So, I went to two different places and [the victim advocate] said she wouldn't be able to help me and I got denied so I went over too . . ." The judge interrupts with, "Well, I can't hear it. Perhaps we can get it at omnibus." The clerk calls the next case. The victim sighs as she walks out of the courtroom.'

Source: Anderson (2015)

Propen and Lay Schuster (2008) and **Eunson et al. (2018) conducted interview dominant research in combination with observations** that were used to inform and contextualise interviews. For the latter, the 'aim of the observations was to collect information on: the processes, timings and physical context of the hearings; the topics discussed; the communication styles used; the level and type of participation of those in attendance' (Eunson et al. 2018: 4).

Person et al. (2018: 1481) used interviews and **observation to focus on one specific actor and issue – judicial demeanour** in domestic violence protection order cases, describing an analytical approach to observational data. Note as well that initial observation work was used to inform development of interview instruments:

Figure 6.13 Example of analysis approach for observational data in court research

'Observation notes were read multiple times and analytic memos were written to reflect on the cases observed, make comparisons between judges, and provide context for interview questions and further understanding of courtroom procedures described by judges.'

Source: Person et al. (2018)

Administrative data and secondary analysis

Administrative data collected by organizations about their activity is an important and rich source of information. Secondary analysis makes use of data collected routinely or for a separate project or purpose. Often administrative data and secondary analysis involves quantitative methods, but **a number of repositories hold qualitative as well as quantitative datasets on many topics** of relevance to understanding views about and experiences of criminal justice. There is increasing pressure for the datasets collected through publicly funded research to be open access and so there will be an increasing supply of research data available for secondary analysis. The **UK Data Service is a leading repository of qualitative and quantitative datasets**, but increasingly universities are providing this function for their own researchers. **Analysis of pre-existing data is an underused practice generally**. Examples of datasets are:

- **Administrative data**: information about court caseloads and processing, police activity, sentence information, etc., collected by individual agencies; mainly quantitative.
- **Other agency data collection**: sometimes agencies will collect information from service users including feedback on experiences; this is routine in health services and more ad hoc in justice services.
- **Other sources of feedback**: examples include third sector organizations who may systematically or in ad hoc ways collect stories, feedback and information; these should not be overlooked as relevant data sources providing important quantitative (how many people access services, the backgrounds of people doing so, budgets) and qualitative information.
- **UK Data Service**: includes major UK government-sponsored surveys, cross-national surveys, longitudinal studies, UK census data, international aggregate, business data, and, significantly is the main repository for public-funded research using qualitative data.
- **National and international survey data**: census, household survey, general social surveys (European Social Survey), specific crime and justice surveys (in the UK, Scottish Crime and Justice Survey, Crime Survey for England and Wales)

Advantages of analyzing existing datasets include the resource savings on collecting data oneself, which can be significant for large scale studies. Existing datasets often also allow for analysis of larger samples and populations that can be used in combination with smaller scale bespoke data collection. Linking datasets is a growing area of interest and research, and can produce powerful research. Administrative data often provides important information about patterns and trends that can inform the design of targeted research. **Disadvantages** include gaining access to certain datasets of particular interest to justice researchers, such as that held or owned by statutory agencies. There also can be issues of using data not collected oneself where content may not be precisely responsive to research questions. The reliability of administrative data may be an issue, as it is not collected and managed as a resource mainly for external users, unless it has been cleaned, reviewed and analysed independently. Official statistics publications for recorded crime, court proceedings and prison population are examples of administrative data that has been processed and analysed independently providing a robust resource for research.

An **example of secondary analysis of data** is mentioned above under surveys, noting Felson and Pare's (2007) analysis of a national violence survey.

Mixing methods of measurement

Mixed methods often is taken to mean study designs that include a quantitative and qualitative element. We use the term here to refer to any combination of methods. Increasingly research on experiences of justice adopts a range of methods of data collection, often multiple qualitative methods. This allows for validated and triangulated analyses, and in a more fundamental sense supports holistic understanding of the nature of justice encounters. Often mixed methods in the research we reviewed were used in a phased way to scope a research issue and refine subsequent data collection instruments.

The most common mixed methods in the research that we reviewed were:

Interviews + observations
Interviews + questionnaires/surveys
Interviews + observations + case file analysis
Interviews + observations + administrative data

Effects of research: Experiences and expectations

We wish to draw attention to two important lessons about research on justice experiences. First of all, it is clear that **research on justice experiences can itself come to be part of the justice experience, with all of the negative and positive potential effects of this**. For example, some of the victim studies involving interviews and questionnaires, recruited participants during their attendance at court hearings. Court is an intimidating environment for many and for those victims perceiving their experience in typically negative terms – lack of information, loss of control, unengaged or dismissive treatment – there might have been a risk that a negative research experience could compound and extend this. In the court studies where structured interviews were used, there would have been limited opportunities for victims to express their views, and a deepened sense of loss of control in this. On the other hand, research conceivably can be experienced in empowering and positive ways, though this requires vigilant attention to training and practice to support this. This is an area for further research, and there is inadequate reflection in criminological research on the impact of research itself on people's experiences of justice settings.

A second important point is **the role of research in setting expectations and also in offering an opportunity of education**. This point is made explicitly in the CEPEJ (2017: 31) handbook: a 'survey is pointless if there is no will or possibility to implement the necessary changes to meet the users' expectations'. Asking about trust of justice actors raises expectations that trust will be a focus of improvement efforts. Asking about satisfaction and fairness creates expectations about these. These expectations also may be, given the range of ways justice can be conceptualised, quite subjective and personal or beyond the power of justice agencies to secure. This creates both a need to frame research carefully in order to manage expectations and an opportunity to educate through data collection activities.

7. Contemporary Scottish Perspectives

To connect and situate our international evidence review, **we engaged with a range of stakeholders in research, policy and practice in Scotland**. Over the course of a year we have had conversations with numerous individuals and groups and presented our work in key forums. These stakeholders have come **from academia and independent/private research, statutory agencies, the Victim Task Force and Scottish Government**, and included in addition to the majority involved in criminal justice activities those involved in civil law settings. Alongside this project, three other projects were funded in this call about experiences of justice. These projects involved original empirical research with specific groups: children, families going through legal systems over domestic abuse and child contact issues, and survivors of sexual violence; the investigators of these contributed important perspectives about ideas of justice, the needs of those caught up in justice systems and how to study and measure their experiences.

We offer these perspectives as a Scottish contextualization of this research; these reflections we gathered were not, however, formally collected as research data and should be treated as impressionistic rather than representative. Stakeholders included those whose work concerned public, victim, witness, accused/convicted experiences, and perspectives were collected from individuals in Police Scotland, the Crown Office Procurator Fiscal Service, judiciary, victim support organizations, civil justice policy and analysis (relating to mental health tribunals) and academics.

In this chapter we summarise the key points arising through these conversations. Overall, we found that **there is strong resonance among those in Scotland with themes emerging internationally in research on justice experiences**, around such ideas as the risk of criminal justice practices and processes to exclude and harm (re-victimize) people, and of the need to involve and take account of the diverse backgrounds and identities of people who have contact with criminal justice. There was also a range of ideas about what justice is, and how it would be possible to measure and evaluate experiences of it. What came out of these engagements was a sense that **in Scotland, research, policy and practice communities appear knowledgeable about the challenges to justice and are embracing — relative to the places where much research has taken place – the need to learn from research and develop practices that are inclusive** and able to secure the trust both of those directly in contact with justice processes as well as the wider public.

What is justice?

Procedural justice (Chapter 2), one of our main lenses, did not arise spontaneously in almost any conversation, but **ideas related to person-centred support (Chapter 3) and services commonly did in research, policy and practice communities**. For practice-focused professionals, this meant considering and prioritizing the needs and interests of service users, such as victims of crime engaged in a legal process or more broadly members of a community, for example, and their routine experiences of policing.

A number of stakeholders talked about justice in terms of a participatory, inclusive role often in terms of voice, that is, by **ensuring those directly affected and involved in legal proceedings have meaningful input** and that legal systems undertake accommodations and adjustments around enabling this input. Justice, however, was a complex and abstract concept for all who commented on it, and researchers did not necessarily wish to narrow or adopt a single conceptualization, but through their research to

explore how it was understood by research participants. Early results with some research participants suggested a range of ideas about what justice meant and showed (again echoed in other research, see Chapter 5) that it could mean different things and lead to different actions for individuals.

One important point raised was how **expectations of justice, and what justice systems can achieve, are often set by unhelpful public narratives** about, for example, taking crime seriously through long prison sentences. Both victims and accused may come into the system with preconceived ideas and lack the resources (professional knowledge and experience, time, extensive sources of information) to develop an understanding of alternative forms of justice. Public education and awareness about the nature of crime problems and how these are being addressed was seen as important by most commentators.

Rights were mentioned frequently as important for just systems of law and policy. Sometimes this was articulated in terms of service user choice and control – decision-making that involved people directly involved in services was seen as demonstrating respect for human rights. Occasionally, stakeholders noted that it was not clear how a rhetoric of rights actually informed development of legal and justice infrastructures. Sometimes rights talk and system reforms seemed to happen in parallel without much integration.

Trust and confidence were also key terms mentioned in conceptualizing justice, with some adding that more than voice was required to secure this. Effectiveness and efficiency of the justice system were also seen as determinants of these factors.

What are the challenges for justice systems?

Entrenched inequalities of Scottish society were raised as a key issue and challenge for justice. While this is a broader concern in government policy, it was recognized that there are specific implications for criminal justice professionals. What does fear and safety look like to different people, communities and groups, such as those with disabilities? A few pointed to the intersecting nature of characteristics, and the consequences of this for increasing or making more complex issues of vulnerability. This was mentioned especially in the context of people victimized by crime, but also in terms of trauma-informed approaches with those who are, or are also, perpetrators of harm. Interestingly, there was no mention of how inequalities and intersectional identities might be an issue for justice professionals.

There was **widespread awareness and comment on how criminal justice actions can be experienced negatively**. This could occur both in legal processes but also more generally in the way communities are engaged through services like policing, schools and social services that can undermine trust in institutions. Related to this, many professionals talked about the risk of disengagement with justice, whether this was enabling people to report a crime, participate in a court process, or just creating channels of feedback and interaction to better understand how services are viewed and whether these are felt to respond to the issues about which there is most concern in a community.

An additional context in which rights arose in conversations was in **perceived tensions in the balance between the rights of the victim and the accused**. Amongst these mentions was a conventional view that these exist in tension, as a zero-sum game in which increasing (or being perceived as increasing) protection/recognition of rights for one side necessarily means a compromise in the rights of the other. This was seen as a core challenge to modernizing justice processes: increasing the input victims might have the effect of undermining the rights of accused, which in turn could make legal outcomes less secure. Interestingly, these views contrast with research (noted in Chapters 4 and 5) which has

found that victims (Holder, 2018) and defendants (Gover et al., 2007) partly base judgments about the legitimacy of a process on how fairly the 'other' side was treated.

How to engage people in justice?

Many across Scotland talked about the **importance of putting people first in justice processes**. This was specified in systemic terms – an approach to justice that involved multi-agency responses to and coordinating actions around an individual – by developing a more participatory culture particularly recognizing the different needs and status of individuals (such as children), allowing them to have a say. The phrase '**improving end-to-end journeys' arose in some conversations and appeared to refer specifically to the beginning and end of a criminal justice process**.

This translated into **two sorts of responses to improving the experiences and engagement of people in justice processes**: **organizational changes**, such as building inclusive professional cultures or pursuing technological solutions; and, **improving organizational understanding**, such as gathering data about what lay people want and what their experiences are.

Organizational improvement ideas included less fragmented working – not thinking about success and outcomes in terms of one's own agency or area, and developing more end-to-end journey understanding and measures. Having a clear sense of the pain points of journeys might allow for preventive strategies. The example was given more than once of how people can be asked at many points in an investigation and prosecution to describe a traumatic victimization experience. Whole system approaches, were seen positively by a number of commentators and felt to have potential beyond its current use with young people. Some organizations are actively engaged with system design led thinking that is more familiar to other sectors, such as health and the digital economy.

There was also a comment that **encouraging good practice means enabling space for good practice to happen**, for professionals to think about their work differently. Heavy, time pressured workloads were mentioned as an issue for professionals that can make it difficult to implement participatory approaches attuned to diverse needs and groups. This is echoed in research on professional experiences of justice (see Chapter 5).

Suggestions for improving understanding and the measurement of experience included many specific practical ideas. One example given was the **Edinburgh People's Survey** which provides city residents, with results broken down by area, an opportunity to feed in views on local issues (https://www.edinburgh.gov.uk/say/edinburgh-people-survey/1). Other suggestions included convening **citizen juries/assemblies** on specific justice issues, making use of **focus groups to guide policy and practice**, or developing **mixed membership forums (e.g. of professionals, service users, their family/carers, academics**) to guide person-led or service user involved approaches, as in the case of mental health tribunals in Scotland. There were calls both to collect new data, especially attempting to hear more from underrepresented and traditionally marginalized groups, and to make more use of existing data – analyzing service complaints, for example.

There was also a distinct set of comments that countered calls for more information. Some felt that we already know what the issues are – especially about victims and the loss of control and re-victimization that legal processes can cause. The real issue, from this perspective, is to **find effective ways of acting on knowledge**.

8. Conclusion

This project has attempted to synthesise research evidence and contextualize this with contemporary Scottish perspectives defining and measuring criminal justice experiences. The aim of the project was to support considered thinking about the nature of justice experiences and to provide useful information that can enhance policy and practice work. It focused on two key frames influential in Scottish justice policy: procedural justice and person-centred support approaches. These assisted sifting of evidence as well as helping to clarify principles of justice.

Just as there is no single or coherent meaning of justice, the review of evidence has taught us that neither is there a universally shared justice experience, or journey, which can be easily isolated and improved. Justice is something which is situated and relational, always moving and evolving. This is not only a challenge but also an opportunity, to support and stimulate creative approaches to understanding experiences of criminal justice and to draw connections to a broader concept of a just society.

We conclude this report by distilling six messages from the previous chapters. They lead to a set of related questions that can be picked up in further stakeholder engagement potentially to inform how research findings might be explored to support policy and practice. We present these messages with the aim to support thinking not only about the measurement and improvement of criminal justice but to situate these concerns firmly within a wider understanding and aspiration of justice.

A justice journey does not begin or end with a criminal justice process.

A justice journey refers to the process by which an individual comes to feel a harm has been addressed and resolved personally. The research shows that factors before, after and outside the criminal justice process are part of this journey. How can criminal justice actors and processes take account of this, for example through clarifying shared expectations or re-thinking the aims of CJ practices?

Criminal justice has a limited role to play in just societies.

How should the asymmetric effects of CJS (large potential for harm and limited potential for healing) shape policy and practice goals? What definitions of success are viable?

More inclusive and diverse perspectives are needed to improve understanding of justice experiences.

How can the perspectives of groups less able than others to access justice services come to be included in evidence bases? How will this change what we already know of the limits and potential of criminal justice? Can inequalities be addressed without more inclusive and diverse understanding?

Processes of justice matter, but so do substantive outcomes.

How are experiences of CJ treatment interdependent with CJ outcomes and decisions? How might one build on the evidence showing that both victims and accused care about the overall rights and fairness of processes, challenging zero-sum game models?

People first, person-centred approaches hold promise, but also risks.

How can criminal justice benefit from health research insights about person-centred support? What are the important considerations for applying PCS approaches in criminal justice settings, governed by legal rules and traditions, and with significant coercive power? How can a PCS approach in justice be protected against risks identified in health such as overly top down implementation or reductive service user as consumer frameworks?

Measuring justice experiences also sets expectations of justice experiences.

Understanding the areas and extent of influencing change should guide measurement efforts. Measuring an issue implies action can and will be taken over it. How should expectations be guided and managed? How might ideas of satisfaction and fairness be explored in ways that do not set unachievable expectations of state intervention?

These concluding points do not aim at resolving identified issues once and for all, but instead offer considerations that might guide and encourage constant vigilance over how and how much information is collected to better understand and thereby improve participation in criminal justice processes.

In this spirit, Ian Hacking (1986, npn) offers a fitting final comment for this report:

> *'We may … agree that our tinkerings with justice must be piecemeal, diversified, and that there is no one virtue, such as equality or fairness, that is always and ineluctably the best or most germane…One does not have to look far in our own history to find efficient, pertinent, non-arbitrary coherent systems, co-ordinated with vast amounts of empirical data that have been internalised in the social fabric, and which have been or are monstrous, not to mention unjust.'*

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Appendix: Table of evidence

Author (year)	Aim and Methods	Findings/notes/key themes
Alaggia et al. (2009)	Parental experiences of criminal justice in cases of child sexual abuse in Canada; qualitative in-depth, semi-structured interviews with parents (n=15) and justice professionals (n=4), court observations	Partly exploring CJS as healing/non-healing mechanism; six intersecting themes: (1) parental loss of control, (2) inconsistencies throughout the legal system, (3) children being treated as adults, (4) dissatisfaction regarding the perpetrator outcomes, (5) no therapeutic benefits gained through the justice system, and (6) taking charge—advice for others.
Anderson (2015)	Observational study of three courts handling intimate partner violence cases in Washington state; 62 hearings over 5 months observed; two of the three specialist court calendars for IPV.	Focus on voice and choice elements; examples of court practices of including and excluding victims; specialist IPV court calendar did not prevent exclusion, but these courts may enable inclusive practices (training, resources); structural issues (heavy court workloads generally) may affect how victims are treated; personality and personal motivation also a factor.
Armstrong, S. and Weaver, B. (2010)	One off semi-structured interviews with men and women (n=22) while in prison in Scotland for short sentences (six months or less) exploring meanings of punishment for them.	Most experienced sentence as meaningless, and imprisonment was disconnected from feelings of remorse most had for their crimes; prison time was often spent passively with little to do; most disclosed underlying and major drug/alcohol issues; families played important though complex, contradictory roles in people's lives.
Baker et al. (2014)	Survey of female prisoners in Florida (n=1,256) investigating spillover effect of procedural justice views	Significant association between PJ (voice, honesty) views of police and subsequent assessment of courts.

	from police to prison contexts; two-factor analysis (voice and honesty).	
Barrie et al. (2013)	Presentation summarising 2 PCS initiatives adopted in Scotland as part of The Personal Outcomes & Quality Measures Project; case study approach, detailed notes from different service users, care providers and others.	PCS frame adopted, health care settings; key findings: relationships key; strong preventive potential; enhanced practitioner satisfaction working in PCS ways.
Beijersbergen, K. A. et al. (2015)	Analysis of survey and registered conviction data of 1,241 Dutch prisoners exploring PJ effects.	PJ frame: small effect finding that prisoners who felt treated in a procedurally just manner during imprisonment were less likely to be reconvicted in the 18 months after release.
Bennett Cattaneo and Goodman (2010)	Investigation of empowerment and victim wellbeing and willingness to use justice system in the future among women (mainly African American) DV victims (n=142) in Wash, DC. Time series design with baseline questionnaire at recruitment then contact at 3 (n=92) and 6 (n=87) months following for 30 min phone interviews.	Set within therapeutic jurisprudence frame but with findings consistent with PJ frame. Exploration of wider sense of wellbeing in life during and after court proceedings; most women rated high on distress at time 1 and also most reduced distress at time 2; opposite effect for empowerment and willingness to use services in future with declines in levels from time 1 to time 2.
Berrey, E et al. (2012)	100 in-depth interviews with defendant's representatives, plaintiffs, and lawyers involved in employment discrimination lawsuits, selected as part of a multimethod study of 1,788 discrimination cases filed in U.S. district courts between 1988 and 2003	The very notion of fairness can belie structural asymmetries that, overall, profoundly benefit employers in employment discrimination lawsuits. We conclude by discussing how a situated justice analysis calls for a rethinking of empirical research on fairness.
Blasko, B.L., and Taxman, F.S (2018)	Two longitudinal studies to develop and then measure/validate a PJ tool for people on community supervision; Study 1 (n=480) across six sites developed PJ items based on perspectives of those under sentence; Study 2 administered resulting measurement tool to 229 people under supervision.	PJ Frame: Development of 7-item tool measuring interactions between probation officer and probationer; a practical, short and simple tool for measurement. Though focusing on and finding valid results for PJ measures, DJ measure was still important (I feel my PO's sanctions and punishments are what I should get")
Brooks-Hay, O., et al. (2019)	17 in-depth accounts of individual victim-survivors of sexual assault experiences in relation to their varied engagement	While positive experiences were identified, victim-survivors continue to face challenges at

		each stage of the criminal justice process. Some difficulties occur at identifiable points as detailed below, though others are far more generalised and occur throughout the process. In particular: disparities between victim-sur-vivor expectations and experiences; inadequate com-munication from officials; the lengthy duration of the process; the uncomfortable physical environments of police stations and courts; concerns about personal safety; feeling marginal to the process; perceptions of the system being weighted in favour of the accused; and belief that the current system does not adequately represent their interests.
with the criminal justice process; 16 women, one man; 14 knew assailant.		
CEPEJ (2017)	Guide for measuring the quality of justice. Key principles: fairness; reasonable duration; transparency of process and outcome; protection of vulnerable groups; comprehensibility of procedure and judgments; right to access to justice including legal aid.	7 elements of quality of experience identified using EU law and ECHR principles; these are basis of a 250-question checklist that can be adapted, extracted for use in individual jurisdictions. Model questions included.
Collins (2014)	'Thought' paper from experienced PCS orientated practitioner addressing main dimensions of how PCS models work and can be measured; composite, hypothetical case study approach.	Provides principles of PCS and implementation issues; distinguishes process and outcome measures; notes existing ways of measurement can be barrier, need to find ways of prioritising PCS focused measures.
Dai, M. et al. (2011)	Systematic social observations of of 442 shifts in US that were selected randomly of police-citizen encounters to examine procedural justice factors on citizen behaviour.	PJ frame: Police disrespect increased the likelihood of citizen disrespect.
de Silva (2014)	Evidence review mainly about England and guide documenting extensive elements to consider in research, scales of measurement and principles in PCS.	PCS frame: useful guide for measurement efforts.
Douglas and Harpur (2016)	Narrative interviews of women with learning disabilities aged 29-54 years old (n=6) who had children in subset analysis of larger study (n=60) of Australian women's experience of DV victimisation and of legal responses	5 of 6 had mental illness (depression, PTSD, bipolar); shared experiences of paternalistic, controlling, dismissive treatment by legal authorities; generally negative and undifferentiated experiences of legal and social services.

Englebrecht (2011)	Families of homicide victims (n=44) and justice professionals (n= 26) and victim advocates (n=18) views of victim participation and voice in criminal justice system in New York; in-depth interviews.	Exploring expectations of and conflict between victim and legal professional views of justice process
Eunson et al. (2018)	Evaluation of the Aberdeen Problem Solving Approach Court targeting women and young men with prolific offence history and complex needs; interviews of 11 participants (convicted, sentence deferred), 18 professionals CJSW, judges, prosecution defence, other organizations; structured court observations	Positive engagement found; importance of relationships, and especially encouraging role of Sheriff; re-considering ideas of success noting engagement and provision of services may be more significant than compliance with sentence for long-term effects of well-being, social inclusion and reduced offending.
Felson and Pare (2007)	Quantifying victim satisfaction with police and courts; analysis of large-scale US violence survey (n=16,000, adult men and women)	Gender and victimisation, experiences of justice; violent crime distinctions and satisfaction levels; victims of sexual assault more likely to be dissatisfied with police response.
Fox et al. (2013)	Application of PCS (specifically personalisation) in social care in England settings to criminal justice work with people serving community sentences; mapping of the two systems showing comparable problems of traditional approaches and potential feasibility and value of PCS led approaches; identifies justice system specific frames that align with PCS	Notes systems have similar issues, but important of PCS to CJ is not straightforward or always possible/desirable; potential of PCS as means of disrupting entrenched ways of doing things (ineffectively) supports ultimate conclusion of personalisation as goal worth pursuing in CJ.
Fox, C. and Marsh, C (2016)	Early stage report on model of CJ rehabilitation that operationalises concept of desistance; maps pilot project and evaluation design for English probation context.	PCS frame: Identifies learning and design from operationalisation early stage and also key challenges budgets, local markets of available services and limited evidence of outcomes.
Fox, et al. (2018)	Dual (ie mixed) methods implementation evaluation of pilots testing three distinct models of personalisation in England tested on small scale in three sites. Staff and service user semi-structured interviews (combined n=58) at two points in pilot (early/late separated by 16 weeks); total 40 psychometric questionnaires (23 early, 17 late stage completed]; 5 observed supervision sessions; Employed self-efficacy scale for practitioners and wellbeing scale and OGRS for risk scale for participants (n = 27) spread across three sites (9, 11, 7); gender balance cica 50/50; and case analysis (n=27) to generate OGRS scores.	3 model variations included PCS delivered by local probation staff within existing role; delivery supported by access to dedicated enabling fund for service users; PCS specifically for women delivered by third sector organization. Qualitative data suggested stronger relationships and co-production potential; practitioners reported challenge to working styles but allowed more holistic approach to sentence plan connected to person's life issues; services users more positive about services using PCS model; CRC and performance management context of

		English probation a complicating and tumultuous issue.
Gau, J.M. (2014)	Concept testing in US using confirmatory factor analysis to test for the measurement properties of PJ and legitimacy constructs of specific (evaluations made by persons who have experienced face-to-face contacts with police) and global (general assessments of the aggregate levels of procedural justice that police afford to members of the public)	PJ frame: specific procedural justice predicts legitimacy, global procedural justice has a stronger influence on legitimacy assessments.
Gormley (2017)	Qualitative exploration of experiences of 25 men and women with learning disabilities in Scotland who were serving a custodial sentence or who had been recently liberated from custody	People with learning disabilities are disadvantaged and marginalised in unique ways in prison; they face intersectional forms of oppression and are further socially disenfranchised through institutional process which render them vulnerable and dependent.
Gover et al. (2007)	Specialized DV court study in South Carolina. Interviews of victims (n=50) and defendants (n=50) on perceptions of fairness of proceedings, court staff (n=7) and observations (30).	PJ frame (fairness, voice, professionalism, respect) ; majority of both defendants and victims felt court handled case just right, challenges zero sum analysis of PJ views; high level commitment to fairness.
Guzik (2008)	in-depth interviews with 30 persons arrested and prosecuted in US for domestic violence exploring how they experience presumptive arrest and prosecution policies.	nearly all the respondents understood their punishments as unfair sanctions meted out by an unjust local legal system rather than as the consequences of their own actions; suggests the power of the law as a force for social change may be limited.
Hefner et al. (2018)	Qualitative data (N = 19 interviews) collected from women in Delaware who sought civil protection orders in DV cases in larger study of DV (n=30); time series design at start of court action and 3 months later.	General fairness frame: finding legal process can replicate abusive experiences through its structure and practices, especially treatment of women and lack of access to advocacy and support.
Henderson et al. (2010)	Construct testing study of PJ, applied in prison setting. Review of existing measurement tools and critique of validity, construction and testing of one factor (fairness) tool using global questions.	PJ Frame: Found strong reliability and validity.

Holder (2015, 2018)	Satisfaction with justice experiences among female domestic violence (n= 27) and male assault victims (n=6) in Australia; interview and survey methods employing a longitudinal prospective panel approach (contacts at three time points).	Connects victim loss/harm through crime and CJ to wider ideas of citizenship, autonomy and justice. Develops 4-part integrated model of victim satisfaction/justice including three elements relating to Victim's experience/treatment in process and one element related to victim interest/concern with rights respect for accused/convicted person.
Hough and Sato (2011)	Report on major European Commission study of trust in justice (EuroJustis project); multi-contributor volume developing quantitative indicators (via surveys); project of 9 partners and 7 member states running 2008-11, eventually developing suite of 45 questions for Euro Social Survey 2011	Question topics include sources of information forming crime and justice views; fear of crime levels; views of appropriate sentences; media consumption and views; etc.
Jonathan-Zamir, T. et al. (2015)	Aim of developing a validated observation tool and protocol for measuring PJ in police-citizen encounters. Twelve patrol officers were accompanied on 35 shifts (nine three times, one once, one twice, and one five times) in 233 police-citizen encounters. Police officers also given questionnaire displaying awareness and buy-in of PJ values.	PJ frame: Mainly study focused on measurement validation of observation protocol, concluding validation achieved. Substantive findings showed diverse values of different PJ elements measured: Participation averaged the highest score (68), followed by dignity (50), neutrality (38), and trustworthy motives (25). Suggestion that policies of police primed particular results, showing importance of professional and policy context of police in reading results of research.
Kunst et al. (2015)	Systematic review of emotional recovery as variable of court experience/justice satisfaction; 1,500 studies reduced to 20 (mainly conducted in 2000s and 2010s) meeting quality and eligibility criteria.	Variations by crime type; some inconsistency in findings.
Laxminarayan et al. (2013)	Systematic review of victim satisfaction with criminal justice (mainly of research conducted in 1990s, mainly US), from 700 papers to 22 used in analysis.	Mixed findings show need to explore differences by type of victimisation; strongest results for procedural fairness factors (interpersonal treatment and fairness) most strongly associated with satisfaction.
Letourneau et al. (2012)	Secondary analysis from two qualitative studies in Canada to explore the interactions of mothers exposed to intimate partner violence (IPV) with the justice system; n=31 Study 1, n= 20 in Study 2.	three key themes: (a) negative interactions within the justice system, (b) positive interactions within the justice system, and (c)

		recommendations for an improved justice system response to domestic violence
McCulloch, T. (2016)	Views of people in Scotland completing a sentence and experiences post-sentence in relation to co-production; in-depth, narrative interview method (n-6, equal male/female participation).	Six individual narratives produced showing unique and rich qualities of experiences; lkey themes emerge around definitions; commo experience of standard supervision as non-co-productive; strongly positive effects of co-productive engagement, within and beyond supervision relationship; notes that co-production may 'favour the capable' and when internal and external environment facilitate engagement.
Mladenov, et al. (2015)	Policy analysis and comparison in UK (England) of disability and healthcare to interrogate realisation of PCS agenda.	Identifies risk and potentially competing ideas of empowerment and disempowering efficiency focus on language of personalisation.
Mulvihill et al. (2018)	Literature review assessing understandings and meanings of justice and justice experiences for victims of gender based violence.	Diversity of justice ideas; methodological limits of systematic reviews.
National Voices (2017)	Analysis of existing and comprehensive body of datasets from England including multiple surveys and indicators including patient/service user surveys, carer survey, targeted surveys of people with particular conditions; thematic review reports by inspection bodies; mainly quantitative but also qualitative data.	PCS frame exploring messages from data about: Information; Communication; Involvement in decisions; Care planning; Care coordination Key findings mainly negative about adoption of PCS; and also important areas remain under or unmeasured.
NCSC (2005)	US-based guide and explanation for measuring court performance employing ten measures of effectiveness.	Adopts procedural justice and efficiency values.
Orth, U. (2002)	Investigation in Germany of psychological harm of criminal proceedings on victims; retrospective study using questionnaires with 137 victims involved in trials years past.	PJ Frame: a high proportion of victims reported overall negative effects. Powerful predictors were outcome satisfaction and procedural justice, but not subjective punishment severity, interactional justice, and psychological stress by criminal proceedings.
Person (2018)	Exploration of judicial behaviour and attitudes in deciding DV protection orders, interviews (n= 20 judges) and structured observations (n=5 judges and 19 observed hearings) in two urban North Carolina courts.	Adopts PJ frame; extensive analysis courtroom dynamics and decision-making; engaged/unengaged model of judicial conduct, not necessarily direct relation to more/less PJ.

Propen and Lay Schuster (2008)	Interviews (judges n=28 and victim advocates n=17) and courtroom observation (n=17 sentencing hearings) in two judicial districts in Minnesota, exploring judicial attitudes and advocate perceptions in victim impact statements (all women victims); discourse analysis approach	VIS that distinguish a case from the typical, which connect to principles of law, which seek leniency more often impacted judicial decisions.
Qureshie, H. (2001)	Exploring stakeholder perspectives in England of professionals (social workers, care managers, home care staff, occupational therapists, and middle and senior managers, n=92), carers (n=30) and service user (n=127) perspectives on the meaning of social care outcomes for older people; range of deliberative techniques (such as focus groups, vignettes, semi-structured interviews); very diverse groups of service users (by age, ethnicity, gender, disability/health condition.	PCS approach and use of deliberative process to identify issues in service planning involving all affected; identified more structured summary of needs and matching of needs, services and people.
Reghr and Alaggia (2006)	Perspectives of justice among justice professionals (judges, police, defence, prosecution, n=7) and therapeutic/advocacy workers (n=7) in cases of sexual assault in Canada; long interview method.	
Renauer, B. C., et al. (2003)	Method testing case study approach and establishment of methodology protocol for case studies for measuring theoretical propositions of community policing.	Case studies are a better source of information about the presence or absence of certain coproduction interactions and about the dispersion of these interactions over people, places, and organizations. Case studies are a weaker source of information about the temporal fluctuations in coproduction
Roux et al. (2011)	Report on the French pilot of Eurojustice (Hough and Sato, 2011) project; two surveys: one was a nationally representative sample of residents in France (n=751); and the other came from one of the most deprived administrative units where ethnic minorities are overrepresented (n= 752) to explore PJ and policing.	PJ frame and trust in justice frame: found high levels of distrust towards police among ethnic minorities but also found variance due to low PJ. Found PJ levels could predict greater trust.
Schinkel, M. (2019)	Life story interviews with 29 men and women in Scotland who had experienced repeated short-term imprisonment and mentioned children as significant in their lives, ten of whom were interviewed again 2 years later	Trauma surrounding parenthood had a clear negative effect on trajectories of desistance for men and women; findings suggest need of looking beyond interactions with the criminal justice system and not only in relation to parenthood but also with regard to other

		frequently cited 'turning points' such as work and relationships.
Sharma et al. (2015)	Overview of reviews of PCS focused on studies seeking information about how to improve coordination and access to health care and services. In period June 2005 and April 2014, 46 reviews eligible and analysed.	Key findings: promote person-centred care by engaging persons in partnerships, shared decision-making, and meaningful participation in health system improvement
Smith, L. (2018)	Structured and systematic approach to literature review impacts community-based, person-centred *and* community-led approaches to social care and support focused on human rights-based outcomes using specific indicators (n=10 reports); Scotland focused, information UK wide	Not an evidence review, but an indicative summary of reports and review of issues and themes including HR indicators of living standards, education, work, health, participation; recommends further investigation and development of evaluation strategies for evidence building.
van der Laan, A., & Eichelsheim, V. (2013).	207 juvenile offenders incarcerated in Dutch juvenile correctional institutions studied using cross-sectional multi-method design, including a survey, screening instruments, records and qualitative interviews to explore importance of PJ in institutions.	strong associations of adaptation to imprisonment were found with interactions with peers and staff, justice, daily activities
Walby (2012)	Consideration of theoretical and practical challenges in measuring (Sen's capabilities notion of) justice.	Sen's model adopted in UN development practice but subject to ideological manipulation in relation to choice as substitute for more flexible notions of empowerment.
Weaver, B. and Armstrong, S. (2011)	Semi-structured interviews with men and women (n=13) currently serving short sentences in the community in Scotland exploring meanings of punishment for them.	Community sentences strongly preferred to short prison sentences; reasons included being able to not disrupt other parts of life (family, work); more meaningful sense of 'paying back' for harm caused; some challenges reported in terms of impact on time.
Wemmers (2013)	Relationship of criminal justice system on victim recovery from crime using PTSD scale; quasi-experimental time series design – victim interviews at initial stage of case entering court in Montreal (n=188) and six months post (n=143)	Violent (majority of sample) and property crime victims; adopting procedural justice lens for interview questions; 39% PTSD positive at start; PJ associated with PTSD score differences