

## **Entries and endings: victims' journeys with justice**

Professor Kathleen Daly  
School of Criminology and Criminal Justice  
Griffith University  
Brisbane, Queensland  
AUSTRALIA

of +61 07 3735-5625  
fax 07 3735-5608  
email: k.daly@griffith.edu.au

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## **Entries and endings: victims' journeys with justice by Kathleen Daly**

### **INTRODUCTION**

In this paper, I introduce the concept *victim journey* to better understand and interpret victims' experiences with crime and justice practices. My comments are simple and unadorned theoretically. That is because my aim is not to develop a sophisticated theorization, but rather to bring to light a simple discovery: the multi-dimensional character of victims' experiences with crime is related to their judgments of justice.

We know that victims experience crime differently: it may have little or no impact, or it may be highly distressful. Research on restorative justice or victim-offender mediation, or even standard justice processes, has not addressed this fact in a systematic way. We need to pay attention to entry points and passages for victims. By *entry points*, I mean the following: what *was* the offence and its context? How *was* the victim affected, physically and emotionally? By *passages* I refer to this: what subsequent interactions occurred between a victim, a victimizer, legal officials, justice practitioners, or others over time?

In previous work (Daly 2005, 2006), I reported a striking relationship between the degree of distress victims had experienced from an offence and whether, a year later, they said they had recovered from it. I will define the terms *distress* and *recovery* more carefully below. For now, let me say that of those victims who reported moderate or high distress from an offence, half said they had recovered from it a year later. By comparison, of those who reported no or low distress, a significantly higher proportion, 90%, said they had recovered a year later.

This paper seeks to extend upon and deepen that finding. I explore a complex set of relationships between the initial distress caused by crime, what I term the *real offence* (a more precise set of categories that depict the offence), and victim recovery and lingering emotional concerns a year later. I identify three types of victim journeys: an easy journey, a change journey, and a difficult journey. I will draw from research on victims in a restorative justice process, but I suspect that this journey typology has wider applicability.

As readers of this text will know, compared to a standard court process, in a restorative one, victims more often come face to face with an admitted offender, they interact with that person (and their supporters), and they engage in a negotiated outcome or agreement. The potential benefits are that victims “voice” their hurt and anger, and there is a recognition and validation of the wrong to victims. (It is important to emphasize that a restorative justice process should not be viewed as confined to a meeting of one to two hours in length. Rather, the process has a longer time frame, and there are many interactions an offender and victim will have with others, both before a meeting and after it.)

We may recognize the potential benefits of restorative justice for victims, but there are also potential problems. Among them, victims may be angered by an offender’s apparent lack of remorse, or by the offender not following through on promises made as part of an outcome. Or they may think that the outcome was too lenient, that justice has not been done.

I shall present my research findings shortly. First, I have some prefacing points to make about research, victims, and justice politics.

## **PREFACING POINTS**

### **1. Variation in research focus**

My paper focuses on *variation* in victims' experiences within a restorative justice process. I emphasize this because if one is interested to *compare* the experiences of victims with a standard justice process and with a restorative justice process, one would focus on different things and ask different questions. I have done such comparative work before, and it is valuable. At the same time, there is much to be learned by exploring victims' experiences *within* a specific justice process. In doing so, greater attention is given to the character of the offence and victimization, and how this relates to victims' justice needs. In fact, unless we know more about victims' experiences *within* a standard justice process or a restorative one, efforts to compare the two will founder. They will be inaccurate, and mis-specified

In addition, we need to have in mind varied contexts in which research is conducted on standard and restorative justice practices. For example, some victims may experience a parallel process, with both standard and restorative justice processes operating (see, e.g., Sherman and Strang 2007). Other victims may experience a restorative justice process that cannot be compared with a standard practice (e.g., family members of a homicide victim who want to meet the offender). Still other victims may experience a standard court process than cannot be compared with restorative justice (e.g., a victim in a case that goes to trial). These examples show that there are good reasons to explore and understand standard and restorative justice processes on their own terms, along with sources of variability that arise within them.

### **2. Variation in legal-temporal context**

My paper presents findings from one context of restorative justice: conferences as diversion from court for admitted youth offenders. It is important to bear in mind that there are many such legal-temporal contexts and that different things will be learned from them. For example,

compared to a diversionary conference, a restorative justice process for family members of homicide victims takes place much later in time, and after many other standard legal processes have occurred. Likewise, a conference as “supplemental activity” for victims, which runs in parallel with a court process, differs from a conference, which is diverted from court, without a conviction recorded.

I will be discussing common crime between individuals, with youth as offenders, but I agree with others that there is significant potential for restorative justice in other kinds of cases. In particular, I have in mind institutional and collective contexts of violence, organizational offenders, and large-scale political conflicts, both past and present (Cunneen 2003).

### **3. The status of “victim”**

What is a victim? This status cannot be assumed. Victim and victimization are socially constructed identities and processes (see, e.g., Rock 2002). My interviews with victims shows a great range in their identities as “victims” that is related, in part, to other vulnerabilities in their lives. Some victims were in detention facilities or jails when we interviewed them; others took on the status of victims in representing their children; and still others had completely forgotten about the offence a year later when we contacted them for a second interview. Some have only been lightly touched by the crime, whereas others have been deeply touched and devastated.

### **4. Challenges posed by victims**

The current status of victims in the criminal process is secondary. Bringing the actual person who suffered from a crime into the criminal process, no matter what their role and no matter what the legal-temporal context, is a profound challenge to standard justice practices. It is also a challenge to law and legal education, to criminal justice and legal professionals, and members of society. We will be working through this challenge for many years to come.

## 5. Justice politics

For some time, I have been reflecting and writing on the conflicts between offender-centred and victim-centred conceptions of justice, specifically, between those who argue from a positionality of victims *or* a positionality of offenders in seeking justice. I do not desire a justice system that is offender-centred *or* victim-centred. Rather, the achievement of justice in a political sense is a notion of balance between the competing interests, needs, and rights of victims, offenders, and social collectivities (Daly 2008a).

With the points in mind, let me turn to my research study.

### **SOUTH AUSTRALIAN JUVENILE JUSTICE (SAJJ) RESEARCH PROJECT**

The South Australia Juvenile Justice (SAJJ) Project on Conferencing gathered in-depth information over two years on victims and offenders participating in diversionary conferences.

SAJJ had two waves of data collection in 1998 and 1999 (Daly et al. 1998; Daly 2001b).

Members of the research group and I observed conferences in Adelaide and two country towns during a four-month period in 1998. The sample was selected by offence category: eligible offences were violent crimes and property offences having personal or community victims, such as schools or housing trusts. Excluded were shoplifting cases (commercial organizational victims), drug cases, and public order offences. We sought to interview all the offenders (N=107) and the primary victims (N=89) associated with the conferences in 1998 (about a week to a month after the conference) and again, a year later, in 1999. The detailed interview schedules in both years had open- and close-ended items.

Of the 89 conference victims, 44% were victims of assault and other violence offences, most were personal victims (rather than organization), 28% of victims were injured, and 74% attended

the conference. More detail on characteristics of the SAJJ victims is given in Daly (2001a; 2001b).

We interviewed the victims who did and did not attend the conference. In my results, I refer to the former as the “conference” victims, and the latter, as the “no-show” victims. Note, however, that this latter term is misleading. As we learned in the no-show victim interviews, some victims would have wanted to attend, but the conference was scheduled without sufficient notice, they didn’t know that a conference had been scheduled, or they had attended the first conference and the youth did not appear.

Members of my research team and I worked hard to achieve a good response rate, and I was pleased with the result. Of 89 victims, we interviewed 89% in 1998, and 82% both in 1998 and 1999. The response rates were somewhat higher for the conference victims (86%) than the no-show victims (70%) interviewed across both years.

## **KEY VARIABLES IN CONSTRUCTING VICTIMS’ JOURNEYS**

I used four variables to construct and analyse victims’ journeys: the real offence, victim distress in 1998, victim recovery in 1999, and still bothered (or not) emotionally from the offence in 1999. I briefly describe each.

### **The real offence**

In analysing the SAJJ data, it became clear that the categories “assault” or “property damage” did not reflect the nature of the offence or victims’ experiences. I identified seven categories, or real offences, which encapsulate victim-offender relations (peer, family, teacher, stranger), offence elements, and whether the victim was personal or organizational.

Table 1 lists the seven real offences. The percent of victims who attended the conference is presented on the right-hand side of the table, and it shows that a victim's conference attendance is related to the real offence. There was 100% victim attendance for the assaults involving teachers or family members and very high attendance for breaking into, damaging, or stealing organizational property. By comparison, the other real offence categories had a relatively lower attendance, although the majority of victims did attend. The ordering of the real offence categories reflects a rough ordering from least positive (assault youth peers) to most positive (breaking into, stealing, or damaging organizational property) on more than 25 variables that tap ideal restorative justice processes and outcomes.

### **Victim distress in 1998**

In 1998, we asked the conference victims about their feelings and experiences in the aftermath of crime. We asked the no-show victims a summary version of the question items.

For the conference victims, we asked them to focus on the period of time *after* the offence, but *before* the conference. For each item that they may have suffered, we sought a "yes" or "no" response. We asked, did you suffer from any of these problems as a result of the offence:

- fear of being alone?
- sleeplessness or nightmares?
- general health problems (headaches, physical pain, trouble breathing or walking)?
- worry about the security of your property?
- general increase in suspicion or distrust?
- sensitivity to particular sounds or noises?
- loss of confidence?
- loss of self-esteem?

- other problems?

This list was adapted from a similar set of questions in the victim interview for the Re-integrative Shaming Experiments (RISE) (see Strang 2002: 95-96, and Appendix 1: 222).

The victims' responses ranged from no problems to all the problems listed (that is, from 0 to 9).

For the no-show victims, the question was asked this way:

Some crime victims may suffer other kinds of harm as a result of an incident, for example, fear of being alone, sleeplessness, general health problems, concern about security of their property, loss of confidence, or other kinds of difficulties. To what degree did you experience any of these problems as a result of the incident?

The anchored responses were not at all; a little, but not much; to some degree; and to a high degree.

The victim distress variable combined the responses from both groups of victims (Table 2). The no/low distress conference victims were defined as those who said "no" to all the items on the list, or all but one item. The no/low distress no-show victims indicated no problems or "not much" problems. The moderate/high distress conference victims were defined as those who indicated two to four items (moderate) or five or more items (high). Their no-show victims counterparts were defined as those who said they had experienced problems to some or a high degree. The distributions show that of the 73 victims interviewed both in 1998 and 1999, 40% were classified as having no or low distress following the offence; and 60%, as having moderate or high distress.

### **Victim recovery in 1999**

In the 1999 interview, we asked respondents this question:

Which of the two statements better describes how you are feeling about the incident today:

- It's all behind me; I have fully recovered from it.
- It's partly behind me; some things still bother me; I have not fully recovered from it.

Of the 73 conference and no-show victims interviewed in 1999, 66% said they had recovered from the offence, and 34% said they had not recovered or the offence was partly behind them.

We then asked an open-ended question to each recovery victim about why they were able to put the incident behind them; and to each non- or partially recovered victim about what hindered their ability to put the offence behind them. For the recovery victims, we then asked a series of closed-ended items about why they recovered. For the non- or partially recovered victims we asked a series of close-ended items about what hindered their recovery, and then a set of items about what may have assisted their recovery.

### **Still bothered emotionally in 1999**

In the 1999 interview, we referred back to the 1998 interview. For those victims who had any distress in 1998, we asked: "To what extent are you still bothered today, emotionally, from things arising from the incident?" Of the 73 conference and no-show victims interviewed, 60% said they were not at all bothered, but 40% said they remained bothered a bit to a lot.

## **Victims' journeys**

The “victim journey” concept was created from three variables: degree of distress in 1998, recovered or not in 1999, and still bothered emotionally or not in 1999. Three victim journeys were identified (Table 3):

- Easy journey (N= 24 or 33%). These victims had low/no distress in 1998, were not bothered emotionally and had fully recovered in 1999.
- Change journey (N=15 or 21%). These victims had moderate/high distress in 1998, but were not bothered emotionally and had fully recovered in 1999.
- Difficult journey (N=34 or 46% of victims), with two subgroups:
  - Somewhat difficult (N=14) had no to high distress in 1998. They were not bothered, but had not recovered; *or* they were still bothered, but had recovered in 1999.
  - Very difficult (N=20) had low to high distress in 1998. They were still bothered and had not recovered in 1999.

To simplify the presentation, I combine the two sub-groups on the difficult journey. However, by calling attention to the sub-groups, I wish to emphasize that victims resist easy classification. Of those on the “somewhat difficult” journey, some said they are “fully recovered,” but “still bothered emotionally” from the offence. A handful said they had no or low distress in 1998, but had not recovered or were still bothered emotionally in 1999.

## **SELECTED FINDINGS**

I carried out two types of analyses: one comparing victims' experiences and judgments across the seven real offences; and the second, across the three journeys.

### **Differentiating victims' crime experiences by the real offence**

Several findings emerged in analysing victims' experiences by real offence. First, victim distress is not related simply to whether the offence was "violent" or "property." Rather, it is related, in part, to victim-offender relations (known or not), and in part, to the type of victim (personal or organizational).

Although other items could be presented and compared, two are indicative: degree of victim distress and victims' perceptions that youthful offenders were sorry. While on average, 60% of victims said they had suffered moderate or high distress in 1998, the percent was substantially higher for assaults of teachers (100%), assaults of family members (80%), assaults of youth peers (79%), and breaking into, damaging, or stealing personal property (77%). By comparison, it was substantially lower for assaults of strangers (33%) and breaking into, damaging, or stealing organizational property (20%).

While on average, 51% of victims viewed the offender as sorry or somewhat sorry for what s/he did, the share is substantially greater for the assaults of family members (80%), assaults of strangers (67%), and organizational property offences. By comparison, the percent was lower for personal property offences (39%) and lowest for assaults of youth peers (32%).

Second, for this sample of diversionary youth conferences, the offences that were least likely to show positive outcomes for victims were the assaults of youth peers and breaking into, damaging, or stealing personal property (see Daly 2008b). Conversely, the offences that were most likely to show positive outcomes were assaults of strangers and organizational property offences. Theft of motor vehicles and assaults of teachers and family members fell mid-way. This finding challenges a general view that family or sexual violence cases are likely to pose the most difficulties for victims; and for that reason, restorative justice should not be used for them.

However, I would immediately qualify this point by emphasizing that the number of assaults of family members in the SAJJ sample is low; and as importantly, these cases are largely of youth violence toward their siblings and parents, not adult interpersonal violence, which critics have in mind.

### **Victims' journeys and the real offence**

In light of the previous discussion, we should not be surprised to learn that victims' journeys are related to the real offence:

- Overall, 33% of victims are on the easy journey. However, a far higher share of victims of organizational property offences are on the easy journey (73%), followed by those assaulted by strangers (50%).
- Overall, 46% of victims are on the difficult journey. However, a higher share of victims of youth assaults (58%), personal property offences (54%), and youth assaults of teachers (75%) or family members (60%) are on this journey.

I call attention to distinctive patterns in the assaults of teachers and family members. Although the number of cases is low, the family victims registered more positive outcomes than the teacher victims. These differences may be an artefact of sample size because we might assume that these two groups have much in common: both experience a loss of safety and physical security in familiar places (the home or the workplace). Further, a high share of victims is female, whose victimization is often compounded by other vulnerabilities. Future research should explore the similarities and differences in the two groups.

### **Victims' journeys and indicators of emotions, feelings, and judgments**

A major benefit of exploring variation in victims' experiences with restorative justice is that attention is drawn to the role and impact of particular types of offences, and how offence

dynamics set in motion the potential for positive victim-offender relations in justice encounters, restorative or otherwise. Specifically, I find that victims' classifications in the journey typology are strongly associated with a shift in emotions over time, a sense that justice was done, feelings toward offenders, judgments of the conference process, among many other key variables.

In hindsight, this relationship seems obvious. We might have expected that those on the easy journey would say they had more positive experiences with justice processes than those on the difficult journey. However, my research is the first to call attention to this relationship. Analysts typically discuss victims' experiences and judgments in uni-dimensional terms, without reference to the impact of the offence (see, e.g., Daly 2001b; Dignan 2005; Strang 2002), or with the presumption that some offences pose more difficulties than others for victims (e.g., partner and sexual violence; see Cook, Daly, and Stubbs 2006). I include myself as having wrongly depicted victims in uni-dimensional terms in previous work. Not until I began to investigate their views and experiences with more care, and to identify a typology of journeys, was I able to make sense of victims' experiences with crime and justice over time.

Tables 4, 5, and 6 present selected indicators of victims' emotions over time, views of the conference process, and judgments of offenders.

*Anger and fear toward the young person (offender).* Tables 4a and 4b show conference victims' feelings of anger and fear toward the young person at three points in time: before the conference, after the conference, and a year later. Examining the far right-hand column, we see an overall reduction in victims' anger toward offenders before to the conference (79%), after the conference (46%), and a year later (39%). However, that average masks significant differences by victims' journey.

Anger toward the offender decreases markedly after the conference for those on the easy journey (from 59 to 18%) and remains low. By contrast, for those on the change journey, anger decreases after the conference (from 77 to 54%), but decreases even more a year later, to 23%. For those on the difficult journey, anger decreases after the conference (from 93 to 59%), but most victims remain angry in 1999 (63%).

Likewise, we see that victims' fear of offenders is much higher for those on the difficult journey; and although it decreases after the conference (from 59 to 33%), it remains the same in 1999. By contrast, those on the change journey show no change in fear before and after the conference; however, there is a reduction to 15% a year later. Those on the easy journey registered little or no fear of offenders.

*Feelings toward the young person.* Tables 5a to 5c show victims' views and judgments of the young person. A striking finding from Table 5a is that those on the easy journey say they feel neither positive nor negative toward the offender, both in 1998 and 1999, with little change over time in their views. For those on the change journey, there is a decrease in negative feelings and a corresponding increase in positive feelings over time. The opposite pattern is seen for victims on the difficult journey, who showed a marked increase in negative attitudes over time. Unlike those on the easy journey, victims on the change and difficult journeys have strong emotions, and are not indifferent, toward the offender.

A 1999 interview item asked conference victims this question:

Which of the two sentences better describes [name of young person] today?

[name] did a bad thing because of who [s/he] *is*.

[name] is OK, but what [s/he] *did* was bad.

This item taps the degree to which a victim sees an offender as capable of change or as being intrinsically “bad.” Over 80 to 85% of victims on the easy and change journeys said the youth was a good person, but just over half (52%) of those on the difficult journey did (Table 5b).

In light of the findings in Tables 5a and b, those in Table 5c were initially puzzling. A minority of victims on both the change (33%) and difficult (41%) journeys, who were interviewed in 1999, viewed the young person as sorry for what s/he did. I would have expected a higher percentage on this item for victims on the change journey. One interpretation is that it does not matter to these victims if the youth is sorry or not, i.e., their recovery does not depend on it, whereas it does matter and has an impact for those on the difficult journey. Not surprisingly, we see a much higher share of those on the easy journey saying that the youth was sorry (75%).

*Judgments of the conference process.* Tables 6a to 6c give selected victim judgments. On all items, the difficult journey victims’ judgments are the least positive. In 1998 and 1999, they were least likely to think that the agreement was “about right” compared to those on the easy and change journeys. Although just over 50 to 60% said they were satisfied with how their case was handled, the share was significantly higher for those on the easy (range 88 to 92%) and change journeys (range 73 to 80%). And although the majority of difficult journey victims said that the conference was okay compared to court (59%), the share was significantly higher for the easy (92%) and change journey (100%) victims. Stated another way, a substantial minority of difficult journey victims (41%) would have preferred that their case went to court compared to none or only a few victims on the easy and change journeys.

These findings are important for research and evaluation. If a sample of cases contains a high share of victims who are distressed from an offence and have not been able to recover from it, the overall judgment of a justice process (restorative or otherwise) will be lower than if a sample

contains victims who are relatively less distressed from an offence. Comparisons of “victims’ experiences” across differing justice processes need to be mindful of significant variation in the degree to which they have been lightly or deeply affected by an offence. Levels of initial distress are higher when victims are individuals (not organizations) and when offences involve those known to each other. The property-violence dichotomy poorly captures these and other qualities of offences that cause distress to victims.

### **Recovery from an offence**

I briefly consider findings from the 1999 interview that sought to understand what helped or hindered victims in recovering from an offence. The questions were asked of a sub-sample of individual and conference victims only (N=42) in that year. Of the 19 victims who said they had not recovered from the offence, the two major items hindering their recovery were firstly, offence elements (74%), such as financial losses, physical injuries, emotional harm; and secondly, the offender’s behaviour and the victim’s sense that justice was not done (26%), including the youth not being remorseful, a too lenient agreement, and the youth not finishing the agreement.

For 42 victims (both partially and fully recovered), the elements assisting their recovery varied by victim journey. *Conference elements* (e.g., participation in the conference, the youth’s readiness to make things right, contact with the coordinator or police officer, among others) were most likely mentioned for those on the easy journey. *Social support* (e.g., support from family, friends, people you work with) was most likely indicated for those on the change journey. *Time and personal resources* (e.g., the passage of time, resilience as a person, and putting it out of my mind) were most likely mentioned for those on the difficult journey. These findings show that evaluations of the efficacy or impact of justice processes are associated with victims’ journeys in ways that we need to be aware of.

## SUMMARY

For this sample of victims who participated in youth diversionary conferences in South Australia, we find that the initial role of the distress caused by an offence sets in motion different reactions by them and different judgments of the conference process. Certain offences (youth assaults, personal property offences, assaults of teachers and family members) caused victims higher distress than others (theft of cars, assaults of strangers, and organizational property offences). On balance, the youth assault and personal property victims (except car theft), who generally had moderate or high distress, were least likely to have positive experiences and responses. By comparison, the organizational property victims, who generally had no or low distress, typically had the highest positive responses.

The analysis of victims' journeys reveals that victims have different, but predictable, attitudes toward the conference process, feelings toward offenders, and beliefs that justice was done. Those on the difficult journey had high levels of anger toward the offender, both in 1998 and 1999; they had moderate levels of fear, with no change over time. Their attitudes toward offenders became more negative over time, and their sense that justice was done decreased. Not surprisingly, satisfaction with how their case was handled was lower than the other groups, and it decreased over time. Those on the change journey are somewhat unusual. On most variables, they show what may be considered a success story: they registered reduced levels of anger and fear toward the offender, an increasingly positive attitude toward the offender over time, and an increasing sense that justice was done. However, one variable was contrary: most did not view the youth as being sorry. For these victims, it did not seem to matter. Those on the easy journey had little anger toward or fear of the offender. Few felt negative toward the offender; more typically these victims were indifferent (feeling neither positive nor negative). They had high levels of satisfaction in how their case was handled, and there was little change registered in their experiences over time.

For conference and individual victims only, offence seriousness is more important than conference elements in explaining a victim's partial or non-recovery from an offence.

Those on the difficult journey relied more on themselves or the passage of time to recover.

Those on the easy and change journeys relied more on social mechanisms such as conference elements and social support.

## **IMPLICATIONS**

### **For research**

It has been a breakthrough for me to analyse victims' experiences with crime and justice using the concepts of the real offence and victim journey. Before I identified the real offence and journey typologies, I had difficulty grasping meaningful patterns from the interviews with victims.

It is crucial that we pay close attention to the offence contexts, victim-offender relations, and kind of victim (personal or organizational). The real offence concept can reveal a good deal more than standard offence categories can. I invite researchers to use the victim journey concept. It opens up a productive way to analyse what victims are saying and why their experiences with justice may differ.

It is important to bear in mind that a victim's journey comprises a complex set of contingent elements: initial distress caused by an offence, the offender's behaviour in the conference and over time, a victim's sense that justice was done (or not), along with individual differences in a victim's sense of vulnerability. The time dimension of victim's journeys is important to depict and understand. Some may become more positive; others, more negative; and still others may feel neither positive nor negative and not change.

Although much attention has been given by restorative justice analysts to procedural justice (i.e., elements tapping into perceptions of a fair process, victim voice, and victim participation), I found that none of these items differentiated, or were associated with, victims' journeys. The main reason is that for all victim journey groups, there were high levels of perceived procedural justice. However, the sense that justice was done (e.g., the right outcome or sanction was achieved) differentiated the victims better.

### **For practice**

I will suggest several points, but this is an area for more reflection. Some cases are particularly challenging when the status of "victim" is contested by an offender (the youth assaults, but more generally, any offence that involves getting back at or retaliating against the actions of another). When an offender says that s/he is also a victim, the justice process begins to unravel. What does one do with apparently no offender and two victims in the room?

Certain types of personal property offences cause victims much distress, specifically, breaking into, damaging, or stealing items, particularly when they hold significance for the victim's identity and sense of security. These cases require a good deal of victim and offender preparation. In these cases, victims may have raised expectations for the outcome, which cannot be met. They may also expect the offender to show more remorse than they do.

Generally, victims do not know what the "going rates" are for sanctions or outcomes, whether in a restorative process or elsewhere. Some assume, often in error, that the court would impose a more harsh sanction on an offender than a diversionary conference. Victims need to have a better and more realistic understanding of possible outcomes in both court and conference processes.

**For policy**

My findings identify a multi-dimensional, differentiated set of victim journeys in the aftermath of crime. Although they were derived from a study of victims in a conference or restorative justice process, I suspect they could be applied to victims in standard justice processes.

For that reason, I would not want my findings to be misunderstood. Just because some victims are on a difficult journey does not mean that restorative justice cannot be used in these cases.

Indeed, there are likely to be many difficult journey victims whose cases go to court; and we may wonder, what is being done to assist them?

We cannot expect that a justice process alone, however innovative, can address the needs of victims or offenders. No justice practice is going to succeed without an array of services and programs. The concept of a victim's journey calls attention to the fact that we must conceptualize the idea of justice from a victim's perspective quite broadly. It is not simply about a meeting for one to two hours (in a conference) or a guilty verdict and sentence imposed (in court). Like victimization, justice is a process, not an event.

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Table 1. Real offences.

Real offence	% victims attend conference
Assault youth peer (youth “punch ups,” includes bullying, payback for the victim’s alleged behaviour) (N=23)	65%
Break into, damage, steal personal property (typical targets are residences, motor vehicles, school rooms) (N=18)	67%
Steal (or attempt) motor vehicle (N=12)	67%
Assault family member (intra-familial sexual assault, youth assault parents, sibling violence) (N=8)	100%
Assault teacher at school (N=4)	100%
Assault stranger (professional worker, such as police officer or bouncer, and others in public places) (N=7)	57%
Break into, damage, steal organizational property (typical targets are schools, housing trusts, hospitals) (N=17)	88%
Overall (N=89)	74%

Table 2. Victim distress, 1998.

		Victim distress in 98 (N=73)	
No	No distress level 0, or not at all	28%	Low/no = 40%
Low	Distress level 1, or to a little degree	12%	
Moderate	Distress level 2-4, or to some degree	37%	Moderate/high = 60%
High	Distress level 5-9, or to a high degree	23%	

Table 3. Victims' journeys.

Journey type (N=73)	Distress 1998	Emotionally bothered 1999	Recovered 1999
Easy (N=24)	No/low	None bothered	All recovered
Change (N=15)	Moderate/high	None bothered	All recovered
Somewhat difficult (N=14)	No/low (N=4)	<i>Either still bothered or not recovered</i>	
	Moderate/high (N=10)		
Very difficult (N=20)	Low/moderate/high	All still bothered	None recovered

Table 4. Anger and fear toward the young person over time (conference victims only, interviewed in 1998 and 1999, N=57).

(a) How angry are you feeling now toward the young person?  
(% saying a little to very angry)

**	easy (N=17)	change (N=13)	difficult (N=27)	all (N=57)
before the conference	59%	77%	93%	79%
after the conference, 1998	18%	54%	59%	46%
a year later, 1999	12%	23%	63%	39%

(b) How frightened are you feeling now toward the young person?  
(% saying a little to very frightened)

**	easy (N=17)	change (N=13)	difficult (N=27)	all (N=57)
before the conference	6%	31%	59%	37%
after the conference, 1998	0	31%	33%	23%
a year later, 1999	0	15%	30%	18%

\*\* For each time period, Chi-squares were used to test the statistical differences between victims' journeys, not changes over time. For each time period, Chi-square test of significance,  $p < .05$ .

Table 5. Feelings toward the young person.

(a) How are you feeling now toward the young person? Do you feel positive or negative, or do you feel neither positive nor negative? (N=73 conference and no-show victims interviewed in 1998 and 1999)

**	easy (N=24)	change (N=15)	difficult (N=34)	all (N=73)
negative, 1998	13%	53%	44%	36%
negative, 1999	16%	20%	65%	40%
neither, 1998	54%	13%	9%	25%
neither, 1999	46%	0	0	15%
positive, 1998	33%	33%	47%	40%
positive, 1999	37%	80%	35%	45%

\*\* For each row, Chi-squares were used to test the statistical differences between victims' journeys, not changes over time. For each row, Chi-square test of significance,  $p < .05$ .

(b) Do you think the youth is a good or bad person? (N=57 conference victims interviewed in 1999) (% good person)

**	easy (N=17)	change (N=13)	difficult (N=27)	all (N=57)
% saying youth is 'good' not 'bad' person	82%	85%	52%	68%

(c) Does the victim view the young person as sorry? (N=73 conference and no-show victims interviewed in 1999) (% see as sorry or somewhat sorry)

**	easy (N=24)	change (N=15)	difficult (N=34)	all (N=73)
% say youth is sorry or somewhat sorry	75%	33%	41%	51%

\*\*Chi-square test of significance,  $p < .05$

Table 6. Judgments of the conference process.

(a) Sense that justice was done. Do you think that the agreement was too easy or too harsh or was it about right? (% saying 'about right') (N=73 conference and no-show victims interviewed in 1998 and 1999)

**	easy (N=24)	change (N=15)	difficult (N=34)	all (N=73)
% say agreement was about right				
1998	79%	53%	41%	56%
1999	83%	67%	27%	53%

(b) How satisfied were you with how your case was handled? (% satisfied or very satisfied) (N=73 conference and no-show victims interviewed in 1998 and 1999)

**	easy (N=24)	change (N=15)	difficult (N=34)	all (N=73)
% satisfied				
1998	92%	73%	62%	74%
1999	88%	80%	53%	70%

\*\* For each time period, Chi-squares were used to test the statistical differences between victims' journeys, not changes over time. For each time period, Chi-square test of significance,  $p < .05$ .

(c) Are you pleased your case went to conference or would you have preferred court? (N=73 conference and no-show victims interviewed in 1999)

**	easy (N=24)	change (N=15)	difficult (N=34)	all (N=73)
% say conference okay	92%	100%	59%	78%

\*\*Chi-square test of significance,  $p < .05$