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Discerning Justice: A Quantitative Analysis of Juvenile Offenders' Perceptions of Interactional  
and Procedural Justice in Restorative Conferencing

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## **ABSTRACT**

### **Discerning Justice: A Quantitative Analysis of Juvenile Offenders' Perceptions of Interactional and Procedural Justice in Restorative Conferencing**

**By Talia Nicole Gilbert**

Research suggests that restorative justice (RJ) conferences are more effective than standard court proceedings in promoting perceptions of justice for victims, offenders, and the community. This study uses data from the Australian Reintegrative Shaming Experiments (RISE) to examine the elements of the adjudication process most influential in shaping juvenile offenders' perceptions of justice. I evaluate perceptions of two distinct types of justice: interactional and procedural justice. I consider the impact of the offense-type (victim or victimless), adjudication treatment (RJ conference or court), and offender's experience of shame processes (shame and reintegrative shame) on justice perceptions. Results confirm expectations that juvenile offenders who go through RJ conferences have greater perceptions of justice than those who go through courts. Contrary to expectations, findings also show that among juvenile offenders who go through courts, those who committed a victimless crime perceived more interactional justice than those who committed a crime with a personal victim. Regardless of offense type or treatment, however, support, as measured by the strength of juvenile offenders' relationships to others at the adjudication, was consistently and positively related to perceptions of justice. Overall, findings support the need to distinguish between perceptions of procedural and interactional justice. They also indicate that RJ conferences may not always be the most effective adjudication treatment. As future research develops on the specific components of RJ conferences that engender perceptions of both kinds of justice, practices proven to evoke greater perceptions of fairness for juvenile offenders should be implemented in the current court system.

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## TABLE OF CONTENTS

I. Introduction.....	1
II. Literature Review.....	4
III. Methods.....	15
IV. Results.....	21
V. Discussion and Conclusion.....	25
VI. References.....	32
VII. Tables.....	37
VIII. Appendix A.....	43

## LIST OF TABLES

1. Total RISE offender interview response rates .....	37
2. Correlation matrix.....	38
3. OLS for the effects of treatment type, offense type, and shame processes on perceptions of interactional justice and procedural justice.....	39
4. OLS for the effects of treatment type and offense type on shame processes.....	40
5. OLS of simple main effects within treatment on perceptions of justice.....	40
6. OLS of simple main effects within treatment on shame processes.....	41
7. OLS for the effects of treatment type, offense type, and shame processes on perceptions of interactional justice and procedural justice, excluding the “support” control variable.....	42



## INTRODUCTION

*“This conference will focus on an incident which happened (state the date, place and nature of offense without elaborating). It is important to understand that we will focus on what (offender name/s) did and how that unacceptable behavior has affected others. We are not here to decide whether (offender name/s) is/are good or bad. We want to explore in what way people have been affected and hopefully work toward repairing the harm that has resulted. Does everyone understand this?”* (Wachtel, O’Connell, and Wachtel 2010:1)

Restorative justice (RJ) programs serve as an alternative to conventional criminal justice system responses to delinquent or criminal behavior. As the label suggests, these programs emphasize offender rehabilitation and victim and community healing, which is in contrast to the standard retributive model driven by offender punishment and victim exclusion. The theoretical idea underlying these programs is that crime is much more than a violation against the state; it is an interpersonal violation that causes harm to people, relationships, and the local community. In practice, restorative programs respond to crimes through addressing interpersonal wrongdoings by inviting all primary parties affected by a crime to engage with one another in a dialogue about how to repair harm done and move forward towards justice. Marshall (1999:37) offers the most commonly accepted definition of RJ as “a process whereby parties with a stake in a specific offense collectively resolve how to deal with the aftermath of the offense and its implications for the future.” As RJ has transformed from theoretical ideal to an established network of programs endorsed by the United Nations and implemented through legislation globally, research and program analyses have developed as well.

RJ programs aim to make the justice process more healing and transformative by increasing the decision-making power of those most affected by the crime (Zehr 2002). Ways to achieve this goal differ among programs. Examples of differences across programs include the program facilitator (trained volunteer, RJ professional, or police officer), participants (only

victim and offender, or additional supporters and community members), and program sponsor (government or private organization). Data analyzed in this paper come from a RJ program that utilizes the “Wagga Wagga” family group conferencing (FGC) model. This model is facilitated by a police officer, includes family and community members in the RJ process, and can be run by either the government or a private organization. While RJ programs seek to address both offender and victim needs, the FGC model is especially beneficial for offender rehabilitation because the presence of offenders’ loved ones in the conference room enhances offenders’ understandings of the impact of their actions on others (Umbreit, Coates and Kalanj 1994). In my study I focus specifically on offenders’ experiences with the conferencing process, rather than victims’.

Studies of RJ programs have generally shown that offenders are more satisfied with conference outcomes than with standard court rulings (Angel et al. 2014; Hipple, Gruenewald, and McGarrell 2015; Latimer, Dowden, and Muise 2005; Sherman and Strang 2007; Strang 2002). These studies have also shown that offenders’ satisfaction with adjudication processes is rooted in their perceptions of justice. When offenders receive unfair outcomes, they are less likely to be upset if they feel they were treated with respect and given a chance to state their case during the hearing (Hegtvedt, Clay-Warner, and Johnson 2003). RJ conferences tend to engender high perceptions of justice among offenders because of their collaborative adjudication process.

While justice perceptions can be measured in different ways, this study focuses on offenders’ perceptions of interactional and procedural justice. Bies (2001) defines interactional justice (IJ) as the interpersonal treatment an individual receives from another person, and Jost and Kay (2010) define procedural justice (PJ) as decision-making processes intended to preserve individuals’ basic human rights. When individuals feel their basic rights are violated as a result

of disrespectful treatment or biased decision-making during the justice process, they perceive low levels of system justice. They are not likely to “buy in” to the legal system as fair or legitimate and are thus more likely to reoffend in the future.

Offenders’ perceptions of justice may also be influenced by whether they experience shame or reintegrative shame (RS) processes. Braithwaite (1989) defines shaming as expressions of disapproval that invoke remorse in the individual being condemned. He claims shaming is reintegrative when expressions of disapproval are aimed at an offender’s act, rather than the individual him/herself. Offenders’ experiences with shame fundamentally influence their takeaway perceptions of justice from criminal proceedings – both traditional courts and RJ conferences. Shame can either work to reintegrate an offender back into society or further isolate him or her. Furthermore, the impact of shame processes on offenders’ perceptions of justice may depend upon other factors as well, such as whether the offender committed a crime with a personal victim or not.

In this paper I analyze data from a RJ program conducted between 1995 and 2000 in Canberra, Australia called the Reintegrative Shaming Experiments (RISE). These experiments are the largest and most analyzed study of the RJ FGC model to date. Thousands of conferences took place addressing four types of crime: drunk driving with no personal victim, shoplifting with no personal victim, property offense with a personal victim, and violent offense with a personal victim. In my study, I combine drunk driving and shoplifting data into the category of victimless crimes, and property and violent offenses into the category of crimes with a personal victim. I use this two-category variable to examine how the victim-centered nature of an offense influences offenders’ perceptions of justice in both RJ conferences and standard court

proceedings. I additionally analyze how experiences of shame processes influence these outcomes.

First, I review the literature around the role of PJ and IJ in RJ proceedings. Then, I look at how shame processes intervene in justice procedures. By reviewing differences between RJ conferences and standard court proceedings, and differences between crimes with a personal victim and victimless crimes, I demonstrate how different circumstances in an offender's case (such as shame processes) influence his or her perceptions of IJ and PJ. I use ordinary least squares (OLS) regression to examine the impact of my independent variables, conference vs. court and victim vs. victimless crime, on the mediating shame processes, and ultimately on the dependent variable of perceptions of justice.

## **LITERATURE REVIEW**

### **Forms of Justice in Restorative Justice Conferencing**

Perceptions of justice influence the degree to which systems are viewed as legitimate. In a criminal justice context, this means individuals who feel they are treated fairly by legal authorities are more likely to accept legal decisions and feel a personal obligation to obey the law (Crawford and Hucklesby 2013; Tyler 2001; Tyler 1990; Tyler 2006b). Many studies have found supporting evidence of the relationship between procedural justice and legitimacy (Mazerolle et al. 2013; Reisig and Lloyd 2008; Tyler 2003; Tyler and Huo 2002; Tyler and Rasinski 1991), as well as the connection between legitimacy and compliance (Hayes and Daly 2003; Maxwell and Morris 2001). Understanding how offenders' shape their perceptions of justice is crucial to understanding the chain reaction from perceptions of justice to legitimacy, compliance, and recidivism.

The study of procedural justice emerged out of the work of Thibaut and Walker (1975) who proposed an instrumental model based on the concept of control – including both decision and process control (Lind and Tyler [1988] later interpreted this as the “self-interest model”). Thibaut and Walker (1975) argued that individuals perceive conflict-resolution procedures as just to the extent that they have the opportunity to state their case during the decision-making process (process control) and that their voice has an influence in the final outcome (decision control). Leventhal (1980) expanded this conflict-resolution model by identifying six principles of procedural justice that apply to decision-making processes more broadly: consistency across procedures, bias-suppression, accuracy of information, mechanisms to correct bad decisions, representativeness of participants, and ethicality of standards. While criteria such as consistency, representativeness or voice, and accuracy, remain central to PJ research today, scholars have moved away from focusing on the importance of outcomes and decision-control, to emphasize the importance of procedures in their own right (Lind and Tyler 1988).

Lind and Tyler (1988) proposed a group value/relational model that elevated process control, or, “voice,” as the best indicator of PJ because of what it communicated about interpersonal treatment and long-term social relationships among participants in the decision-making processes. Tyler (1990) argued that process control has importance regardless of its implications on outcomes, and rests in the individual’s expression of voice in and of itself. When individuals are given the opportunity to express their views and state their case, their group membership and status is affirmed, and they view the entire decision-making process as more procedurally fair, regardless of outcome. Tyler’s (1990) telephone survey of Chicago residents’ experiences with and attitudes towards legal authorities supports the relational model of procedural justice. Chicago residents who had fair legal experiences with authorities had

increased perceptions of legitimacy, regardless of outcomes, which in turn heightened their compliance with the law (Barnes 1999; Hegtvedt, Johnson, and Watson 2016).

Tyler (1989) identifies three factors that reflect the strength of an individual's feeling of group membership, as well as the quality of relationships between the individual and authority figures in the decision-making process: standing, neutrality, and trust. Standing refers to an individual's status in the group, as conveyed through polite and respectful treatment; neutrality is characterized by equal treatment of all parties, specifically through honesty, lack of bias, and factual evidence; and trust is indicated by decision-makers' intentions to be fair and ethical. While these three indicators of PJ are similar to those identified in the instrumental model, the difference between the two models lies in their end goals. Whereas the group-value/relational model focuses on perceptions of PJ as means to building relationships, the instrumental model focuses on perceptions of PJ as means towards a favorable outcome, with building relationships as a middle step.

Additionally supporting this model is the concept of interactional justice (IJ), focused specifically on the fairness of treatment. Tyler's notions of standing, neutrality, and trust capture the interpersonal component of PJ. IJ scholars argue that these elements, representing strong relationships and group values, can only be achieved if decision-makers act in accordance with basic values of politeness, fairness, and dignified treatment (Bies 2001). While the field of IJ tends to be studied under the umbrella of PJ, the quality of interpersonal encounters, as represented by IJ, can be studied independently (Bies and Tripp 1996; Mikula, Petri, and Tanzer 1990). Using social exchange theory to distinguish between PJ and IJ exchanges in the workplace, Cropanzano, Prehar, and Chen (2002) find that perceptions of PJ are more closely related with interactions relating to organizational policies, whereas IJ perceptions are associated

with reactions to coworkers. While these findings support the study of IJ and PJ as two distinct concepts in the context of organizational justice, Karp (2006) argues that there has been an absence of IJ research in the criminal justice field, specifically relating to interactions between offenders and victims. The question of whether offenders perceive IJ and PJ differently, therefore, remains.

Positive perceptions of justice have been found among both offenders who participated in RJ conferences and those who were assigned to traditional courts (Tyler et al. 2007). Nonetheless, RJ conferences, specifically FGC, tend to be perceived as more interpersonally and procedurally just than court proceedings due to their collaborative nature, semi-structured dialogue, minimized power dynamics, and overall focus on respectful listening (Hipple et al. 2015). In a one-year follow up survey of RISE participants, researchers found that conference-treated offenders reported their experience as more procedurally fair than did court-treated offenders across all four crimes (Sherman et al. 2000). Hipple et al. (2015) also cite multiple studies that have found offenders who participated in FGCs view the justice system more positively and procedurally just than those who participated in the courts. Another mechanism present in justice systems, shame processes, can provide further insight into how offenders' shape their perceptions of justice.

#### Shame Processes in Restorative Justice Conferencing

Offenders' feelings of shame may act as a social mechanism in criminal justice processes that influences their perceptions of how fairly they were treated (IJ) and how fairly their case was handled (PJ). Shame sometimes arises from formal punishment from the state, but more often it results from offenders' interactions with concerned individuals in their family, social circle, or community. The involvement of important others in the justice process, therefore, has significant

influence on offenders' feelings about the crime they committed and how important it is to them to be law-abiding in the future. The variability in offenders' perceptions of justice following their court or conference treatment may be mediated by the way in which shame is framed during the justice process.

RJ conferences are effective in increasing offenders' positive views of the justice system and reducing recidivism, in part, because of their focus on reintegrative shaming (RS) (Hipple et al. 2015). RS can be understood as nuanced reprimanding that allows people who are close to an offender to disapprove of his or her crime, offer forgiveness, and maintain a relationship. Braithwaite (1989) argues that when social disapproval is communicated reintegratively, offenders feel ashamed, but they are also reminded of the respect and love they share with important people in their lives. Their shame motivates them to reinvest in these relationships, and they subsequently feel an interpersonal commitment not to reoffend (Ahmed et al. 2001; Tyler et al. 2007). Furthermore, through acknowledgment, dialogue, and forgiveness between an offender and a victim, the victim's family, and other community representatives in the conference, offenders feel a stronger sense of belonging in the greater community, and their commitment not to reoffend extends to the larger society (Braithwaite 1989). When feelings of shame are triggered in a context of acceptance and reintegration, they work as a mechanism to strengthen offenders' relationships with loved ones, society, and the law, thereby transforming them from "isolated criminals" to "contributing members of society" (Umbreit and Armour 2010: 72).

In contrast, shame emerges as a harmful mechanism in justice processes when no effort is made to welcome offenders back into the community (Braithwaite 1989). Shame is stigmatizing when expressions of disapproval are framed negatively and attached to the person rather than a particular behavior. Stigmatized offenders are labeled as 'evil,' outcast from the community, and



typecast as deviant. This type of shaming weakens offenders' relationships with their loved ones and other law-abiding members of society, which may lead them to seek community in criminal subcultures that provide acceptance and social support for future deviant behavior (Braithwaite 1989). As such, stigmatized offenders are more likely to reoffend in the future (Ahmed and Braithwaite 2005). Shame is a powerful mechanism used in court and conference processes that has great influence on offenders' perceptions of their case, the justice system, and their future behavior. Put simply – RS reduces crime, while stigmatization increases it (Kim and Gerber 2012).

Because of the dialogue process in conferences, shaming is particularly relevant to RJ outcomes. Studies of RJ conferences have shown the presence of RS to be positively associated with legitimacy and negatively associated with recidivism (Braithwaite 1989; Strang and Braithwaite 2000; Tyler et. al. 2007). Tyler et al.'s 2007 study of RISE drunk driving offenders found that participants in RJ conferences experienced higher levels of shame and community reintegration as compared to court participants. Harris (2006) developed a scale to measure levels of RS and stigmatization among drunk driving participants in the RISE study using participants' perceptions of how much others disapproved of what they did. He found that conferences were perceived as more reintegrative than courts, and participants felt more stigmatization coming out of courts than they did conferences. Shaming processes, therefore, significantly influence offenders' experiences in the justice system, and may mediate their perceptions of interactional and procedural justice.

#### Present Study

Previous RJ and RISE studies have demonstrated the effectiveness of conferences over courts in increasing offenders' perceptions of justice and heightening their experiences of shame

processes (Scheuerman and Matthews 2012). Researchers have primarily focused their studies on victims' experiences in conferences, influences of PJ and shaming mechanisms on offenders' recidivism rates, influences of supportive others in conferences, and influences of offenders' personality traits on reoffending (Barnes et al. 2013; Scheuerman and Keith 2015; Scheuerman and Matthews 2012; Strang 2000). Previous research, however, has not examined differences between personal victim and victimless crimes or mediation effects of shame processes on perceptions of justice among juvenile offenders. McCold and Wachtel (1998) conducted restorative FGC experiments in Bethlehem, PA and found conferences to be more effective in reducing reoffending rates for offenders who committed violent crimes than offenders who committed property crimes.<sup>1</sup> Across both crime types, however, individuals were the victims in only 23 percent of conferences; more typically, victims who participated in conferences were "institutional" e.g. store managers, security personnel, and school faculty. McCold and Wachtel (1998) found that conferences involving a personal victim, rather than a representative victim, resulted in greater expressions of emotions and reintegration, irrespective of whether the crime committed was a violent or property offense. This finding indicates that conferences involving a personal victim may be more impactful and engender greater experiences of shame and perceptions of justice, specifically IJ, for offenders than conferences addressing crimes without a direct victim.

In the final RISE report, Strang, Sherman, Woods, and Barnes (2011) evaluate all four types of RISE offenders' perceptions of PJ and RS distinguished by whether they went to court or a conference. Strang et al. (2011) found that conference-treated offenders experienced

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<sup>1</sup> Significance of these results is questionable due to the self-selection process.

significantly more PJ and RS than court-treated offenders across nearly every crime<sup>2</sup>. Previous RJ and RISE investigations have confirmed that conferences are generally perceived to be more procedurally fair and reintegrative than courts. But, as Latimer et al. note in a 2005 meta-analysis of RJ programs, the limited availability of data on how specific offense type impacts conference satisfaction leaves many questions unanswered as of yet.

In the present study, I evaluate differences in juvenile offenders' perceptions of justice (as measured by interactional and procedural justice) and shame processes (as measured by shame and reintegrative shame) as a function of their offense (victim vs. victimless) and treatment (conference vs. court). Ultimately, I analyze the extent to which shame processes mediate the relationship between offense type, treatment, and offenders' perceptions of justice.

#### *Effects of Treatment and Offense Type on Justice Perceptions*

Strang et al. (2011) report that the majority of RISE conference offenders perceived more PJ than did court offenders, with PJ measured through a combination of interpersonal and system fairness dimensions. Offenders perceive conferences as procedurally just when they have opportunities to participate and when others take their perspectives into account (Tyler et al. 2007). Because the RJ conference setting allows for all those involved to talk about the crime that occurred and discuss steps moving forward, offenders are treated with more respect and given a voice in the decision-making process. RISE offenders who experienced conferences should, therefore, perceive more justice than those who went through courts. Thus:

*Hypothesis 1:* Juvenile offenders who experienced conferences are likely to perceive higher levels of interactional justice (*H1a*) and procedural justice (*H1b*) than are juvenile offenders who experienced courts.

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<sup>2</sup> Property offenders were the only group who experienced no significant differences in PJ and RS between conference and court.

Furthermore, the expected main effect of treatment on perceptions of justice may be greater for crimes involving victims, producing a simple main effect of nature of crime within the conference treatment. Offenders who face a direct victim in conferences are encouraged to share their experiences, listen to victims' stories, and settle on a fair agreement. These elements of interpersonal fairness should increase offenders' perceptions of IJ. While conference-treated victimless offenders may engage in similar dialogue with a victim representative, the degree of separation is likely to weaken the interpersonal impact. Among offenders who experience conferences, those who committed personal victim crimes are more likely than victimless offenders to perceive a greater degree of PJ as well. While all FGCs include offenders' supporters in the process, personal victim conferences also include victims' supporters. The presence of victim supporters in personal victim conferences equalizes the number of participants on both sides of the offense, promoting procedural fairness through impartiality (Barnes et al. 2015). Additionally, without personal victims present in victimless conferences to contribute to the 'what should happen next?' phase, Mugford (2003) reports that RISE facilitators had to take a more active role in the decision-making process. This interference may have lessened the procedural fairness of the conference, thereby lessening offenders' perceptions of overall PJ.

In contrast to conference experiences, the impact of nature of crime is less likely in court treatment. The lack of victim involvement in standard court proceedings, regardless of the crime, means the experiences of offenders who commit personal victim crimes are not significantly different than those of offenders who commit victimless crimes. Thus:

*Hypothesis 2:* Among juvenile offenders who experienced conferences, those who committed personal victim crimes are likely to perceive higher levels of interactional

justice (*H2a*) and procedural justice (*H2b*) than are those who committed victimless crimes; offense-type will have little effect on justice perceptions among juvenile offenders who experienced courts.

### *Effects of Treatment and Offense-Type on Shaming Processes*

The main purpose of RJ conferences is to provide an alternative to punishment focused court processes. Offenders who participate in conferencing are likely to experience more shame than court-treated offenders because they must confront their deviant behavior. Scheuerman and Keith (2015) have shown that offenders assigned to conferences acknowledge higher levels of shame than offenders assigned to court.

In addition to shame, conference offenders also experience more RS, as RISE conferences involve a RS process wherein offenders discuss the crime that occurred and steps moving forward with the victim and supportive others. Conferences are facilitated such that the shame offenders experience is attached to their actions, and they are reminded of their good qualities and their relationships with people who care about them. In contrast, offenders who are assigned to a court treatment experience less shame because the processes are less discussion-based, shorter, and those affected are not involved. They also experience less RS because the court is not facilitated to help offenders reenter society, it is solely based on punishment. Thus:

*Hypothesis 3:* Juvenile offenders who experienced conferences are likely to experience more shame (*H3a*) and reintegrative shame (*H3b*) than are juvenile offenders who experienced courts.

The expected main effect of treatment on experiences of shame and RS may be greater for crimes involving victims, producing a simple main effect of nature of crime within the conference treatment. While all conference-treated offenders must discuss their crime with those

affected, offenders who committed personal victim crimes must do so face to face with their victims, as opposed to victimless offenders who face an institutional victim or a community representative. Drawing on arguments presented previously, I hypothesize conference dialogues with a direct victim are likely to be more emotionally charged and genuine than those with victim representatives. Accordingly, in observing the RISE drunk-driving conferences, Mugford (2003) found that facilitators faced difficulties uncovering offenders' feelings of shame, remorse, and guilt and engaging true feelings of reintegration without a direct victim.

While offenders who harmed a personal victim are likely to feel more shame than offenders who were apprehended for drunk driving or shoplifting because of the nature of the crime, this difference is likely negligible among offenders assigned to the court treatment. The lack of a forum for dialogue or confrontation in the court setting may suppress offenders' feelings of shame to the extent that offense-type is insignificant. Thus:

*Hypothesis 4:* Among juvenile offenders who experienced conferences, those who committed personal victim crimes are likely to experience more shame (*H4a*) and reintegrative shame (*H4b*) than are those who committed victimless crimes; offense-type will have little effect on shaming processes among juvenile offenders who experienced courts.

#### *The Effects of Shaming Processes on Justice Perceptions*

Offenders who feel more shame are likely to be more sensitized towards fair interactions. Thus, the interpersonal components of their conference or court treatment may stand out, while the procedural aspects will not be affected. Pure emotions, such as shame, are likely to be connected to interactions, while emotions tied to processes, such as reintegrative shame, are likely to be connected to both interactions and systems. Thus:

*Hypothesis 5:* Juvenile offenders who experience more shame are likely to perceive higher levels of interactional justice; shame will have little effect on perceptions of procedural justice.

*Hypothesis 6:* Juvenile offenders who experience more reintegrative shame are likely to perceive higher levels of interactional justice (*H6a*) and procedural justice (*H6b*).

Finally, due to the importance of shaming processes in restorative conferences, and the proven positive correlation between RS and PJ (Scheuerman and Matthews 2012), it would follow that shame processes mediate the relationships between the independent and dependent variables. As stated previously, conference-treated offenders who committed crimes with a personal victim are likely to feel more justice than offenders who face victim representatives in conferences – but only if the conference is effective in evoking feelings of shame and reintegration. Shame processes should explain the relationships between offenders' conference or court experiences and their perceptions of justice because these emotions represent the effectiveness of all exchanges – interpersonal and procedural – between the offender, facilitator, and participants. Thus:

*Hypothesis 7:* Shaming processes are likely to mediate the relationships between offense type and treatment type on perceptions of justice.

## **METHODS**

### **Background**

The Reintegrative Shaming Experiments (RISE) project was conducted in Canberra, Australia by the Centre for Restorative Justice at the Australian National University between 1995 and 2000. The study aimed to evaluate the effectiveness of diversionary RJ conferences as

compared to standard court proceedings across four offense categories: drunk driving (DUI), juvenile shoplifting (JPS), juvenile personal property offense (JPP), and youth violent crimes (YVC). To be included in the study, offenders had to admit guilt at the time of arrest and be deemed eligible by the arresting officer.<sup>3</sup> Once admitted into the study, all RISE offenders were randomly assigned to either be prosecuted in a traditional court or participate in a RJ conference. Offenders assigned to the conference treatment were informed that if they successfully reached an agreement about how to compensate the victim and community, their charges would be dropped and they would not obtain a criminal record.

Random assignment was performed at the incident level, meaning, in cases involving multiple offenders, all offenders were assigned the same treatment (this applied to cases in all offense categories except DUI where there were only solitary offenders). In instances where a single offender committed multiple crimes, each offense was treated as a separate case and the offender was randomly assigned a different treatment for each offense. While the majority of offenders were treated as assigned, a handful of offenders were reassigned to court treatment if they refused conference treatment, failed to show up, re-offended immediately, withdrew their admission of guilt, displayed inappropriate behavior, or the conference failed to reach an outcome. All offenders were contacted for a structured interview immediately following their final disposition (see Table 1 for response rates).<sup>4</sup> Data used in this paper were collected from these post-treatment interviews.

[Table 1 about here]

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<sup>3</sup> Cases were entered into RISE at police discretion, which may have affected the sample of cases collected. Researchers instructed police to include “middle range” offenses in the experiment – crimes serious enough to go to court, but not so serious it would be legally inappropriate for them to bypass the court system (Sherman et al. 1998).

<sup>4</sup> Response rates shown are for all participating offenders because there was no available data on juvenile offender response rates.



## Sample

The sample used in this study consists of the total number of juvenile RISE cases with available administrative and offender interview data, each case being a single offender's interview from a single offense. The sample is restricted to juvenile offenders 18 years or younger to control for age and size of offense category groups, resulting in a total sample size of  $n = 257$ . The final sample consisted of 118 victimless offense cases (DUI = 37, JPS = 81) and 139 personal victim cases (JPP = 104, YVC = 35). The offenders ranged in age from 9 through 18 years (mean = 16) and were majority male (male = 199, female = 58).

## Measures<sup>5</sup>

### Mediating and Dependent Variables

I constructed the mediating and dependent variables based upon theoretical considerations, previous literature, and principle components factor analysis. Experiences of shame processes and perceptions of justice have been identified as key underlying mechanisms in RJ conferences and criminal justice systems broadly. Measures capture offenders' experiences of shame and reintegrative shaming, and their perceptions of interactional and procedural justice. I drew upon Ahmed et al. (2001), Harris (2006), Tyler et al. (2007), and Scheuerman and Matthews (2012) in creating the shame measures, and Hayes and Daly (2001), Tyler et al. (2007), and Scheuerman and Matthews (2012) in constructing justice measures. All scales created are additive, standardized by the number of constituent items, and thus reflect original response categories. Alpha reliability is reported for each scale.

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<sup>5</sup> The complete list of interview questions used to create each measure can be found in Appendix A.

### *Shame Processes*

Measures of shaming processes include shame and reintegrative shame. Shame was assessed by the extent to which offenders were ashamed of their actions and others finding out about their criminal behavior. Examples of interview questions included in the measure are: “How ashamed or proud did you feel that your family found out about the offence you committed” and “During the conference/court case I felt ashamed because people criticized me for what I had done.” I created an eight-item scale ( $\alpha = .78$ ) ranging from (1) not at all ashamed to (5) overwhelmed with shame. The RS scale consists of seven items ( $\alpha = .68$ ) measuring the degree to which offenders felt they were forgiven at the court/conference and could put their offense behind them. Items include “Did you learn from the conference/court that there are people who care about you?” and “During the conference/court case did people talk about aspects of yourself which they like?” Questions were scaled ranging from (1) not at all to (4) a lot. Higher scores on these measures indicate that offenders experienced greater levels of shaming processes.

### *Perceptions of Justice*

Survey items loaded into two different factors, representing perceptions of different types of justice. Interactional justice captures interpersonal fairness – whether offenders feel they were treated with respect and politeness. Procedural justice measures perceptions of elements of the decision-making process, with specific emphasis on the degree to which offenders feel they had a voice in the decision-making process. These measures involve eight-item ( $\alpha = .82$ ) and seven-item ( $\alpha = .80$ ) scales, respectively, with responses ranging from (1) strongly disagree to (5) strongly agree. The IJ scale consists of questions such as “People were polite to you in the conference/court” and “You felt pushed around in the conference/court by people with more power than you” [reverse coded]. Examples of PJ items are “You felt you had the opportunity to

express your views in the conference/court” and “All sides got a fair chance to bring out the facts in the conference/court.” Offenders with higher scores on these measures perceived higher levels of justice following their offense treatment.

### Independent Variables

The independent variables offense type and treatment reflect offenders’ basic RISE experiences in terms of the crimes they committed and how they were adjudicated. I created a two-category offense type variable by collapsing the four RISE offense types by the nature of the crime: victimless (DUI and JPS) or personal victim (JPP and YVC). I conceptualized this variable based on the ethical, emotional, and consequential differences between crimes that do and do not involve a victim. Victimless crimes were specified to offenders apprehended for driving with a blood alcohol content over .08 and offenders apprehended by security personnel employed to detect shoplifting. Personal victim crimes were categorized more broadly, including offenders who committed theft, vandalism, vehicle break-in, fraud, armed robbery, common assault, and arson, to name a few (Sherman et al. 1998). The offense type variable was dummy coded as 0 = personal victim crime, 1 = victimless crime. The second key independent variable, treatment type, was also dummy coded (0 = court, 1 = conference).

### Control Variables

I controlled for factors that potentially influence offenders’ experiences of shame processes and perceptions of justice. Because demographic factors impact individuals’ understandings of justice (see Hegtvedt 2006), I restricted the sample to juveniles and controlled for gender with a dummy variable (0 = males, 1 = females). To include a measure of education, I also controlled for the extent to which offenders’ felt a sense of school accomplishment.

Responses to the following were used: “Do (did) you find that school gives (gave) you a sense of accomplishment?” Responses ranged from (1) never to (4) always.

Self-esteem was also controlled for because it could influence offenders’ views of themselves and how they connect to a group, which may impact experiences of shame processes or perceptions of justice (Scheuerman and Matthews 2012; Tyler, DeGoey and Smith 1996). I used Rosenberg’s (1965) ten-item self-esteem scale ( $\alpha = .81$ ) comprised of items such as “I feel that I have a number of good qualities” and “I am able to do things as well as most other people” ranging from (1) strongly disagree to (4) strongly agree.

Finally, I controlled for support of others with a three-item additive scale measuring the general amount of support an offender had from others in the conference or courtroom. This scale evaluated offenders’ relationships with everyone in the adjudication room.<sup>6</sup> The scale was comprised of three index variables measuring how much respect an offender had for the people in the conference/court; how much respect the offender thought the people in the conference/court had for him/her; and how much closer or further apart the conference/court made offenders feel towards the people who were present. Offenders were asked to answer these questions for each person present. Three index variables were created (offenders’ respect for others, others’ respect for offenders, and increased closeness) by averaging offenders’ responses over the number of people for whom he/she responded. The overall “support” measure was created by averaging these three index variables. Each index variable, and the final support variable, was measured on a 5-item scale with higher numbers indicating higher levels of mutual respect, closeness, and support.

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<sup>6</sup> The support measure differs from the measure of IJ in that support specifically evaluates offenders’ relationships with others, while IJ evaluates interpersonal treatment during the adjudication process.

## Analysis

Below I first present correlations between the independent, mediating, and dependent variables. Then I show multiple equations in keeping with the four-step Baron and Kenny (1986) model to test mediation effects of shaming processes on the relationship between offense/treatment type and perceptions of justice. The four-step series of ordinary least squares (OLS) regression equations is as follows:

- 1) Offense Type + Treatment → Justice (IJ and PJ)
- 2) Offense Type + Treatment → Shame Processes (Shame and RS)
- 3) Shame Processes (Shame and RS) → Justice (IJ and PJ)
- 4) Offense Type + Treatment + Shame Processes (Shame and RS) → Justice (IJ and PJ)

Throughout the analyses, I also examine differences in experiences of shame and perceptions of justice as stratified by offense type and treatment. Every equation includes controls for sex, school accomplishment, self-esteem, and support.

## RESULTS

### Correlations

Correlations between independent and dependent variables are significant and in the expected direction, with the exception of offense type and justice perception correlations (Table 2). Treatment type is positively and significantly correlated with IJ ( $r = .20; p \leq .01$ ) and PJ ( $r = .29; p \leq .001$ ) as well as with shame ( $r = .11; p \leq .10$ ) and RS ( $r = .31; p \leq .001$ ). In contrast, offense type has a negative relationship with both justice variables, though only the relationship with IJ is significant ( $r = -.15; p \leq .05$ ). While offense type is positively correlated with shame as expected, the relationship is not significant ( $r = .10; ns$ ). Shame and RS both have positive

relationships with IJ ( $r = .26; p \leq .001$ ), ( $r = .26; p \leq .001$ ) and PJ ( $r = .32; p \leq .001$ ), ( $r = .24; p \leq .001$ ). Lastly, the control variable “support” is positively and highly significantly correlated with all types of shame processes and justice perceptions.

[Table 2 about here]

#### Multivariate Analysis

A series of OLS regressions were conducted to test for main effects among the independent and dependent variables.<sup>7</sup> Table 3 focuses on perceptions of justice. As expected, and shown in Model 1, treatment type (conference) is positively and significantly associated with both IJ ( $b = .15; p \leq .05$ ) and PJ ( $b = .32; p \leq .001$ ), providing support for *Hypothesis 1a* and *1b*. Results for *Hypothesis 2* are complex and largely inconsistent with the hypotheses. Contrary to expectations, Model 1 also shows that offense type (victim) is negatively associated with perceptions of IJ ( $b = -.16; p \leq .05$ ). While Table 4 shows that this relationship is not significant among offenders who experienced conferences ( $b = -.01; ns$ ), results indicate the relationship is significant among offenders who experienced courts ( $b = -.27; p \leq .01$ ). Offenders who committed victimless crimes and were assigned to a standard court treatment perceived greater levels of IJ than personal victim offenders who also went to court. These results disconfirm and are quite opposite *Hypothesis 2a* predictions that conference-treated offenders who committed personal victim crimes perceived the highest levels of IJ. Furthermore, the relationship between offense type and PJ is not significant among conference-treated offenders ( $b = .06; ns$ ), contrary to *Hypothesis 2b*, nor is it significant among court-treated offenders ( $b = .04; ns$ ), as expected (Table 4).

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<sup>7</sup> In analysis not shown, I tested for the impact of an interaction effect between offense type and treatment. No significant interaction emerged in analysis of either type of justice or shaming processes.

[Tables 3 and 4 about here]

Table 5 presents results involving shaming processes. Treatment type is positively associated with both shame ( $b = .14$ ;  $ns$ ) and RS ( $b = .35$ ;  $p \leq .001$ ), though only the relationship with RS is significant, disconfirming *Hypotheses 3a* and confirming *3b*. Offenders who experienced a conference treatment expressed feeling significantly more RS than offenders who experienced courts. Table 6 provides analysis within levels of treatment. Among conference-treated offenders, there is evidence of a positive and significant relationship between offense type and shaming processes that confirms *Hypothesis 4a* (shame:  $b = .41$ ;  $p \leq .01$ ) and *4b* (RS:  $b = .19$ ;  $p \leq .05$ ). This indicates that conference-treated offenders who committed a crime with a personal victim experienced more shame and RS than conference-treated offenders who committed a victimless crime. While the relationship between offense type and shame disappears among court-treated offenders ( $b = .17$ ;  $ns$ ), the relationship between offense type and RS is, unexpectedly, still significant among offenders who experienced court ( $b = .26$ ;  $p \leq .01$ ). Offenders experienced RS whether they were treated in a conference or court setting.

[Tables 5, 6, and 7 about here]

Model 2 in Table 3 presents evidence that partially support *Hypothesis 5* regarding the effects of shaming processes on justice perception. There is a positive, significant relationship between experiences of shame and perceptions of IJ as expected ( $b = .14$ ;  $p \leq .01$ ), but shame also produces an unexpected positive effect on perceived PJ ( $b = .19$ ;  $p \leq .001$ ). Offenders who are ashamed perceive their treatment as more just. RS is also positively associated with both types of justice perceptions (IJ:  $b = .04$ ;  $ns$ ), (PJ:  $b = .08$ ;  $ns$ ), but these relationships are not significant. Table 7 shows that, interestingly, when the “support” control variable is excluded from this model, the positive associations between RS and justice perceptions become significant

for both IJ ( $b = .18; p \leq .05$ ) and PJ ( $b = .19; p \leq .05$ ). *Hypothesis 6* is, therefore, only supported if “support” is not included as a control.

In the test of mediation (Table 3, Model 3), RS does not significantly mediate any relationships between the independent and dependent variables, while shame has a mediation effect on the relationship between treatment type and IJ, thus partially supporting *Hypothesis 7*. Treatment type is positively and significantly related to IJ in the absence of shame ( $b = .15; p \leq .05$ ), but when shame is included in the model, this relationship disappears ( $b = .12; ns$ ). Thus, experiences of shame may predict whether or not offenders perceive their treatment as interactionally just, regardless of treatment. Offense type, on the other hand, is negatively associated with IJ ( $b = -.16; p \leq .05$ ), even when shaming processes are included in the model ( $b = -.19; p \leq .05$ ). Shaming processes do not significantly mediate any relationships with PJ. Including them in the model does not decrease the strong impact of treatment type – conferencing remains positively related to perceptions of PJ.

#### Impact of Control Variables

Controls vary in significance and direction among the different regression models. They tend to have greater effects on shame processes than on justice perceptions, except the support measure, which consistently impacts all factors. Throughout analyses, the support measure maintains a positive, highly significant relationship with all experiences of shaming and perceptions of justice. Sex is also included as a control, particularly because the sample is majority male, but is not significant in any of the analyses. Lastly, Tables 3 and 4 demonstrate that school accomplishment and self-esteem are only influential on shame processes, with school accomplishment most significantly impacting shame ( $b = .25; p \leq .001$ ), and self-esteem most significantly impacting RS ( $b = .45; p \leq .001$ ).



## DISCUSSION AND CONCLUSION

Restorative justice conferences generally lead all involved parties to perceive case adjudication outcomes as more fair and just in comparison to those resulting from standard court procedures (Harris 2006; Tyler et al. 2007; Van Ness and Strong 2010). In line with previous RJ and RISE investigations, this study, which is limited to juvenile offenders, also finds that individuals treated in conferences perceive higher levels of justice than their counterparts who go through courts. In this paper I develop groundwork for understanding the ways in which offenders perceive justice, and what components of the RJ process contribute to these perceptions. Succinctly, this study contributes to previous RJ research by: 1) examining different types of justice juvenile offenders perceive (decision-making procedural justice and interpersonal interactional justice); and 2) delving deeper into the specific circumstances that influence juvenile offenders' sentencing experiences, specifically offense type, shame processes, and treatment support.

### *Effects of Treatment on Justice Perceptions*

This study demonstrates that juvenile RISE offenders perceive procedural and interactional justice differently, thus, these types of justice may be studied as two distinct concepts in future research. Results reveal that juvenile offenders who experience conferences perceive significantly higher levels of PJ than do juvenile offenders treated in courts. This relationship remains constant across all models and, counter to expectations, is not mediated by shame processes. One explanation for why offenders may perceive conferences to be procedurally just irrespective of shame or RS is the structured nature of the FGC process. FGC facilitators stick to a standard script that has built in opportunities for all parties present to express themselves. In this setting, shame processes may not mediate offenders' perceptions of

PJ because conference procedures and offenders' opportunities for input in the decision-making process are unchanged whether participants share a few insincere words or a shame-inducing, emotional testimony. Offenders who experience conferences perceive high levels of PJ because of the conference structure that gives them a voice, rather than because of how they are treated or feel when they express their voice.

In contrast, results indicate that shame processes do mediate the relationship between treatment and perceptions of IJ, likely because IJ is tied to the impact of interpersonal exchanges on feelings and emotions (Bies 2001). This relationship indicates that, while offenders perceive higher levels of IJ when they experience conferences as opposed to courts, the relationship between treatment type and IJ is no longer significant when offenders experience shame. Thus, offenders who are ashamed of their offense perceive greater levels of IJ following their treatment, regardless of whether it was a conference or court. The significant relationship between shame and IJ may be attributed to the sensitive nature of shame emotions, which enhance sensitivity and attention to interpersonal treatment. Offenders who feel bad may be more concerned with having fair and respectful interactions, which could, in turn, shape their overall perceptions of fairness in the court or conference process.

Contrary to expectations, while conference-treated offenders do report experiencing more RS than court-treated offenders, RS experiences are not significantly related to IJ or PJ, nor do they mediate any relationships between treatment and justice perceptions. The influences of shame processes on different types of justice indicate that offenders' experiences of justice in RJ conferences are more complex than previous studies have reported. Whereas most previous studies have not separated the interpersonal components of justice from the procedural ones, this study indicates that this distinction is an important one, as it provides insight into the aspects of

conferences that are most impactful (Greene et al. 2010; Hayes and Daly 2003; Hipple et al. 2015; Miller and Hefner 2013; Sherman et al. 2000).

### *Effects of Offense Type on Justice Perceptions*

Previous studies analyzing RISE data tend to either divide offenders by the four offense types they were originally categorized by, only look at drunk driving offenses, or only look at offenses excluding drunk-driving (Barnes et al. 2015; Harris 2006; Kim and Gerber 2012; Kuo, Longmire, and Cuvelier 2010; Tyler et al. 2007). No previous RISE or RJ study has specifically analyzed the differences in conferencing experiences between offenders who commit crimes with a personal victim and offenders who commit victimless crimes. Results from this study indicate that the victim-centered nature of a crime influences offenders' perceptions of justice and experiences with shame processes. Furthermore, in fitting with the general pattern of results, offense type influences perceptions of IJ and PJ differently.

One of the most robust and surprising findings in this study is the negative relationship between offense type and IJ. Offenders who commit victimless crimes perceive significantly more IJ than offenders who commit a crime with a personal victim (Table 3). This pattern is present within both types of treatment, though it is not significant among the conference-treated group and it is very significant among the court-treated group (Table 5). A possible explanation for this pattern is that offenders who commit victimless crimes may perceive themselves to be treated more fairly because their crime is viewed as less serious. Consequently, victimless offenders may perceive a conference or court as fairer than would offenders with a personal victim because victimless offenders may receive less harsh treatment and sentencing. While another explanation of the relationship between offense type and IJ could be that personal-victim offenders who feel ashamed project their bad feelings onto the adjudication process, interpreting

the entire treatment as unfair, results show that shame does not mediate the relationship between offense type and IJ.

In contrast to results indicating a relationship between offense type and IJ, I find no evidence of a significant relationship between offense type and PJ. My prediction that conference-treated offenders who committed personal victim crimes would perceive their treatment as more procedurally just than conference-treated victimless offenders is disproved. This may be due to the strength of the relationship between treatment and PJ. Conferences are so procedurally just that features specific to a conference, such as offense type, are insignificant. Thus, the fact that a victim representative is participating in a conference rather than a direct victim would not matter, because it is the process of listening to the other party that influences offenders' PJ perceptions, rather than what they say.

#### *Effects of Treatment and Offense Type on Shame Processes*

While the only mediation effect of shame processes is the influence of shame on the relationship between treatment and perceptions of IJ, I find significant results showing how offense type and treatment influence felt shame and reintegration as dependent variables. As predicted, in the conference setting, offenders who commit crimes with a personal victim feel significantly more shame and RS than offenders who commit victimless crimes (Table 6). This result is likely because offenders who confront a personal victim feel more guilt and remorse than those who confront a victim representative. A personal victim may also offer more genuine participation, forgiveness, and acceptance than a victim representative, which would lead personal victim offenders to feel more RS than victimless offenders. Although no results demonstrate a relationship between RS and justice perceptions, the relationship between offense

type and RS within conferences is important in its own right, as it shows that conferences may be better suited for offenders who commit crimes with a personal victim if the goal is reintegration.

That being said, offense type is found to have the same effects on experiences of RS among court participants as conference participants, indicating the experience of RS is more a result of the victim-centered nature of the crime than the treatment process. These findings may be due to the fact that offenders who commit a personal victim crime have a greater opportunity to be reintegrated than victimless crime offenders who never felt shame or isolation from society in the first place. This effect could, therefore, take place in either a court or conference.

#### *Effects of Support on Justice Perceptions and Shame Processes*

Of the controls included, the “support” measure is significant across all analyses. This control measure was inspired by the results of Scheuerman and Keith’s (2015) study that finds that both the presence of others in conferences and offenders’ quality of relationship with these individuals influences evaluations of PJ and RS. My “support” measure takes into account both the number of people present at the treatment and the offenders’ relationship to those people in terms of mutual respect and closeness. The results align with Scheuerman and Keith’s (2015) findings in that my simplified measure of support remains significant across offense type and treatment, and in relation to all measures of shame and justice.

The influence of support is most notable in the relationships between shame processes and justice perceptions. Table 7 demonstrates that when support is removed from the regression model testing effects of shame processes on justice perceptions, RS becomes significant (IJ:  $b = .18; p \leq .05$ ), (PJ:  $b = .19; p \leq .05$ ). This finding sheds light on previous studies that have found significant effects of RS in RJ conferences without controlling for the presence of

supportive others (Kim and Gerber 2012). It is possible these findings are actually attributable to offenders' relationships with family or friends, rather than the RS process.

### *Limitations*

A few notable limitations to this study may have impacted the findings. Because the sample is restricted to juvenile offenders, the number of cases included is significantly fewer than the number originally used in the RISE dataset – this small sample size may have influenced result significance. There is an additional limitation in this study relating to the original coding of RISE offense types. Some of the RISE cases categorized as personal property crimes are not qualitatively different than those categorized as shoplifting. RISE researchers differentiated between these two offenses by whether an individual was apprehended by security personnel or not. Because the line between these two offenses is not always clear in the data, my distinction between victim and victimless offenses may have some inaccuracies. The “support” variable created in this study may also service as a limitation because it is only measured along dimensions of respect and closeness. While “support” was intended to capture a general survey of offenders' feelings towards others in the room during the treatment, it does not include important details such as the nature of offenders' relationship to others. In future RISE and RJ research, these limitations may be addressed to improve accuracy of results. Finally, key variables relating to individual differences between offenders' were not included as controls. Scheuerman and Matthews (2014) find that differences in RS experiences may be attributed to personality traits such as emotionality and constraint. Individual personality differences could also play a significant role in perceptions of justice, and should therefore be included in future studies in this area.

### *Future Directions*

This study's findings that 1) justice perceptions differ between procedural and interactional perceptions, and 2) elements of the adjudication process such as offense type, shame processes, and support influence justice perceptions, are important for future research on juvenile offenders' experiences with RJ conferences. Until now, PJ has generally been evaluated as a broad measure of fairness that combines both procedural and interpersonal justice. These results indicate that different components of conferences may influence different types of justice. Future research may seek to examine which forms of justice are most influential in offenders' views of legal legitimacy and rates of recidivism. This information may be useful in structuring conferences to place more emphasis on either standard procedures or interpersonal treatment. While data used in this study were taken from structured post-treatment interviews, future evaluations of RJ programs may gather more information by conducting open-ended interviews with offenders as well as victims, facilitators, and observers. Researchers could then evaluate questions relating to perceptions of justice more in depth and from the different perspectives of all those involved.

Furthermore, results show that while the support of others in the adjudication treatment consistently has important influence on all measures of shame and justice, offense type only sometimes influences shame processes, and shame processes only sometimes influence offenders' perceptions of justice. More research is needed surrounding the relationships between offense-type and shame processes, as FGC is not perfectly structured for victimless crimes, and there may be a more effective way to treat these offenders that still engages similar restorative mechanisms.

While RJ conferences are highly effective in leading to greater perceptions of justice, they are not widely implemented. My results indicate that elements of RJ conferences, such as support of others, experiences of shame processes, and IJ can also be applied to standard court proceedings. Criminal justice policy makers and law enforcement officials, for example, can create more just experiences for offenders by treating offenders politely, creating more opportunities for offenders to express their voice in the courtroom, and engaging others involved in the crime in the decision-making process. While this study's findings are useful in opening the door for more in depth research into how offenders understand justice, particularly in a conference setting, they also shed light on ways in which we can improve offenders' experiences in our current court-based criminal justice system.

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## TABLES

**Table 1** Total RISE offender interview response rates (Strang et al. 2011)

<b>Offense-Type</b>	<b>Court</b>	<b>Conference</b>
Drunk Driving	76.2%	88.0%
Juvenile Shoplifting	69.7%	75.3%
Juvenile Personal Property	73.0%	71.7%
Youth Violent	62.7%	72.6%

**Table 2** Correlation matrix with means on diagonal

	Treatment (conference = 1)	Offense Type (victim = 1)	IJ	PJ	Shame	RS	Sex (female = 1)	Sch. Accomp.	Self Esteem	Support
Treatment (conference = 1)	.49									
Offense Type (victim = 1)	-.04	.54								
IJ	.20**	-.15*	3.50							
PJ	.29***	-.03	.72***	3.41						
Shame	.11 <sup>+</sup>	.10	.26***	.32***	3.72					
RS	.31***	.11 <sup>+</sup>	.26***	.24***	.22***	2.61				
Sex (female = 1)	-.08	-.14*	-.03	-.01	.15*	-.01	.23			
Sch. Accomp.	.03	-.07	.11 <sup>+</sup>	.17**	.30***	.09	.12 <sup>+</sup>	2.3		
Self Esteem	-.07	-.09	.10	.04	-.15*	.26***	-.07	.13*	2.84	
Support	.16*	-.10	.47***	.41***	.30***	.34***	.12 <sup>+</sup>	.28***	.04	3.55

<sup>+</sup> $p \leq .10$ , \* $p \leq .05$ , \*\* $p \leq .01$ , \*\*\* $p \leq .001$

**Table 3** Standardized regression coefficients (standard error) for the effects of treatment type, offense type, and shame processes on perceptions of interactional justice and procedural justice

	Interactional Justice			Procedural Justice		
	Model 1	Model 2 (shame processes)	Model 3 (mediation)	Model 1	Model 2 (shame processes)	Model 3 (mediation)
Treatment (conference = 1)	.15 (.08)*		.12 (.08)	.32 (.08)***		.30 (.09)***
Offense Type (victim = 1)	-.16 (.08)*		-.19 (.08)*	.04 (.08)		-.00 (.09)
Shame		.14 (.05)**	.15 (.05)**		.19 (.05)***	.19 (.05)***
RS		.04 (.07)	.03 (.07)		.08 (.08)	-.00 (.08)
Sex (female = 1)	-.13 (.09)	-.15 (.09)	-.16 (.09) <sup>+</sup>	-.08 (.10)	-.15 (.10)	-.12 (.10)
Sch. Accomp.	-.02 (.04)	-.05 (.05)	-.05 (.05)	.04 (.05)	-.01 (.05)	-.00 (.05)
Self Esteem	.13 (.10)	.20 (.10) <sup>+</sup>	.19 (.10) <sup>+</sup>	-.05 (.10)	.08 (.11)	.14 (.11)
Support	.64 (.08)***	.60 (.09)***	.56 (.09)***	.55 (.09)***	.49 (.10)***	.48 (.10)***
Constant	.93 (.39)*	.31 (.40)	.49 (.41)	1.06(.43)*	.60 (.45)	.54 (.45)
N	248	245	245	248	245	245
Adjusted R <sup>2</sup>	.24	.25	.27	.20	.20	.23

<sup>+</sup>  $p \leq .10$ , \* $p \leq .05$ , \*\* $p \leq .01$ , \*\*\* $p \leq .001$

**Table 4** Standardized regression coefficients (standard error) of simple main effects within treatment on perceptions of justice

Treatment	Interactional Justice		Procedural Justice	
	Court	Conference	Court	Conference
Offense Type (victim = 1)	-.27 (.10)**	-.01(.12)	.04 (.12)	.06 (.11)
Sex (female = 1)	-.18 (.11)	-.09 (.14)	-.15 (.14)	-.03 (.14)
Sch. Accomp.	-.08 (.06)	.07 (.06)	-.04 (.07)	.15 (.06)*
Self Esteem	-.06 (.12)	.45 (.15)*	-.15 (.14)	.37 (.15)*
Support	.72 (.10)***	.50 (.14)***	.64 (.12)***	.38 (.13)**
Constant	1.42 (.47)**	.40 (.64)	1.54 (.58)**	.83 (.62)
N	126	122	127	121
Adjusted R <sup>2</sup>	.31	.18	.15	.17

<sup>+</sup>  $p \leq .10$ , \* $p \leq .05$ , \*\* $p \leq .01$ , \*\*\* $p \leq .00$

**Table 5** Standardized regression coefficients (standard error) for the effects of treatment type and offense type on shame processes

	Shame	Reintegrative Shame
Treatment (conference = 1)	.14 (.10)	.35 (.07)***
Offense Type (victim = 1)	.25 (.10)*	.22 (.07)***
Sex (female = 1)	.22 (.12) <sup>+</sup>	.02 (.08)
Sch. Accomp.	.25 (.06)***	-.02 (.04)
Self Esteem	-.36 (.13)**	.45 (.09)***
Support	.41 (.11)***	.40 (.07)***
Constant	2.48 (.53)***	-.31 (.35)
N	249	247
Adjusted R <sup>2</sup>	.18	.26

<sup>+</sup>  $p \leq .10$ , \* $p \leq .05$ , \*\* $p \leq .01$ , \*\*\* $p \leq .00$



**Table 6** Standardized regression coefficients (standard error) of simple main effects within treatment on shame processes

Treatment	Shame		Reintegrative Shame	
	Court	Conference	Court	Conference
Offense Type (victim = 1)	.17 (.14)	.41 (.15)**	.26 (.09)**	.19 (.10)*
Sex (female = 1)	-.09 (.16)	.55 (.19)**	.09 (.11)	-.06 (.13)
Sch. Accompl.	.31 (.08)***	.23 (.08)**	-.05 (.06)	.01 (.06)
Self Esteem	-.75 (.17)***	.09 (.19)	.46 (.11)***	.46 (.14)***
Support	.34 (.14)**	.45 (.18)*	.36 (.09)***	.42 (.13)***
Constant	3.64 (.66)***	1.09 (.82)	-.16 (.44)	-.13 (.57)
N	127	122	126	121
Adjusted R <sup>2</sup>	.21	.22	.22	.15

<sup>+</sup>  $p \leq .10$ , \* $p \leq .05$ , \*\* $p \leq .01$ , \*\*\* $p \leq .001$

**Table 7** Standardized regression coefficients (standard error) for the effects of treatment type, offense type, and shame processes on perceptions of interactional justice and procedural justice, excluding the “support” control variable.

	Interactional Justice			Procedural Justice		
	Model 1	Model 2 (shame processes)		Model 1	Model 2 (shame processes)	
Treatment (conference)	.25 (.08)**		Treatment (conference)	.25 (.08)**		Treatment (conference)
Offense Type (victim)	– .20 (.08)*		Offense Type (victim)	– .20 (.08)*		Offense Type (victim)
Shame		.19 (.05)***	Shame		.19 (.05)***	Shame
RS		.18 (.07)*	RS		.18 (.07)*	RS
Sex (female = 1)	– .06 (.10)	– .08 (.10)	Sex (female = 1)	– .06 (.10)	– .08 (.10)	Sex (female = 1)
Sch. Accomp.	.07 (.05)	.01 (.05)	Sch. Accomp.	.07 (.05)	.01 (.05)	Sch. Accomp.
Self Esteem	.14 (.11)	.17 (.11)	Self Esteem	.14 (.11)	.17 (.11)	Self Esteem
Constant	2.92 (.32)***	1.84 (.37)	Constant	2.92 (.32)***	1.84 (.37)	Constant
N	248	245	N	248	245	N
Adjusted R <sup>2</sup>	.06	.10	Adjusted R <sup>2</sup>	.06	.10	Adjusted R <sup>2</sup>

<sup>+</sup>  $p \leq .10$ , \* $p \leq .05$ , \*\* $p \leq .01$ , \*\*\* $p \leq .001$

## **APPENDIX A**

### **SHAME**

1. How ashamed or proud did you feel that your family found out about the offence you committed [reverse coded].
2. How ashamed or proud did you feel that your friends or mates found out about the offence you committed [reverse coded].
3. How ashamed or proud did you feel that the police, the magistrate or other government officials found out about the offence you committed [reverse coded].
4. During the conference/court case I felt ashamed of what I did.
5. During the conference/court case I felt ashamed of myself.
6. During the conference/court case I felt ashamed because people criticized me for what I had done.
7. I felt bad in the conference/court case because everyone knew about the offence I had committed.
8. During the conference/court case I felt worried about what others thought of me.

### **REINTEGRATIVE SHAME**

1. Did people in the conference/court say that it was not like you to do something that was wrong?
2. Did you learn from the conference/court that there are people who care about you?
3. At the end of the conference/court case did people indicate that you were forgiven?
4. During the conference/court case did people talk about aspects of yourself which they like?
5. Did others at the conference/court case say that you had learnt your lesson and now deserve a second chance.
6. During the conference/court case did people indicate that they accepted you as basically law abiding?
7. At the end of the conference/court case, or since then, have people made it clear to you that you can put the whole thing behind you?

### **INTERACTIONAL JUSTICE**

1. How fair did you feel that the conference/court was for you?
2. You feel bitter about the way you were treated in the case [reverse coded].
3. People were polite to you in the conference/court.
4. You felt pushed around in the conference/court by people with more power than you [reverse coded].
5. During the conference/court you felt pushed into things you did not agree with [reverse coded].
6. You feel that you were treated with respect in the conference/court.
7. The police were fair during the conference/court.
8. You felt that you could trust the police during this case.

## **PROCEDURAL JUSTICE**

1. Compared to the way people are normally treated in this kind of case, were you treated better or worse than others generally are?
2. You felt you had the opportunity to express your views in the conference/court.
3. All sides got a fair chance to bring out the facts in the conference/court.
4. You felt you had enough control over the way things were run in the conference/court.
5. The conference/court took account of what you said in deciding what should be done.
6. If the conference/court had got the facts wrong you felt able to get this corrected.
7. If you had been treated unfairly by the conference/court or the police, you believe that you could have got your complaint heard.

## **SCHOOL ACCOMPLISHMENT**

1. Do (did) you find that school gives (gave) you a sense of accomplishment?

## **SELF ESTEEM**

1. I feel that I'm a person of worth, at least on an equal plane with others.
2. I feel that I have a number of good qualities.
3. All in all, I am inclined to feel that I am a failure [reverse coded]
4. I am able to do things as well as most other people.
5. I feel that I do not have much to be proud of [reverse coded].
6. I take a positive attitude towards myself.
7. On the whole, I am satisfied with myself.
8. I wish I could have more respect for myself [reverse coded].
9. I certainly feel useless at times [reverse coded].
10. At times I think I am no good at all [reverse coded].

## **SUPPORT**

1. For each person [present at the conference/court case], could you circle the words which best describes how much you respect them. Let's start with .....(the person at the top of the list.)..... Would you say that you have: a lot of DISrespect for them; some DISrespect for them; neither respect nor DISrespect for them, some respect for them; a lot of respect for them?
2. Next, would you think about how much each of these people respect you as a person. First, would you say that .....(person at the top of the list)..... has: a lot of DISrespect for you; some DISrespect for you; neither respect nor DISrespect for you; some respect for you; a lot of respect for you?
3. Finally, I would like you to think about how attending the conference/court affected your relationship with each of these people. Again starting with .....(person at the top of the list)..... after the conference/court case did you feel: much further apart from them; further apart from them; that there was no change; closer to them; much closer to them?