

Victims' Views of Court and Sentencing
Qualitative research with WAVES victims

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Wales

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Introduction

This report is based on research exploring victims' qualitative experiences of the Criminal Justice System (CJS) for crimes reaching court and resulting in a sentence. The research was conducted between January and March 2011, at the time the Government was consulting on its recently launched Green Paper *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*. The Green Paper contained proposals of direct relevance to victims of crime and, therefore, it was an opportune time to consider the detailed experiences of victims and their receptiveness to changes that might affect them.

Over the last ten years, there has been much talk about placing victims closer to the heart of the CJS, and 'rebalancing' the system in their favour. Yet, in this time, there has not been a concomitant amount of research relating to the victim experience of the CJS process, attendance at court, or what the outcome and sentence means for individual victims.

The most significant survey in recent times on victims' experiences of the CJS in post-charge cases has been the Witness and Victim Experience Survey (WAVES). WAVES was a large-scale quantitative survey with a focus on measuring levels of victim and witness satisfaction with the CJS, gauging the type of contact they experienced, as well as the provision of information, services, and support. However, WAVES has not provided more detailed qualitative information about victims' views of their experience. This research seeks to help address this by, for example, exploring why victims were satisfied or dissatisfied, and what their detailed reaction was to the sentence passed in their case.

This research looks at victims' relationship with the CJS process, their views on the sentencing and how these factors affected them. It also considers aspects of the system where victims have the potential to be most closely involved, namely as a recipient of reparation (through financial compensation), through the opportunity to have a voice in the process (through a victim personal statement), and communicate directly with the offender (through restorative justice).

From this research, three key issues emerge which should form important considerations for future CJS policy and practice:

Firstly, it exposes disparity in the levels of satisfaction that a victim may feel about, on the one hand, the 'customer service' aspects of the criminal justice system and, on the other, the outcomes in relation to sentencing. A victim may value the service and support they receive from a range of CJS agencies, but still feel that justice has not been served and their 'voice' has not been heard in both the nature and implementation of the sentence.

Secondly, it reveals a much more nuanced view of sentencing than some may presume. On the whole, victims were not simply calling for tougher sentences and greater use of imprisonment. There was a strong message that the punishment

should be appropriate and proportionate to the crime. In this context, understanding the particular type of harm that a crime has caused a victim may aid sentencers. Furthermore, some victims expressed a preference for financial compensation over conditional discharges or suspended sentences. This was underpinned by a sense that the victim should not be left out of pocket and punishment should relate to the current crime, rather than future behaviour.

Finally, there was clear dissatisfaction about apparent failures to enforce many sentences fully. In particular, if a fine is imposed, it should be paid; if compensation is granted, it should be received; if Community Payback hours are sentenced, they should be carried out; and if a prison sentence is imposed, it should not be automatically halved.

Key findings

- The majority of victims were positive about how they were treated at court, and the support provided to them. Victims who felt daunted by the process described how help and information put them at ease. However poor victim treatment could lead to severe dissatisfaction for the victim.
- The interviews also reveal how victims could be satisfied with their treatment during the criminal justice process and yet dissatisfied with the sentence or the fulfilment of that sentence.
- A guilty plea by the accused during the process could come as a relief to victims because it meant they did not have to give evidence and/or that a conviction had been secured. On the other hand, victims were sometimes frustrated by changes in plea, particularly where this occurred at a late stage, and felt that there should be little reward for doing so.
- Dissatisfaction with the sentence often stemmed from a perception that the sentence had little relevance to the harm the victim suffered. In a few cases, the victim felt the sentence was not severe enough, particularly where the sentence was perceived to be about future behaviour e.g. a suspended sentence.
- Financial compensation was very important to some victims, particularly where they had suffered financial loss. Some also saw value in imposing financial compensation as part of the sentence for punitive, deterrent, and symbolic reasons. It could be preferred to what were considered less tangible sentencing elements. However, concerns were raised about the payment and enforcement of financial compensation.
- Few participants were aware of, or recalled having been offered, the opportunity to make a Victim Personal Statement. However, victims could see positive benefits in doing so. These included providing victims with a voice in proceedings, expressing exactly how they were affected, helping to deter the offender, and informing sentencing.
- None of the victims participating in the research had been offered restorative justice and few were aware of it. Most commonly victims said they had no interest in meeting the offender directly, sometimes owing to the violent nature of the crime or their knowledge of them. Some did see how it could be a positive process in some circumstances.
- Reflecting on the lasting impact of the crime, victims held a variety of views. Some had moved on and largely forgotten the event, some had become more wary as a result, whilst others lives had been significantly changed. Where victims had been dissatisfied with the outcome they could feel let down, their confidence in the system damaged, and their willingness to engage in future at doubt.

Method

The victims of crime taking part in this qualitative research were drawn from WAVES respondents who had indicated a willingness to take part in further research. WAVES victims comprise those that have experienced crimes of violence¹, robbery, burglary, theft, and criminal damage. These kinds of offences make up the largest proportion of crimes experienced by the public (as measured by the British Crime Survey), crimes recorded by the police, and offences brought to justice. Most victims (if they report the crime) have only the briefest brush with the Criminal Justice System. However, WAVES respondents are drawn from cases where a charge has been brought and are therefore more likely than other victims to have experienced significant involvement with the Criminal Justice System (CJS), for example by attending court and giving evidence².

The study employed a combination of telephone in-depth interviews and face-to-face group discussions³. Purposive sampling was used to select victims⁴ whose cases had resulted in a conviction (through a guilty plea or contested trial) and where the victim was aware of the sentence passed in their case and had attended court. The sample included both Crown Court and Magistrates Court cases and reflected the range of WAVES crime types and demographics.

Opt-out letters were sent to potential respondents and those not opting out were then called inviting them to participate in the research. Telephone interviews were subsequently conducted and group discussions held in Birmingham and Manchester. Interviews and groups were recorded with the permission of the respondents, and fully transcribed and analysed⁵. A total of thirty victims took part in the research⁶. Reflecting the composition of WAVES survey, most were victims of violent crime. Interviews were conducted using a semi-structured questionnaire (and topic guide for the groups)⁷.

¹ Notable exceptions include violent crimes involving a fatality, domestic violence, and sexual violence

² This group are well positioned to speak to about the victim experience of the CJS, their level of participation, and views on sentencing. Victims whose cases end up in court therefore deserve special consideration in that they have experienced the system to what might be termed the 'end point' of justice.

³ A combined method was used due to an interest in both detailed information about individual victims' experiences, and well as views on possible changes proposed in the Ministry of Justice Green Paper. Telephone interviews were more suited to exploring individual experiences, whilst group discussions more suited to exploring new proposals and changes, through dynamic interaction between participants

⁴ Given the size of the initial sampling frame, some (stratified) randomisation was used to determine the sample. A more detailed explanation of this approach is available.

⁵ Transcripts and interviews were analysed using a grounded-theory approach. Grounded theory uses thematic analysis and coding to move from specific observations to construct conceptual ideas. As qualitative research the findings offer explanations behind the views of victims rather than results which are quantifiable and generalisable to the wider victim population

⁶ A total of twelve victims attended the groups in Birmingham and Manchester and eighteen telephone depth interviews were conducted with victims from other areas of England & Wales.

⁷ The questionnaire was designed by the Commission for Victims and Witnesses (with support from Ministry of Justice Analytical Services) and was informed by the WAVES survey questionnaire as well as themes outlined in the Ministry of Justice Green Paper.

Findings

Context

In presenting these qualitative findings regarding victims' experiences of the CJS, it is worth describing briefly the quantitative WAVES survey from which respondents were drawn. Before it was discontinued WAVES was a national quarterly survey of victims and witnesses in cases which resulted in a criminal charge. Around thirty-five thousand victims and witnesses were interviewed each year. WAVES was used to measure performance against Victim and Witness delivery plan priorities, elements of the Victims Code, and the performance of Witness Care Units. Questions focussed on whether victims and witnesses received support, how they were treated by CJS staff, whether they were given the right information etc. It also reported a topline measure of satisfaction with 'overall contact' with the CJS – in 2009, four-in-five (81%) of victims and witnesses said they were either fairly, very, or completely satisfied⁸. In these respects, the WAVES survey can be viewed primarily as a measure of how well the CJS was performing in 'customer service' and procedural justice terms.

A procedural justice viewpoint holds that fair, decent, and appropriate treatment are key factors in determining approval, and can be more important than actual 'results'. For example, a number of studies have shown in the policing context that perceptions of fairness and decent treatment were more important than effectiveness and outcomes in determining satisfaction and confidence⁹. This view is perhaps echoed in recent CJS efforts to improve the treatment of victims and witnesses primarily in terms of improving the amount of information available, providing avenues to support, and fostering a respectful 'customer service' ethos. In turn the bulk of WAVES questions reflect this focus, including the overall satisfaction measure that measures overall satisfaction with the 'contact' the victim or witness had with the CJS. Less explored by the WAVES survey, or elsewhere, are victim attitudes towards the outcome of their case and sentencing (what may be described as their views on whether justice was served).

The research presented in this report explores victim attitudes to both treatment, and sentencing, and the relationship between the two. The research also reports how victims can feel about the potential to have more of a voice in proceedings, through making a Victim Personal Statement (VPS) or participating in restorative justice, as well as how they feel about restitution through the financial compensation element of a sentence.

⁸ Joint Thematic Review of Victim and Witness Experiences in the Criminal Justice System. Criminal Justice Joint Inspection (2009)

⁹ See for example B Bradford, J Jackson and E Stanko, 'Contact and confidence: Revisiting the impact of public encounters with the police' (2009) 19 Policing and Society 20-46

Victims views on their treatment

A considerable proportion of the WAVES survey was devoted to the treatment and support of victims at court, including how well they were kept informed, and how respectfully they were treated by criminal justice professionals and support staff. That survey has reported high levels of satisfaction in this regard¹⁰. The qualitative interviews in this study to an extent support these positive ratings with most of those interviewed having positive things to say about those whom they had contact with.

The police kept me informed of the situation, and then the pre-court wrote to me. I think then somebody phoned me or emailed me to explain what happens in court, where to go and all that sort of thing. What I would expect, especially if I had to give evidence and things like that. That was all handled extremely well.

[male victim of burglary]

The positive things that victims had to say about their treatment focussed on being put at ease with the criminal justice process. Few had prior experience of being at a court or concrete notions of what to expect. Several were nervous or daunted by the process. Being supported at court helped them understand what to expect, which was something they appreciated. Some highlighted the polite, kind and respectful treatment from those they had contact with, such as the Witness Service.

Well-informed. Weren't made to feel sort of like nervous or anything at the court, or anything. I was made to feel really comfortable.

[female victim of assault]

The Witness Support group itself at court, they were very helpful, very kind and very facilitating.

[male victim of assault]

One victim who had prior experience of being in court observed treatment as having improved since their last experience:

From my past experience I had, it's all changed. You've got people supporting you and looking after you all the time while you're there.

[male victim of assault]

Those who had a pre-court visit found it helpful in terms of knowing what to expect and preparing them to give evidence.

I'd never been in a courtroom before, so they helped me out with what to expect, so I was able to go maybe a couple of days before just to have a look, and they went through where I'd be standing, and they

¹⁰ See for example: *Early findings from the Witness and Victim Experience Survey: information and service provision*. Ministry of Justice Research Series 11/08 July 2008

showed me a picture. All that sort of thing, which I suppose is a bit like how you treat a child, but I suppose you're trying to teach somebody something, so I think it was really helpful because they were saying where they would be standing, you wouldn't necessarily be in their view and things like that

[female victim of assault]

A couple of victims expressed appreciation for having a separate waiting area which was perceived to minimise contact with the offender, or their supporters.

Respondents did not tend to recall which particular group or agency it was that informed them or supported them. Sometimes respondents could not recall the name of those providing support, or had only a vague recollection. There was little in respondents' responses to distinguish between witness care, witness service, victim support, court staff etc. It is possible that all those they encounter are perceived as 'part of the system' and it is not important to the victim which agency the person helping belongs to.

In general, where respondents were positive about treatment and support, which most of those interviewed were, this was explained by them feeling reassured, informed and/or treated respectfully and politely. These are key elements of the procedural aspects of justice, which have been shown in other contexts to be influential in terms of victim satisfaction with the criminal justice process.

Giving evidence

For those that ended up giving evidence, several described it as a daunting experience. Reasons included feeling intimidated in the presence of the offender, having to remember the detail of events from some time ago, or having their honesty questioned under cross-examination.

The experience of sitting in the same courtroom, in front of the party you are dealing with, was a little bit intimidating in some ways, and experience of cross-examination in the way it is done was a bit daunting, because you get that sense that you're not trusted, what you are saying.

[male victim of assault]

After that sort of length of time your memory is not as clear as it would have been if it had been much nearer the time. So you get some questions which you find unable to answer.

[male victim of assault]

Going to court, for many, was also a new experience. Information and preparation were helpful in allaying victim concerns, preparing them for their role in proceedings, and promoting satisfaction with treatment.

Criticism of treatment and support was rare. One respondent mentioned that they did not think they had enough time with the CPS prosecutor; another mentioned having to wait too long to give evidence.

However, comments from some underlined how frightening giving evidence can be and the importance of ensuring victims feel protected. One felt that efforts to avoid intimidation inside court were rendered meaningless given that intimidation could occur just outside the court building. And one victim's thoroughly negative experience (outlined in the box below) left them completely dissatisfied and unwilling to be a witness again.

Case P – Female victim of assault

The victim in this case indicated in the prior WAVES survey that they were dissatisfied with their overall experience of the CJS. The in-depth interview explains why this was the case.

Int Looking back, how do you feel about your experience of the criminal justice system as a victim of crime?

P Very bad.

Int Can you explain why?

P I've been through all this before but when I went to the court they said there'd be screens put up. Then the other side was saying that they couldn't hear me from behind the screens, with the screens around me, so then they decided to move the screens around the people who committed the offence against me, which meant that all their family could see me when I didn't want the family to be able to see me.

... And I said that, but they went ahead and did it anyway. As soon as I got out the court, they pointed me out saying, "There she is. That's her". So then the people who saw me, saw me again – who beat me up, they saw me properly again, so they know exactly what I look like now.

The victim was offered screens and wanted them. Asked to explain why they were taken away, they felt that this was due to pressure from the defence.

P The solicitor for them complained they couldn't hear me. I said, "Well I can hear you clear as day", and they were saying that they couldn't hear me. They could hear me. They just wanted the screens down.

The arrangements for the victim to enter the court were also considered to be inappropriate:

P They took me in through the back door. But when I walked in through the back door they was all stood right in front of me – sat right in front of me, so they saw me anyway. So I would have been better off going through the

normal door, because then at least they wouldn't have – they'd have only seen the back of me.

The response to the victim's concerns when they were raised was also considered highly insensitive:

Int Were you able to voice your concerns about that at all?

P Yes, I kept saying, but they weren't interested. Even my own solicitor wasn't interested.

Int What was their response?

P They said, "Oh, they're not the mafia". He was quite sarcastic about it. Didn't care that I was scared, just said, "Oh, they're not the mafia. What do you think they're going to do?"

The dissatisfaction this victim experienced based on their treatment was compounded by dissatisfaction with the sentence and its enforcement. This had an entirely negative relationship on their willingness to engage with the CJS:

P They got found guilty, given fines. One of them paid the fine, the other one still hasn't paid a penny. At all. All he was given was a £200 fine. He could have killed me. He booted me in the head that hard that it nearly broke my cheek bone.

.... I could have been killed and he got a £200 fine, and he still hasn't paid a penny, and I keep ringing up the court. They say they're going to chase it up, or they say the person who's chasing it up is off sick, and they just keep fobbing me off every time, so I've wasted loads of money on phone calls. And basically, you know, I will never be a witness for anyone ever again.

Their conclusions about their experience of the CJS were centred around two failures:

P I expected to be protected from the people who assaulted me, and I wasn't. I expected to get some justice, and there wasn't.

Asked what improvements could be made for victims based on her experience echoed the same themes:

P Make sure the victim is protected from the people that did the crime against them in the first place, and make sure, if there is any price to pay, or any punishment made, that they are enforced properly.

Satisfaction with the process vs the outcome

The interviews and group discussions highlight how victim satisfaction relating to their experience of the CJS can be complex and nuanced. Where someone has been charged and the case has proceeded to court, satisfaction can relate to procedural elements discussed above (treatment, information etc), the outcome in the sense of a finding or admittance of guilt, and the outcome in the sense of the sentence imposed.

Some victims, despite being satisfied with their treatment could at the same time be dissatisfied with the sentence or outcome. In other words, victims could clearly distinguish between their views on their treatment by the CJS and their views on the outcome.

Data were provided accompanying the sample which indicated how respondents had answered questions in the WAVES survey. Of the thirty victims participating in this study, twenty-six had stated prior to the interview that they were satisfied with the overall *contact* they had with the CJS, whilst four said they were dissatisfied¹¹.

The exchange below relates to a victim who indicated in the WAVES survey that they were satisfied with their overall contact with the CJS, but in the telephone interview appears dissatisfied with the experience overall.

Int *looking back now about your experience of the criminal justice system, how do you feel about it?*

V *I was let down, I think.*

Int *In what way were you let down?*

V *Basically because he got away with it, in my eyes.*

[male victim of criminal damage]

Making a distinction between treatment and outcome is illustrated by the following from another victim:

I mean, it was very professional the way everything was happening, but just the outcome was a bit of a let-down

[male victim of assault]

It is clear that victims could have different views on these different aspects and their views on one aspect did not necessarily colour their views on another. There were examples where victims were satisfied with their treatment, satisfied the accused was found or pleaded guilty, but dissatisfied either with the sentence, or its implementation (discussed in more detail in the next section). For example, one

¹¹ The question wording being 'Overall how satisfied or dissatisfied were you with the contact you've had with the Criminal Justice System? Respondents choose an option indicating whether they were 'Completely, very or fairly satisfied/dissatisfied.

respondent, a female victim of violence, was happy with the support she received, was relieved at a guilty finding but also disappointed with the sentence when the offender was given a suspended sentence. For another male victim of violence the sentence of financial compensation was just what they wanted, but when it was not paid they expressed themselves to be extremely dissatisfied with CJS.

These differences can partially be explained by their answers to another WAVES question where prior data were available, namely whether they thought the sentence was fair. Here fourteen had indicated they thought it was unfair and ten thought it was fair at the time they were asked¹². In other words, we know from prior responses that it is possible to be satisfied with overall contact yet perceive a sentence to be unfair, and that this is supported by the qualitative interviews.

This issue raises questions about what is meant by 'overall' satisfaction with the CJS (and how it is measured). Specifically, some victims who were known to have responded that they were 'satisfied' to the WAVES satisfaction question when originally asked, had said they felt let down by the CJS, including a few who said that they would not act as a witness again¹³. We have seen how victims could distinguish between how well they were treated, and what they thought of the sentence passed. An interesting question regarding victims whose cases reach court is, at this most 'outcome'-focussed stage of criminal justice, what is the relative importance of procedural justice to satisfaction with the sentence? Interviews and group discussions suggest that the outcome and sentence are highly influential on victims' view of the CJS. The relative importance to the victim of the outcome compared to treatment warrants further exploration in future research on the experiences of such victims.

These interviews do suggest that some victims feel like they have made a significant effort to get to the point where they are prepared to give evidence in court, and if they, despite being treated well, feel like it was not worth it in terms of outcome then they may not see the benefit of having done so. It is also worth noting that dissatisfaction with the outcome was not confined to perceptions that the sentence was not severe enough. Often disappointment centred on it not being the *right* kind of sentence by the victim, or that the conditions of the sentence were not fulfilled.

Sentencing

Guilty pleas

All of the respondents in the sample were, deliberately, drawn from cases where either the defendant pleaded guilty or was found to be guilty in a contested trial (16 were guilty plea cases and fourteen contested trial cases). As such, this study does not explore reactions to acquittals. However, where there was a guilty plea, victims were asked for their reactions to the accused admitting guilt. This had particular

¹² Six did not have an answer for this recorded.

¹³ It is worth remembering that the WAVES overall satisfaction question focuses on 'contact'. Thus WAVES 'overall CJS' satisfaction scores may to some extent mask the dissatisfaction issues that victims had with the outcome of the process.

relevance to Green Paper proposals (now abandoned) to increase the discount for pleading early¹⁴.

For those accused who ultimately pleaded guilty, some had made an initial 'not guilty' plea and only pleaded guilty at a late stage. An initial not guilty plea followed by a later admission of guilt could be perceived as 'game-playing' by the victim with the objective of waiting to see if evidence was strong enough against them.

He was obviously messing about and just all of a sudden pleaded guilty.
[male victim of assault]

He was playing games with the court, because he pleaded guilty, then we went to court and then he changed his mind, he's going not guilty. So they re-arranged it. Then he pleaded guilty. Then he went into court and he said, "I'll plead guilty to this, but not to that". So he just played games really.
[male victim of assault]

He was trying to get away with it basically, and then, because of the evidence stacked against him, he pleaded guilty.
[male victim of assault]

Some victims were relieved or pleased that a guilty plea had been entered. One reason provided for this was because it meant that they didn't go through the daunting experience of giving evidence.

Int How do you feel about the fact they'd pleaded guilty?

V I was happy about that.

Int Why were you happy about it?

V Because I didn't have to go and give evidence
[female victim of assault]

This could be the case even where the guilty plea came in late:

V He was pleading not guilty right up until he went into court.

Int How did you feel about that?

V I was pleased in a way that I didn't have to give evidence
[male victim of assault]

¹⁴ For further discussion of attitudes to guilty pleas, see recent Sentencing Council research on attitudes to guilty plea sentence reductions [http://sentencingcouncil.judiciary.gov.uk/docs/Attitudes_to_Guilty_Plea_Sentence_Reductions_\(web\).pdf](http://sentencingcouncil.judiciary.gov.uk/docs/Attitudes_to_Guilty_Plea_Sentence_Reductions_(web).pdf)

In terms of applying a discount for pleading guilty, generally those who had a view felt that a discount for a guilty plea late in proceedings was not a good idea.

If you want to bugger about, take it all the way, and then the last minute say, "I did it", you're still going to get something knocked off. There should be none of this knocking anything off.

[male victim of assault]

If you get a remand hearing, like the next day when he's been arrested or whatever, and he pleads guilty at that point, fair enough. You're putting your hands up and saying, "fair cop". But if you've pleaded not guilty at that point and waited two months to go to court, and then you turn up on the morning and go, "Actually, I plead guilty", you know – there's public money's been spent then – the magistrate, and the CPS and the witnesses have all been brought to court. It shouldn't make a difference. I think there has to be a point where you say, "All right, if you're willing to deal now, fair enough, we'll knock two months off your sentence".

[male victim of assault]

For victims where the trial had been contested, victims expressed relief at the finding of guilt, and in this respect could view justice as having been served. However, victim views on outcome were often coloured by the subsequent sentence passed.

I got a guilty plea, but I wasn't overly pleased with the whole outcome really

[female victim of criminal damage]

The research demonstrates how victim satisfaction/dissatisfaction with the CJS experience can be understood according to different aspects of justice. So whilst treatment and support at court may reflect *procedural justice*, a guilty outcome can be characterised as *justice being served*, and the sentence itself as *justice carried through*. The latter two aspects appear from the interviews to be most closely connected, in that the decision made by the court (what was sometimes described as the 'result') is closely linked with the outcome of that decision in the victims view. The focus on the sentence as outcome is likely to be particularly relevant to guilty plea cases where the decision/result has already been established.

I feel that [the sentence] was really unjust, although they found him guilty and they said that I was a believable witness. They did believe me. I just felt it left a bit of a bad taste in as much as I got the decision I wanted, but not the outcome.

[female victim of criminal damage]

Expectations

Whilst victims generally had few expectations of what going to court would involve, and what their role would be, some did have an idea of what sort of sentence the offence deserved. In some cases, victims had their expectations managed by criminal justice agencies such as the police, whilst others had (albeit broad or vague) expectations based on what they had heard about the offender (e.g. their previous record). Those factors were sometimes connected, in that the victim had been informed about the defendant's prior record, as well as expectations formed from prior acquaintance between the victim and the offender, however casual.

I was told by the police that I probably wouldn't be able to recover the whole amount; that I'd probably only be able to recover my losses. And I felt that was grossly unfair, because I had to claim on my own insurance to get my car repaired.

[female victim of criminal damage]

[The police said] "He's usually quite lenient to them". I thought, 'Oh, so he's going to get away with it'. They said, "Well, he won't, but he's normally quite lenient".

[male victim of assault]

I know he had criminal previous and I think that, given his background, he should have gone to prison.

[female victim of assault]

He's attacked people before for no apparent reason apparently and basically he's done it again and he's got away with it...well, a suspended sentence.

[male victim of assault]

Understanding the sentence

The interviews and groups also explored victims' understanding of the sentence passed, given that there have been calls for more clarity in sentencing. At least in broad terms, most victims in this study felt that they understood or at least had an interpretation of what the sentence imposed involved.

It didn't really need explaining. I mean, it was pretty much obvious [tagging order and financial compensation]

[female victim of assault]

I think it was obvious what it meant, but I don't know whether it was explained

[male victim of assault]

The findings do not suggest that an explanation of an individual sentence is unnecessary. On the contrary, they indicate that victims often have a broad understanding of what different sentence terms mean. It may, however, be one thing to generally understand what is meant by a suspended sentence, community order, custody etc but another to have a sense of the practical implications of the sentence. Few victims interviewed expressed a detailed sense of what the sentence would involve, aside from fines and financial compensation (discussed in more detail later).

The relevance of the sentence

Dissatisfaction with sentencing related to either what was considered the relevance of the type of sentence, the severity of the sentence, or the lack of fulfilment of the conditions of the sentence. The research suggests that victims can want to see sentencing that they consider appropriate and proportionate to both the amount *and the type* of harm they experienced. Some victims cited sentencing elements that had little value for them or perceived relation to the circumstances of the crime. As such, some sentencing decisions seem a little nonsensical.

I just feel that, because she became pregnant after the incident, her ban from pubs and clubs didn't really affect her because she didn't go out.

[female victim of assault]

I think tagging needs to be linked to the crime. If its anti-social behaviour and they're known to be out and about doing something, tagging is effective. But from my own experience, the perpetrator of the crime against me [received tagging as part of their sentence], and it was not in that spectrum. It was an assault, and I didn't understand the relevance of tagging him. I mean a magistrate made that decision and that's what they went with, but as a victim you think, 'Well, what use is that for what he's done?'

[male victim of assault]

The research suggests that lack of consideration about what would be the most appropriate sentence given the harm the victim suffered is an important issue when considering a victim perspective on sentencing. Rather than simply a question of whether a victim's views should influence sentencing, the question is whether knowledge of the harm they suffered should influence the sentence. The interviews highlight that victim satisfaction could relate to the perceived appropriateness or relevance of the sentence to the circumstances – of the crime and of the harm to the victim. This issue is brought into sharp relief in relation to compensation which is discussed in the next section. The research suggests that, from the victim's perspective, the harm on the individual victim should be properly explored in order to inform sentencing.

For the victim, the importance is likely to lie in it being a sentence that makes sense to them, raising the question of whether we can improve victim satisfaction by

understanding better the harm they have suffered and through imposing the most appropriate sentence to that harm within the relevant guidelines.

Some victims did question the severity of the sentence in their case. For example, in one case the offender received a suspended prison sentence but the victim felt the crime deserved custody:

I'd have said he'd be looking at two years jail sentence.

[male victim of assault]

In another, the order to pay financial compensation was considered unfair given the perceived severity and violent nature of the crime:

I thought it was unfair for what the lad got, because he could have killed me basically.

[female victim of assault]

Suspended sentences (and conditional discharges) received criticism mainly because they were perceived as being about future behaviour and therefore least connected to the harm suffered by the victim. They could be considered as a punishment that only became relevant if another crime was committed.

I think, when I read that, to me it was sort of like there's a let off to that, if I'm honest.

[male victim of assault]

Basically, if he commits any other crimes, it comes back into play. The guy was a nasty piece of work, to be honest. He'd done what he'd done to me prior, and the police said he would go down, but he didn't. He seemed to escape it so I was a bit let down.

[male victim of assault]

One respondent expressed a preference that a community order involving community payback had been imposed over the suspended sentence actually imposed. She felt that would have been a more tangible punishment.

Getting her cleaning public toilets or something, just make her think, 'Well, I shan't go round hitting people again'.

[female victim of assault]

Another victim of criminal damage felt let down by the conditional discharge sentence, as they felt the crime clearly warranted financial reparation

I understand if he gets into trouble in that year it will come back up, and he gets done for that, yes, but to me it didn't make any difference. I was the one who was out of pocket and my property had got smashed up and everything.

[male victim of criminal damage]

Those victims whose cases resulted in a custodial sentence thought that it was the appropriate type of sentence but could be critical of the practice of automatic release, meaning that the offender would generally serve only half of the length of custody imposed.

You know anybody that knows the law will say if somebody gets a twelve month sentence they'll be out in six. It's always the same. Always has been. I'm not even quite sure why they do that.

[male victim of assault]

We were slightly happy that he did get three years, because we thought anything less we'd have been robbed. But the wife and myself, like I say, naturally we'd have sooner he served the whole three years.

[male victim of assault]

What I would like to see in all honesty – if they are going to give time off for good behaviour or whatever – if they've served two-thirds of the sentence that other third is not gone, they should be made to work in the community. If it's cleaning streets or whatever, that third should be done to pay back to the community.

[male victim of assault]

A further potential source of disappointment with the sentence was where the sentenced hadn't been fulfilled, examples of which related to financial compensation to the victim.

He was given a two-year supervision order, or bound over for so long, and he was ordered to pay compensation and I have never received a penny.

[male victim of assault]

I was happy with [the sentence]. But I was under the impression that I was going to get my money back.

[male victim of criminal damage]

Financial compensation

Financial compensation is somewhat of a special case as a sentence. It is at least partly reparative in aim, directly involves the victim, and the victim is likely to know whether it has been satisfactorily completed. The Ministry of Justice Green Paper proposes a greater use of compensation orders by imposing a duty on sentencers to consider making an order in any case where there is a direct victim. For eight of the eighteen victims interviewed by telephone, financial compensation formed at least part of the sentence and for further four where it had not, the victim expressed a desire that it had¹⁵.

¹⁵ Financial compensation was also part of the sentence for several group discussion participants.

Victims held varying views on financial compensation. The research suggests that financial compensation can be very important to victims if they have suffered financial loss or the damage of property (including where this occurred as part of an assault). Certainly for some respondents, compensation was what they hoped for, especially where the main consequences of the crime had been the loss of money or the damage of property.

That was all I wanted. All I wanted was my money back

[male victim of criminal damage]

If somebody said to me, "What do you want in court?", and I could have said anything, all I would have said was, "I've got my guilty verdict. I just want the money back that he'd cost me."

[female victim of criminal damage]

The above quote highlights how the victim had a clear idea of what would be appropriate, but also how sentencing practice does not necessarily adequately reflect the effect of the crime on the victim. While a victim's opinion on a sentence is not relevant to the court's decision, the effect of the crime or the harm caused by it is surely a relevant consideration for the courts and one which the Sentencing Council are seeking to achieve through their new guidelines

For cases where the victim was awarded compensation without having suffered material loss, compensation could be less expected though still welcomed:

I was quite pleased, because I wasn't expecting a compensation to be paid to me.

[female victim of assault]

Neither of us were particularly worried about compensation. It didn't actually cost us any money, obviously, what happened, but obviously that must be something which the magistrates themselves are advised in terms of "this is the sort of level of compensation you would award".

[male victim of assault]

Interestingly victims interviewed saw different kinds of value in ordering financial compensation as part of the sentence. Certainly some saw compensation wholly in restitution terms in addressing the financial loss suffered:

When I mean "compensation" I don't mean like, "Oh, she hurt my feelings and I need to be compensated by that". Just for things that she's physically damaged.

[female victim of assault]

I'm obviously happy with the guilty verdict. He was guilty. As I say, if I'd have just got the money back to pay off my insurance, that would have made me feel that I'd got my just desserts.

[female victim of criminal damage]

I think it didn't help me putting them in prison. It was better for me if they were outside and they was paying me some sort of compensation for the crime that they have committed.

[male victim of burglary]

However, in addition to the restitution dimension to compensation, some victims valued the financial punishment for a combination of factors, including its punitive value, its potential deterrent value, and others for its symbolic value.

I was out of pocket from it, and I didn't even do anything wrong, so, yes, I think that's right that she has to pay a fine, and I know that every time that money comes out of her bank account, or wherever, she must think back to what she did and I'd like to think that she regrets it.

[female victim of criminal damage]

I think [financial compensation] is important because, at the end of the day, you've done nothing wrong and then you've got to replace stuff. She had a whacking big fine for the court. It was like 700 and something pounds. But then I got 50 quid. She wouldn't have that sort of money, so I believed she was getting kind of punished by having to pay.

[female victim of assault]

Indeed there were a couple of examples where the primary value of compensation was considered to be its punitive bite.

I just felt that the only way to hurt people like that is in their pocket.

[female victim of criminal damage]

He's not going to really like the fact that he'd have to pay compensation, so it – to me it seems like more of a punishment than a suspended sentence, definitely.

[male victim of assault]

It would have been a punishment, because it would have meant that his money would have been less, and he would have had to suffer for causing damage, and maybe then he might next time think about what's smashing people's property and whatever.

[male victim of criminal damage]

For some there may also be a 'symbolic' value, in that the compensation order acts as recognition of the harm caused to the victim, such as the example below:

It wasn't a huge amount, but I think maybe just to be acknowledged for it. Maybe I didn't go to work a few times, and stuff like that, so [financial compensation] sort of helped. Though I weren't overly passionate about it, I think that helped in that way. But just the acknowledgment of it rather than the amount, I think, was good.

[male victim of assault]

On the other hand, to one victim, the financial compensation ordered as part of the sentence was seen as irrelevant – because of its inability to repair the physical and emotional harm they suffered.

£250 is a paltry amount anyway. It's not going to change my life, and it's not going to replace my dignity, and it's not going to replace my anguish or my family's anguish, what they went through. So, no, it doesn't mean a thing.

[male victim of assault]

Compensation received

The other prominent issue in discussing financial compensation was payment. Victims raised issues about the amount of payment, the rate of payment, and the completion of payment. Positive attitudes towards compensation were often tempered by concerns about the mechanics and fulfilment of payment. As mentioned previously, with this kind of sanction the victim should know whether it is fulfilled. If it isn't, it has the potential to dissatisfy victims and there were examples of this being the case amongst those interviewed. This was particularly the case where financial compensation is what victims wanted as an outcome from the outset.

The only thing that I'd say wrong about it is what happened to the person who done it. I got an award of compensation over a year and half ago and I've still never seen nothing of it.

[male victim of criminal damage]

There were mixed views on the rate of payment. Some were not happy about the small instalments (typically £10 a month) that the compensation was to be paid in.

V I ended up getting £10 a month or something.

Int How did you feel about that?

V I was really angry about it, to be perfectly honest.

[female victim of criminal damage]

One respondent, dissatisfied with payment by instalments, suggested that the court should pay the compensation up front with the offender then required to pay back the court.

I think what peeved me was that they can dictate how they pay it – and, like, over so long. It should be surrender the money to the court within so many days, or property to the value will be taken. “You’re a criminal. You’ve been imposed a fine and compensation. You pay it. You don’t go off and only afford a tenner a month”.

[male victim of criminal damage]

Another suggested there should be measures to deduct payment from wages or benefits:

If you’re made to pay compensation they should make it so he hasn’t got an option. He’s got to pay – i.e., like I say, take it out of your dole or take it out of his wages

[male victim of assault]

Other victims felt that compensation in small instalments was acceptable if the court had established that offender would have difficulty paying large amounts.

V Obviously if he can’t afford it, he can’t afford it. I imagine the court goes into his finances in some detail to find out whether he can or can’t afford it. If he can’t afford it, you can’t get blood out of a stone, can you?

V I’ve been getting them. Not regularly, but I have been getting them.

Int How do you feel about it being paid in instalments?

V Had she been someone who didn’t have children and was within work, I would have said that weren’t good enough, but because she’s got children and she doesn’t work, that’s the only way I’m going to get it. So that’s fine.

[female victim of assault]

A greater concern than the rate of payment was where the compensation wasn’t paid at all, or had begun to be paid but instalments had stopped.

He got told he had to pay £200, but I was given £10 and that was it.

[male victim of assault]

I think he got 40 hours community service, and he was told to pay me £50, but to be quite honest I think I’ve seen about £1.50 of it.

[female victim of assault]

I just think it’s a waste of time. You get [awarded] compensation and you don’t even get [receive] it. It’s stupid really.

[female victim of assault]

A significant part of the frustration with apparent non-payment involved a lack of information from the CJS about how or whether payment was being pursued (and how compensation is paid generally).

The court have never phoned me for bank details. I don't know how he's paying, you see. I don't know whether I get a cheque or whether it goes into the bank or anything at all. No one's ever said, "Oh, by the way, when we get like half the money we'll give it you", or when he pays it we get it, or we get a cheque or anything like that. Nobody's ever said anything.

[male victim of assault]

I waited like half a year and I rung them and they said, "Well, we've got bailiffs ready to go to the house to reclaim the money", but then that was seven months ago and I still haven't heard from them.

[female victim of assault]

I've rung up the court no ends of times and they just keep fobbing me off, or, "Someone will ring you back", or, "This person's off sick".

[female victim of assault]

Some victims did not know how they were supposed to receive payment, or who to talk to about it, or had to chase payment, putting into question how efficient or clear the aftercare is for victims in relation to compensation (and post-sentence more generally).

Asked about whether the Green Paper proposal to expand the use of financial compensation was a good idea, respondents were generally supportive, though support was sometimes qualified, dependent on it being properly enforced, or questioning the practicality of obtaining payment from those that did not have the means to pay.

If they can enforce it then yes, but if they're not going to bother, if they can't be bothered to do it, which obviously they can't, then they're wasting everyone's time then, aren't they?

[female victim of assault]

He was fifteen, not working. Even if they were eighteen and working, or semi-employed or whatever, you know, you could wait about a hundred years before you get your money back, won't you. So it all sounds very nice, but in practice I'm not sure whether [increasing use of financial compensation] would work. It depends on the court, how they'd deal with it

[male victim of assault]

In conclusion, financial compensation is certainly desired by some victims, appreciated by others, and can be seen as a preferable punishment compared to some other sanctions. Understandably compensation has most relevance to victims where they have suffered material loss, though it can also have punitive and symbolic value. The appreciation of compensation as a sentence can be severely diminished where it is not completed or enforced. Increasing its use may be welcome though careful consideration should be made, both to the appropriateness to the individual case, and to practicalities of ensuring it is paid.

Victim Personal Statements

The Victim Personal Statement (VPS) was introduced in 2001, allowing victims to set out the harm suffered as a result of the crime. It potentially provides victims with an opportunity have their voice heard in the criminal justice process, though its specific purpose is a source of debate. According to WAVES in 2009/10, just over two-fifths (43%) of victims remembered being offered the chance to make a VPS and of those that did remember 55% said they made one¹⁶.

In both the discussion groups and interviews, victims were asked for their views on VPS. Only a few had heard of, or remember being offered a VPS. This may to some extent reflect low rates of recall in the WAVES survey finding that which raises questions about how consistently and/or clearly they are offered to victims.

Int Were you offered the opportunity to make a victim personal statement?

V No. I don't think so - I'm not sure. I may have been, but they might have put it a different way....but I wasn't aware, no.

[male victim of assault]

In one case the victim had a strong desire to convey how they were affected, but hadn't been given the opportunity.

That was my biggest grievance. The one thing we wanted to do was go to court. I wanted to tell them how I felt that night – to watch your wife literally die twice on an operating table and then being brought round...this was the one reason for going to court, because we wanted to do that, and I think we asked about it, and they said, "No, he's pleaded guilty. It's all done and dusted".

[male victim of assault]

As few victims had remembered being offered the VPS, discussion of the VPS focussed on victims *receptiveness* towards the initiative and their interest in having

¹⁶ The VPS is taken early in the process when the victim makes a witness statement, and often long before victim knows if case comes to court. For a review of the empirical evidence relating to VPS see the recent Victims' Commission publication 'Victim Personal Statements at Sentencing: A review of Empirical Research by Roberts and Manikis (2011).

made one, rather than direct experience of making one. Two victims did remember being offered the opportunity to make one, but in these cases decided not to.

I just didn't feel it was a big a deal enough for me to worry about how I felt and stuff.

[female victim of assault]

Some considered the importance of having an opportunity to make a VPS was dependent on the seriousness of the crime (particularly in terms of physical and emotional harm). Other research evidence has suggested that VPS is more important to victims of serious crimes¹⁷.

I think it depends on the level of the crime, to be honest. I'm not saying what happened wasn't nasty, but it wasn't severe So it depends on the seriousness.

[male victim of assault]

For people that have been, you know, injured seriously or otherwise, you know, I think that's really a good idea.

[female victim of assault]

It did affect my life because it made me homeless [the victim moving away from the area to avoid the offender] but I think if it was something where, you know, slashed my face and I've got to live with it, then I probably would want her to know what she's done to me mentally.

[female victim of assault]

Perceived benefits of the VPS

Whilst some respondents such as the above thought that VPS was more important for more serious offences, views on VPS were generally that it was a good thing that victims should at least be consistently offered and it could be positive (and very important to some) in giving the victim a voice in the process. In terms of the perceived value in making a VPS a variety of different reasons were cited as to why it could be beneficial. These included:

- a) Helping the court to understand how they were affected, giving the victim a voice in the process.

So you're not just another number, another case.

[male victim of assault]

Where it happened wasn't far from where I worked, so I didn't feel particularly good about going back to work. So none of those details really came into court at all [having not been offered a VPS].

¹⁷ See Roberts and Manikis (2011).

[male victim of assault]

- b) Having expressive value by allowing victims to vent their feelings and emotions in order to help them to move on.

I don't know about what sort of impact it would have made, to be honest. I think, to me, just because it had been said, I'd feel better about it; that they sort of would understand more that wasn't just the actual event that happened. There's also an after as well.

[male victim of assault]

You go through so many different emotions when you've been a victim of crime anyway, and I think for everybody in the courtroom, especially the people that have done crime, I'd say that they would regret it when they know your feelings about it, but I think then you can get some of that emotion out and then let people know just how it's made you feel – how scared and intimidating it can be. It's got to be a positive, I think.

[female victim of assault]

- c) Forcing the offender to consider the impact their actions have had, encouraging deterrence

It might make them think twice about doing it again. Whether it would or not, I don't know. I think it would make the victims feel better. It would have probably made me feel better...I think it would also make the perpetrator realise, or might have realised how it had affected you, rather than they've just done something, taken to court, they only get punished, end of story. They don't really know then how it had affected you, the family, how you feel; which would open their eyes up to that part of it, I would think. Whether it makes a change, or makes them think about what they've done, in the future, and not tried to do the same thing again, I don't know. But it would also make me feel better to know that they are put in the position to know how I feel and how it's affected me, which I would think would be a good thing.

[female victim of assault]

- d) In order to inform sentencing, and so having some instrumental value in determining the most appropriate sanction from the victims' perspective e.g. the amount of compensation.

But I think for me the point of it would be that all the magistrate or the Judge has to go on is when you walk in the courtroom and introduce yourself, your profession or whatever... that's all they know about you. They don't know anything else about you, and if they've got the option to give a tagging sentence and court costs, or a custodial sentence, if you put forward the impact as a victim, that could sway their decision to go

for a custodial sentence or whatever, because of the impact that individual has had on you as a victim.

[male victim of assault]

The VPS is taken at the same time that the victim makes a witness statement to the police¹⁸ although it can in theory be added to at any point before the court hearing. The research revealed some differing opinions as to when it was most appropriate to make such a statement.

Maybe at the beginning, when it just happened, is probably the time you're most upset about it.

[male victim of criminal damage]

Because of the way things progressed, for me it got worse as it went on, regarding my job. So me making a statement at the beginning of it wouldn't have been any help.

[male victim of assault]

Purpose of VPS

Criticism of the VPS initiative tended to centre on a lack of clarity about its purpose in proceedings, and what the point of it was if it did not have an impact on sentencing.

I was told that by a witness statement the Judge can sort of get a better feel as to how it has affected your life, and to sort of give him a clearer point of view. That's what I was told. I didn't understand that. I thought, 'Well, no, because if someone's charged with a certain offence he's already told what that sentence is for that offence'. He's got guidelines for the offence so what does the witness statement actually achieve? ...So I thought, 'What does a witness statement, impact statement do?' And I wasn't really clear on that. And I'm still not really clear on that now.

[male victim of assault]

I'm not sure it's not a bit of a gimmick. You're [the court] pretty keen on me giving what impact it had on me and how it affected me personally, but what difference does it make really, at the end of the day?

[male victim of assault]

The research suggests that VPS is likely to have different kinds of value to victims and should be offered more consistently and clearly, but that the purpose or purposes of the statement should be made clear to victims. This may be of particular importance for serious offences.

¹⁸ The similarity in terminology between the witness statement to victim personal statement may well add to the confusion of whether a victim will remember having made one

Restorative Justice

Respondents and group participants were asked about their knowledge, experience and views regarding restorative justice (RJ). Restorative processes have been described as offering a number of benefits for victims including the opportunity to express their feelings about the crime and its harm directly (or indirectly) to the offender, to get answers to any questions they have, and potentially receive reparation and/or an apology. The Ministry of Justice Green Paper outlines a commitment to ‘increasing the range and ability of restorative justice approaches to support reparation’.

However, despite a variety of RJ schemes across the country and an increasing profile, to a large extent RJ operates in the margins of the criminal justice process, particularly in post-charge cases. The WAVES survey reports that only 7% of post-charge victims say they had been asked to take part in an RJ scheme. None of the respondents in this study had been invited to participate in some form of RJ, and very few had heard of it. Similarly to VPS, victims therefore gave their views on receptiveness towards participation once provided with a short explanation of RJ.

Three victims were receptive to the idea of meeting the offender, the first citing a potential interest in knowing more about the crime and the others the possible preventative benefits for the offender.

I don't know. I'm not sure. Maybe I would want to know why, the reason behind the crime, and things like that, because it was all a bit confused, and things like that. So maybe. I'd have to think about it. I wouldn't say no straight away.

[male victim of assault]

Well my case was more of a youth crime, so in that case I would say yes, the more you talk to young kids the better. But for something – a serious crime such as a rape or other things – it could be quite frightening.

[male victim of assault]

I think [the offender] would have been uncomfortable about it. And maybe that might have been enough for him to stop doing the crime again, or doing another crime.

[male victim of assault]

However, the majority of victims interviewed or participating in the discussion groups were not interested in communicating in this way with the offender in their case. Explanations tended to focus on not wanting to see the offender because of their perceived character or attitude, or (bearing in mind the number of assault cases) due to the violent nature of crime.

Oh God, no. I don't ever want to see her again if I don't have to.

[female victim of assault]

Because she jumped me I'm not going to want to be in the same room. If she had to do it, it would be false. It would be lies. Because the court has told her she's got to do it. Because I know her personally – if it was voluntary she wouldn't say yes anyway. And I don't really know – she's the sort of person where, in her head, she's right. You'll never get her to admit she's wrong. I can't imagine how I'd get anything out of going there, her being all cocky and me saying, "Are you going to apologise?"
No.

[female victim of assault]

I think definitely at the time, and even still now, I don't really want to see them.

[female victim of assault]

I know it would have served absolutely no purpose. He's a very arrogant man.

[female victim of criminal damage]

Although most victims were firm in their views that RJ (at least in terms of direct communication with the offender) was not something they wanted to participate in, some recognised that it could be beneficial to other victims, depending on the circumstances.

I'm sure it has to be one of these things which is just on the merits of the individual crime. I won't imagine what happened to us there'd be any benefit. In fact I don't think either of us wanted to ever see him again, so I don't think we would have met him face-to-face.

[male victim of assault]

It depends on the person, I would imagine, wouldn't it? Some people would love to say, "Do you know what you've done to me?"

[male victim of assault]

I suppose if he was apologetic, if he was regretting what he was doing then fair enough, they could at least give a person the opportunity, if they wanted to.

[male victim of criminal damage]

It literally depends on how they [the victim] feel about it really. I wouldn't want to see any pressure put on anybody to do it, that's for sure.

[male victim of burglary]

For that sort of thing to work, they need to be genuine.

[male victim of assault]

The research suggests that RJ might be appropriate for some victims given certain conditions but that it is not likely to be of interest to all victims. Factors considered important included genuine remorse on the part of the offender and an interest on the part of the victim of getting answers to questions they have about the crime. Doubts about what RJ could achieve may reflect a lack of awareness about the process and any potential benefits, but also highlight the challenge in promoting its use. Although interest in RJ amongst this group of victims was low, views on VPS showed a level of interest in letting the offender know how they were affected.

General reflections on the crime and experience of CJS

Respondents were asked what, if anything, was the lasting impact of both the crime and their participation in the CJS. Views on the former fell broadly into three categories. Firstly there were those that had moved on completely and for whom the crime was largely forgotten:

Int Looking back what, if any, impact has the crime had on your life?

V Not much really, because I think I'm perhaps a – you know, I'm a strong personality so I've managed to kind of brush it away.

[male victim of assault]

Secondly some victims had become more cautious or wary as a result of the crime:

I make sure my door's locked, and I've got more bolts on it. I'm more wary of everybody now.

[male victim of criminal damage]

I'm a bit more nervous out and about. It's got better since – over the last year or so, but there are situations that I've been in and I feel a little bit more anxious.

[male victim of assault]

Finally, some said their lives had been significantly affected, whether practically, physically, or emotionally.

Well I actually moved away from there, where I was living in, because I knew repercussions would happen to me.

[female victim of assault]

I've chose to move to a different town, just so I haven't got to bump into her, because she's friends with some of my friends, so I don't speak to them any more. I don't want, you know, the stirring going on. I've moved away so I don't have to, you know, see her in shops and stuff. But, to be honest, it isn't the end of the world.

[female victim of assault]

The fact that I've got a five to six inch scar on the forehead.

[female victim of assault]

In terms of victims' experience with the CJS, again there were a range of views. As discussed previously, several victims made a distinction between how they were treated and the outcome. For those unhappy about the sentence, there was lasting disappointment:

I've always been a real law-abiding citizen. I've always kept myself within the law, and I've always believed, you know, the justice system had worked, until I actually got involved with it, and I was so let down. So let down.

[male victim of assault]

Just a bit bitter about the money.

[male victim of criminal damage]

I've wasted four days of my life – going to court for nothing.

[male victim of assault]

When sentencing was given I was happy, because I was getting my money back. But if it was to happen again i.e. I've not got my money, what's the point in going to court?

[male victim of assault]

For some victims, dissatisfaction with the outcome made them question the value of going through the process in the first place.

If anything had happened again I wouldn't really go to the police about it.

[male victim of assault]

There is a danger then that dissatisfaction with the outcome could lead to disengagement with the CJS, although it is open to question whether this would actually be the case if they were a victim again. The WAVES survey found that 90% of victims said, if they were the victim of a similar crime again, they would report it to the police. In this study, those that stated a willingness to attend court (should they be a victim again) tended to say they would do so out of a sense of duty, even if their experience had not been satisfactory.

If laws are being broken then you need to go to say what's happened.

[female victim of assault]

I would, just on principle.

[female victim of criminal damage]

Yes. I would do, because you can't let them get away with it.

[male victim of assault]

Conclusion

This report shows how victims can have a significant interest in court proceedings and the outcome of those proceedings. It also demonstrates how they can have an interest in justice aside from simply being treated well during the process, important though that can be. Some victims had strong views about the appropriateness of the sentence and some held the view that the sentence did not really reflect the impact the crime had on them. Victims' views on financial compensation reveal how restitution from the offender can be important to the victim practically and symbolically. Such sentences not being fulfilled can disappoint victims and wipe out their previous satisfaction with the outcome (for example, that guilt was established and compensation awarded).

The findings also demonstrate the importance of the court (and offender) understanding what impact the crime had on them. Victims can feel that how they were affected by the offence remains relatively unknown to the court and not reflected in the sentence passed. The VPS could play a more important role in giving victims a voice in proceedings and better informing the court with information relevant to sentencing, but for the victims participating in this research at least, the use of VPS was the exception.

The research also challenges the idea that victims will always want the most severe sentence possible. The victims participating in the interviews and groups had more nuanced views on the appropriateness of sentencing, namely that they wanted it to reflect harm caused to them, had a preference for tangible sanctions (over suspended sentences, conditional discharges etc.) that were fulfilled and properly enforced. The findings suggest that the victim experience of court can be improved, not just by treating victims well during their time at court, but by properly exploring the harm to the victim in order to make decisions on the most appropriate sentence. It is this dimension of the victim experience of criminal justice where it would appear there is a good deal more that could be done.