RESTORATIVE JUSTICE: IMPLICATIONS OF CATEGORIZATION FOR REINTEGRATION INTO SOCIETY

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by

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Abstract
The current study investigates the social categorization of offenders in the context of Allport’s (1954) contact hypothesis. Often members of society place labels on others they consider different from themselves, the process of labeling by the criminal justice system further influences the perception and categorization of offenders by society members. The quality and quantity of contact an offender will have with the public will depend on the criminal procedure that is used to process an offender. It is within these criminal procedures that prejudicial and hostile attitudes towards offender can be changed. The reduction of prejudicial and hostile attitudes arguably plays an important role in the offender’s reintegration into society after making amends for their actions. Participants in restorative and retributive justice conditions were asked to rate their feeling towards offenders in general and then their perception of contact and feelings towards a specific offender after reading a scenario. Results from this study support the possibility for criminal justice processes with enriched contact to reduce prejudice against offenders and increase positive feeling towards offenders.

Keywords: Contact Hypothesis; Labeling; Criminal Justice; Restorative Justice
RESTORATIVE JUSTICE: IMPLICATIONS OF CATEGORIZATION FOR REINTEGRATION INTO SOCIETY

When someone is labeled, they can be labeled either informally by society or formally through a system of power (Becker, 1963). Labels are often applied to help make sense of the social world and while these labels can be positive, they can also create harm. Labels that carry stigmatization are those such as learning disabilities, mental health issues (e.g., depression, schizophrenia), and offender. Often this labeling is referred to as othering or creating a division between our group and that group. As a result, behavior towards these individual by others and the behavior of the individuals are both influenced by labels. In the past few decades, the stigma associated with labels such as learning disabilities and mental health issues have been lessened as those who need supports are able to receive accommodations and speak out about their experiences. In the case of an individual with multiple labels and who is labeled by the system as an offender, they are “given a criminal record to mark that they have done wrong and a follow up of someone who has offended and is to be reintegrated into society” (Becker, 1963, p. 137).

The systematic labeling of offenders serves to uphold hostile and prejudicial attitudes against those who offended. Those attitudes then effect their subsequent behavior. To reduce prejudicial attitudes, Allport (1954) suggested contact between groups is important. But Sherif’s (1954) famous Robbers’ Cave experiment found that “neutral contact often exacerbates bias” and the contact between groups is not “automatically sufficient to improve intergroup relations” (Dovidio, Gaertner & Kawakami, 2003, p. 5). Thus, intergroup contact between two conflicting groups needs to be structured to avoid between group comparisons and biases. Within the criminal justice system, there are various options to deal with an offender’s behavior. Between these processes, there are varying types of contact, superficial to enriched, between offender and
victim. Using a process that is already in place in the criminal justice system, would it be possible to change these prejudicial attitudes?

**Social Categorization**

In order to understand the constant bombardment of social information we receive each day, the human brain creates mental shortcuts to make sense of the social situations around us. According to Allport (1954), humans have a “natural tendency to form generalizations, concepts, categories, whose content represents an oversimplification of [their] experience” (p. 27). To serve this end, people rapidly classify themselves and others into categories of *us* (i.e., in-groups) and *them* (i.e., out-groups) based on their perceptions of self-defined important group characteristics.

Although the categorization process is adaptive, quickly sorting and summarizing information from the environment, this process also imposes labels on others. Categories can generate misunderstanding, hostility, aggression, and conflict toward outgroups or the members of categories distinct from our own (see Gaertner & Dovidio, 1986). Thus, sorting individuals into categorizes accentuates the differences between groups and minimizes the differences within a group, giving way to the creation of social discrimination and prejudice (Brewer & Gaertner, 2001). In an increasingly multi-pluralistic/multicultural society, changing prejudicial attitudes and discriminatory beliefs is important as the conflict created by divisions (e.g., cultural, political) are in a continual ebb and flow. Changing negative attitudes and actions towards outgroups is key to conflict resolution, thus promoting mutual understanding between distinct groups that reflects respect and dignity towards outgroup individuals. To do this, Allport (1954) theorized that the contact between groups was key to reducing prejudice.
**Contact Hypothesis.** Intergroup contact (Allport, 1954) or the *contact hypothesis* suggests that intergroup prejudice and discrimination can be reduced by bringing disparate groups together and actively fostering their familiarity. This hypothesis is based on the idea that separation and unfamiliarity between groups cause groups to have negative attitudes and to exhibit hostility towards each other. Through intergroup contact, group members have a chance to learn about the actual differences and similarities between groups. Thus, engaging groups in a cooperative, interactive situation allows the opportunity for positive experiences with outgroup members.

Under the right conditions, intergroup contact can promote positive intergroup attitudes, and reduce hostile attitudes and beliefs (Brewer & Gaertner, 2001). This statement is supported by the various meta-analyses that have been conducted (Paluck, Green, & Green, 2019; Pettigrew & Troop, 2006). Allport (1954) identified four conditions that would promote positive contact between groups. The first condition is that the contact fosters supportive norms (Landis, Hope, & Day, 1984), that favour intergroup acceptance and that have the support of authorities, the law, or custom. The second condition is that there be the opportunity for intimate contact, allowing for personalized conversation and learning more about members of the other group. The third condition is that the contact promotes equal status among all group members (Moody, 2001), allowing for members from both groups to participate in the contact. Allport’s (1954) fourth condition is that the contact fosters strong support for cooperative interdependence (Blanchard, Weigel & Cook, 1975), allowing for the groups to come together and rely upon each other (Brewer & Gaertner, 2001; Dovidio et al., 2003).
Criminal Justice System

The criminal justice system deals with the formal conflict between victim and offender created by a criminal offence. An action is dubbed a criminal offence when behaviour violates society’s codified norms (i.e., laws). The criminal justice system first aims to determine guilt. Secondly, after guilt is determined the criminal justice system provides suitable provisions to punish and correct an offender’s behaviour in accordance to Western legal principles through retribution, deterrence, rehabilitation, incapacitation, and restoration (Jones & Patenaude 2011). These principles seek to balance and take into account individual rights with societal values (Pirie, 2000).

Retributive Justice. Punishment sought through retributive justice is based on the idea of the infliction of pain by way of the state communication of societal values (Van Ness & Strong, 2015). Punishment associated with the offence should be proportional to the harm caused (i.e., an eye for an eye; Jones & Patenaude, 2011). There are several principles to retributive justice. Firstly, retributive justice is offender-centered. In general practice, the state and the perpetrator, not the victim, are the only participants in this process. The state represents the victim and seeks repayment from the offender in the form of symbolic harm (e.g., a prison sentence); (Van Ness & Strong, 2015). Secondly, communication during the retributive justice process is between the state and legal representation for the offender; the offender often does not actively contribute to the court room conversation. Thirdly, the state and the offender in retributive justice engage in adversarial problem solving in order to determine a winner and a loser in determining the truth. The loser is the one who is judged to be unscrupulous. If the state loses there are few repercussions; if the offender loses then they are made responsible to compensate for their actions. Fourthly, retributive justice is frequently pursued with the belief
that punishment alone is sufficient to change behaviour (Winterdyk, 1999). Retributive justice is often obtained through a court process in the contemporary system of justice.

**Restorative Justice.** Often sought out as an “alternative to incarceration” (Groff, 2011, p. 92) under the premise that infliction of punishment (e.g., incarceration) is insufficient to change behaviour (Winterdyk, 1999). As an alternative to punishment, procedures and programs focus on the harm caused by crime and aim to address the needs of a victim and the reparation of relationship between the victim and the offender (Van Ness & Strong, 2015). Restorative justice can be process or outcome orientated depending on the needs of the victim, the community, and the offender. For example, the process of a victim offender mediation can result in the restoration of harm and relationship without the need to pursue further requirements from the offender. On the other hand, the outcome of a victim offender mediation can result in the restoration of harm and relationship and requires additional requirements from an offender (i.e., community service).

As with retributive justice, there are several key principles to restorative justice. Firstly, restorative justice is meant to “heal victims, offenders, and communities injured by crime” (Van Ness & Strong, 2015, p. 45). Unlike retributive justice and the court process, restorative justice is victim-centered (Braithwaite, 2000). Secondly, “victims, offenders, and communities should have the opportunity for active involvement in the justice process as early and as fully as they wish” (Van Ness & Strong, 2015, p. 47). The stakeholders that include members of the victim, the community, and the offender are directly involved in addressing the conflict informally (Bazemore & Schiff, 2005; Braithwaite, 1989). During this process, stakeholders are engaged in a collaborative problem solving to reach a viable resolution that allows the offender to fulfill the action of reparation of harm (restitution) based on the needs of the victim and the community (Barsky, 2002; Jones & Patenaude, 2011). Thirdly, in promoting
justice, government is responsible for preserving a just order and the community for establishing a just peace (Van Ness & Strong, 2015, p. 47). Thus both government and community, are necessary for securing public safety rather than the contemporary view of only the government through the criminal justice system (Van Ness & Strong, 2015).

**Retributive and Restorative Justice Effectiveness**

Studies by Latimer, Dowden, and Muise (2005), and Sherman and Strang (2005) comparing restorative justice programs and traditional court system (retributive justice) outcomes show that restorative justice programs are effective. There are three main aspects of effectiveness: recidivism, restitution payment, and victim satisfaction. Aligned with the aim of the criminal justice system, restorative justice programs are effective if they reduce recidivism rates. A review by Sherman and Strang (2005) showed varying results for reducing recidivism rates depending on the nature of the offence committed. When looking at violent crime, six programs showed reduced recidivism, four programs showed no difference in recidivism rates (i.e., follow-up recidivism rates did not change), and no programs increased in recidivism. When it came to property crime, five programs showed reduced recidivism rates and two programs saw an increase in recidivism. When looking at non-violent crime, one program showed a decrease in recidivism rates, no program saw an increase in recidivism rates, and two programs showed no differences in recidivism rates. A meta-analysis by Latimer, Dowden, and Muise (2005) found effect sizes of between $d = .23$ to $.38$ (small to medium effects) and concluded restorative justice programs generally reduce recidivism rates. Offenders in the restorative justice programs were found to do better during the follow-up periods compare to those who had gone through the traditional court system.
Often there are additional requirements for those who go through a restorative justice program. One of these requirements is to make payments to the victim. If restorative justice is effective, then offenders should follow through with the restitution agreement. Sherman and Strang (2005) reported 89% of offenders in a restorative justice process sample required to pay restitution to victims complied compared to a 66% compliance rate for completed fine collection. Latimer et al. (2005), found effect sizes of between \( d = -.02 \) to .63 but nonetheless concluded that those who had been through a restorative program were more likely to comply with their restitution agreement.

Another aspect that is addressed by restorative justice is the active participation in the process. If restorative justice is effective, then victim satisfaction with the process or outcome should be high. In the studies reviewed by Sherman and Strang (2005) that included data on victim satisfaction, those who went through a restorative justice process were found to be “far more satisfied than their counterparts whose cases are dealt with in the formal justice system” (p. 65). In the meta-analysis conducted by Latimer et al. (2005), small to medium effect sizes were found (i.e., \( d = -.19 \) to .44). Thus, compared to victims in a traditional justice system, victims from the restorative justice process were “significantly satisfied” (p. 136).

**Categorization and Justice**

As discussed previously, social categorization can create hostility and prejudice towards members of other groups. What does this mean for an individual officially labeled through the criminal justice system?

In the criminal justice system, those who are found guilty of a crime are systematically labelled an offender by a court of law (Akers & Sellers, 2013). The labelling of an offender carries the stigma that they are deviant, a bad person, or even evil. In turn, the label of offender
solely defines who they are in the minds of others (Becker, 1963). In amplifying this effect, those who are found guilty of an offense are then segregated from the general population while they serve time to make amends for their behaviour. Although after a period of time, their time of physical segregation from the public ends and they are reintegrated back into the community, there is often still a social divide that affect their aspects in their life such as employment (see Nieuwbeerta, Nagin, & Blokland, 2009).

As stated by Lamert (1967) prior to being labelled, primary deviance is often unorganized, inconsistent, and infrequent behaviour. Once an individual has been formally labelled by the system, this and the addition of informal societal reaction of this behaviour fosters the continuation of deviant behaviour, or secondary deviance (Lambert, 1967). The use of this label is not only to describe an individual’s behaviour but also to describe them as a person. Labeling theory states that the words used to describe an individual influence their subsequent behaviour. Thus, labeling by the system and by society at large alters the individual’s definition of self, in return the individual engages in additional deviant behaviour that they otherwise would not have (Akers & Sellers, 2013; Becker, 1963; Orcutt, 1973). Often this is an exclusion response, and unlike an inclusion response, where although the individual is labeled, they are not excluded and their behaviour is influenced in a positive manner (see Braithwaite 1989; Braithwaite 2000; Orcutt, 1973). This then gives way to the concept of looking glass self explains the behaviour of secondary deviance, in which one becomes what others see (Cooley, 1902).

**Current Study**

The current research examines if the type of contact between offender and members of society influences categorization of the offender. Depending on the criminal justice process (i.e.,
court or mediation), does the quality and quantity of contact between victim and offender influence community attitudes towards the offender? In other words, will the community view the offender as an offender or someone who has offended? In accordance with intergroup contact theory, participants reading a restorative justice scenario (e.g., mediation) will have more positive attitudes towards an offender than will participants viewing a retributive justice scenario. It is anticipated that participants who read a restorative justice scenario will categorize the offender more positively than they for the retributive justice scenario.

**Significance of Study**

Theoretical implications for this research are that it will add to the literature on the application of contact hypothesis and intergroup contact in resolving micro scale conflict within the criminal justice system. Specifically, this will add to the information about affective mediating factors of empathy and perspective taking by ingroup members towards outgroup members. As noted by Pettigrew (2008), this is an area that needs to be systematically explored. This examination of restorative justice programs, such as victim offender mediation, is a step towards addressing the criticism of social application of intergroup contact (Pettigrew, 2006) and question of how to structure optimal contact situations in concrete institutional settings (Pettigrew, 2008). As discussed above, a practical implication of this research is that it will inform social policy, as an evidence-based practice, related to the use alternative measures and reintegration. This will facilitate an understanding of what helps to reduce prejudice and stereotypes in the criminal justice system.

**Method**

**Participants.** Participants were recruited from the University of Regina’s Psychology Department Participant Pool which is composed of students enrolled in 100- and 200- level
psychology classes. For their participation in this study, students were awarded a one percent credit toward their grade in their 100- or 200-level psychology classes.

**Materials.** Several measurements were administered to participants to gathering information on demographics, measure feelings towards offender(s), and the perceived quality contact. A measure for gathering demographic information was administered to collect information (i.e., age, gender, and political view) (see Appendix B). Another measure was the General Evaluation Scale created by Wright, Aron, McLaughlin-Volpe, and Ropp (1997). The GES measures general feelings towards outgroups on a six-item bipolar scale (e.g., warm – cold). The measure has been widely used and has been shown to be a reliable and valid measure of feelings towards outgroups (e.g., Reimer et al., 2017; see Appendix C). A measure of personality-trait ratings was adapted from Stathi and Crisp (2008). Originally a list of twenty personality traits, ten negative and ten positive, which a participant would select traits from that represented themselves and again for those they thought represented an outgroup member. The more of the selected traits shared by the participant and outgroup member, the more likely it was for the participant to be accepting of the outgroup member. The adapted version of this measure asks participants to rate all twenty personality traits. The lower the score, the more positive the participate perceives the outgroup member to be and are more accepting of them (see Appendix C). The General Intergroup Contact Quality and Contact Quality Scale (CQCQ) created by Islam and Hewstone (1993) measures dimensions of intergroup contact (quantity and quality). Reliability and validity data are reviewed in Lolliot et al. (2014). Finally, a post-experimental measure was administered to participants.

**Procedure.** Administration of the study was done online through Qualtrics. The participants were first given a consent form detailing their rights and the overview of the project
to read and sign (see Appendix A). Participants then completed the demographics measure (see Appendix B). Information gathered from the demographics measure included information on each participant’s gender, education level, if they have lived in Canada for the majority of their life and their political standing (e.g., conservative to liberal). Participants also completed the GES and Personality-Trait ratings in regards to offenders in general (see Appendix C).

Participants were randomly assigned to read one of two scenarios about an individual who has offended (see Appendix D); (Rempala & Geers, 2009; Mazziotta, Mummendey & Wright, 2011). One scenario depicted an individual who has offended and is going through a court process. In this scenario, participants were given only the information that would normally be presented in a court proceeding. The second scenario depicted an individual who has offended and is going through a mediation process. In this scenario, participants were given the information that would normally be presented in a court proceeding and additional information that would be expected to be presented in a mediation process.

After reading one of the two scenarios, participants filled out the GES and Personality-Trait ratings again, specific to the offender in their scenario, and the CQCQ (see Appendix C). Participants were then asked follow-up questions about any involvement in the criminal justice system (Appendix E). Finally, participants were debriefed about the study (Appendix F). The debriefing included information on supports and help in the community that participants could access if they have been triggered due to past experiences with the criminal justice system.

**Data Analysis.** One set of analyses assessed differences between the two scenarios on the GES and Personality-trait ratings post-scenario. GES and Personality-trait ratings pre-scenarios will serve as covariates. These analyses were done through mixed model ANOVAs followed by t-tests.
Results

Demographics

Survey responses were gathered from 62 participants (female \( n = 49 \) and male \( n = 13 \)). The demographics of the participants that took part in this study were what would be expected from a Psychology Department participant pool. The average age of participants was 22 years and the majority \( (n = 36) \) had declared majors in psychology and were in their second year of studies \( (n = 22) \). Participants reported as having predominantly liberal political views, with the largest number of participants \( (n = 20) \) selecting the halfway point between conservative and liberal on the 5-point Likert scale, and over half of participants \( (n = 34) \) selecting the liberal options.

General Intergroup Contact Quantity and Contact Quality Scale (CQCQ)

After reading the retributive justice or restorative justice scenarios, participants were asked to rate the perceived quality of contact with the specific offender in regard to five aspects of contact. Using an independent t-test to compare the contact conditions resulting from reading one of the two scenarios, there was no statistically significant difference between retributive justice \( (M = 21.21, \text{SD} = 3.84) \) and restorative justice \( (M = 23.46, \text{SD} = 5.73) \) on overall ratings of perceived contact, \( t(60) = 1.82, p = .07, d = 0.46 \). When looking at specific aspects of contact, the restorative justice condition reported more intimate contact \( (M = 4.57, \text{SD} = 1.3) \) than the retributive justice condition \( (M = 3.46, \text{SD} = 1.54) \), \( t(60) = 3.01, p = .004, \) with a medium to large effect size of \( d = 0.77 \). In addition, the aspect of pleasant was also found to differ between conditions, \( t(60) = 2.10, p = .04, \) with the restorative justice condition reporting contact as more pleasant \( (M = 4.77, \text{SD} = 1.47) \) than the retributive justice condition \( (M = 4.00, \text{SD} = 1.39) \) with a medium effect size of \( d = 0.53 \). Other aspects of contact such as competitive or cooperative,
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$t(60) = 1.34, p = .184, d = .33$, perceived as equal or unequal, $t(60) = .50, p = .61, d = .12$, and involuntary or voluntary, $t(60) = .66, p = 0.51, d = .17$, did not differ between conditions.

**General Evaluation Scale**

Participants were asked to rate their feelings towards offenders in general before reading one of the two scenarios and then evaluating the specific offender in the scenario. Higher scores are associated with more negative feelings towards the offender(s). A mixed model ANOVA was conducted to test for a difference in feelings toward offenders (see Figure 1) in regards to general versus specific offenders, retributive and restorative conditions, and their interaction. There was a trend toward statistical significance for the test of the interaction between general versus specific offender and retributive versus restorative conditions, $F(1,60) = 11.78, p = .18, \eta^2_p = 0.29$. General versus specific offenders collapsing over retributive and restorative conditions was statistically significant with a large effect size $F(1,60) = 23.37, p = .001, \eta^2_p = 0.28$, with feelings towards the specific offender being more positive ($M = 18.94, SD = 0.64$) than feelings towards offenders in general ($M = 22.91, SD = 0.60$). In addition, participants who read the retributive condition scenario ($M = 22.06, SD = 0.64$) were less positive in their evaluations of the offenders compared to the restorative condition scenario with a medium effect size ($M = 19.80, SD = 0.67$), $F(1,60) = 5.88, p = .02, \eta^2_p= 0.08$. An independent sample t-test found that participants did not vary in their opinion on their feelings towards offenders in general between retributive ($M = 23.50, SD = 4.95$) and restorative conditions ($M = 22.33, SD = 4.49$), $t(60) = .968, p = .337, d = .24$. On the other hand, there was a statistically significant difference in how positively participants felt towards the specific offender for retributive ($M = 20.65, SD = 5.24$) versus restorative conditions ($M = 17.26, SD = 4.79$), $t(60) = 2.62, p = 0.01$, with a medium effect size $d = 0.67$. Although the hypothesis predicted that there would be a difference between the feelings
towards offenders in general and the specific offender, this was true only for general versus specific offender and not for restorative versus retributive conditions. Despite no statistically significant interaction, positive change in feelings were shown toward the specific offender within the restorative justice condition as seen in Figure 1.

**Personality-Trait Ratings**

Participants were asked to rate offenders in general and subsequently the specific offender on 10 positive (desirable) and 10 negative (undesirable) personality-trait using a five-point Likert scale. After reversing the negative traits, higher scores are associated with negative trait ratings of the offender(s). A mixed model ANOVA was run to test if there was a difference in the ratings of personality-trait between offenders in general and the specific offender (see Figure 2), retributive and restorative conditions, and their interaction. There was no statistically significant interaction between general versus specific offenders or retributive versus restorative conditions, $F(1,60) = .33, p = .56, \eta^2_p < .00$. General versus specific scenarios collapsing over retributive versus restorative conditions was statistically significant with a large effect size, $F(1,60) = 26.52, p = .001, \eta^2_p = .30$. Thus, the personality traits of the specific offender ($M = 56.09, SD = 0.97$) were rated more positive than offenders in general ($M = 62.32, SD = 0.88$). In addition, there was no difference between retributive and restorative conditions collapsing over general versus specific offender, $F(1,60) = 3.07 p = .05, \eta^2 = .04$. An independent sample t-test found that participants did not vary in opinion on their ratings of offenders in general between retributive justice ($M = 63.21, SD = 7.43$) and restorative justice conditions ($M = 61.43, SD = 6.43$), $t(60) = 1.00, p = .31, d = 0.25$. On the other hand, there was a statistically significant difference in how participants rated the specific offender in the scenario versus offenders in general for retributive justice ($M = 57.68, SD = 7.15$) and restorative justice ($M = 54.50, SD = 6.43$).
Figure 1 Participant’s feelings over time (from general to specific offender) and by condition
Figure 2 Participant’s personality-trait ratings over time (for general and specific offenders) by condition
8.21), \(t(60) = 1.63, p = 0.10\), with a small-medium effect size \(d = 0.41\). Although it was predicted that there would be a difference in how participants rated the personality traits between offenders in general and the specific offender, this was only true for general versus specific offender and not the restorative versus retributive conditions. Despite no statistically significant interaction, a positive change in ratings were shown for the specific offender in the restorative justice condition.

**Follow-Up Questions**

Just over half of the participants reported that they not known anyone, or were themselves never a victim within the criminal justice system \((n = 36)\) and this did not vary by condition (retributive justice \(n = 17\); restorative justice \(n = 19\)), versus a smaller number of participants \((n = 26)\) who had been or knew a victim (retributive justice \(n = 11\); restorative justice \(n = 15\)), \(\chi^2(1, N = 62) = .66, p = .41\). A majority of participants \((n = 46)\) reported that they know someone who has offended and this did not vary by condition (retributive justice \(n = 24\); restorative justice \(n = 22\)) compared to those who did not know anyone (retributive justice \(n = 8\); restorative justice \(n = 8\)), \(\chi^2(1, N = 62) = .02, p = .88\). Of the participants who know someone who had been an offender, the majority \((n = 37)\) reported that their view of the individual changed after finding being informed about the offending behaviour but that number did not vary by condition (restorative justice \(n = 19\); retributive justice \(n = 18\)) compared to those whose views did not change (restorative justice \(n = 3\); retributive justice \(n = 6\)), \(\chi^2(1, N = 46) = .94, p = .33\). A small portion of participants \((n = 16)\) had prior knowledge of the mediation process as a participant in either a public (school or work) or private (justice system) setting and that number that did not vary by condition (retributive justice \(n = 9\); restorative justice \(n = 7\)), \(\chi^2(1, N = 16) = \)
Discussion

The current research examined if the quality of perceived contact resulting from two criminal justice processes, specifically court or victim offender mediated programs, would influence community attitudes towards the offender.

Participants

It was unknown if participants would have experience with or would know someone who had offended. A definition was provided to participants to clarify who would be considered an offender excepting those guilty of drug possession. In response to this definition, a majority of participants reported knowing an individual who had offended. It was unknown how many participants would possess a realistic concept of the criminal justice system. Surprisingly, slightly less than half of the participants had either personal experience of the criminal justice system as a victim or knew someone who had been a victim of a crime. Some participants also had knowledge of the mediation process. These views can be considered average in comparison to the general public.

Quality of Contact

In testing the quality of perceived contact between programs, participants in the restorative justice condition perceived contact to be more intimate and pleasant than those in the retributive justice condition. This outcome is not surprising as there are differences between formal and informal justice processes beyond the physical environments in which these processes take place (i.e., court house versus community centre). The contact factors originally suggested by Allport (1954) can be found within any type of mediation process. Mediation takes
place in a neutral setting where a third-party member makes an effort to equalize status between victim, offender, and the system, all of whom come together to support the shared goals of resolving conflict and repairing harm. Although these contact factors are considered to be facilitating rather than essential (Pettigrew & Tropp, 2005), the meta-analyses by Pettigrew and Tropp (2006), and Paluck, Green, and Green (2019) found these contact factors to reduce prejudice.

**Feelings Towards Offenders**

The negative label of *offender* represents societal deviance and is associated with negative feelings towards members of this outgroup. Not surprisingly then, participants expressed more negative feelings towards offenders in general than towards the specific offenders. Participants in the restorative justice condition expressed more positive feelings towards the specific offenders in the scenario than those participants in the retributive justice condition. Pettigrew (2008) highlighted the importance of promoting empathy and perspective taking as important affective components of contact. Within the restorative justice condition, perspective taking was enabled through the community members’ opportunity to be intimately involved in victim offender mediation. This opportunity enabled community members to gain some understanding of situational factors that may have influenced the offending behavior. Community members were also provided suggestions as to how conflict can be resolved through alternative solutions that would better fit the needs of the victim, the offender, and the community. Thus, it is a possibility that increased quality of contact within an informal setting would lead to more positive attitudes and thereby reduce the stigmatization of labelling an individual as an offender and replace that label with one of an individual who has offended.
Personality Traits

Personality traits were considered in relation to the likelihood that outgroup members who are more like ingroup members would be more accepted by members of an ingroup. Low rating on positive or desirable traits (e.g., intelligent, observant) were associated with greater acceptance of an offender. Participants rated positive or desirable personality traits of the specific offender lower than those of offenders in general regardless of condition although restorative justice ratings were slightly more positive. For example, participants in the restorative justice condition rated the specific offender more positively on the personality trait of resourceful than those in the retributive justice condition. Thus, participants in the restorative condition would be more likely to accept the specific offender in their scenario compared to participants in the retributive justice scenario.

Limitations

Participants. An overwhelming number of participants in the study were female, but this is expected from an undergraduate participant pool sample (Sharpe & Poets, 2017). Furthermore, due to the experiment being conducted at the end of the semester may have impacted the motivation for participation and the responses given (see Hom 1987).

Follow up questions. Participants indicated that their views of the known offender changed after learning about the offending behavior, but no data were collected to see specifically how their views had changed. Information about the current state of the relationship between the participants and the offender(s) would have been beneficial to see if the relationship had changed, and if so how (i.e., are they in contact or not).

Personality Traits. The personality traits measure was adapted from Stathi and Crisp (2008). In the Stathi and Crisp study, participants were asked to select personality traits from a
list and then select traits they thought represented a particular outgroup member. If participants selected similar traits for the outgroup member as they did for themselves, then it was seen as likely that those in the ingroup (participants) would be more accepting of those in the outgroup (offenders). In the present study an assumption was made that the more positive was the view of desirable traits of the outgroup member, the more likely that the outgroup member would be accepted by the members of the ingroup (participants). This assumption is based on the premise that the personality-traits chosen for evaluation represented and had value to the participants (ingroup) rating them.

**Social Categorization.** The current study was conducted to test for difference between offenders in general and a specific offender in that those in the restorative justice condition would have more positive feelings towards the specific offender compared to those in the retributive condition and offenders in general. Thus, community members in the restorative condition would be accepting of the individual and would not label them as an *offender* and categorize them as an outgroup member, but rather perceive them as an individual who has *offended*. The study did not collect data to confirm the specific aspects of the reciprocal process model by Pettigrew (1998), to examine the shift of categorization as a process beginning with decategorization, followed by mutual differentiation, and ending with recategorization. The combination of these stages over time can reduce prejudice toward outgroup members (Brewer & Gaertner, 2001).

**Research Perspective.** As noted by (Pettigrew, 2008), most of the research conducted on intergroup contact has been done from the majority or ingroup perspective. A few studies (see Shelton & Richerson 2006) have been conducted from the perspective of minority or stigmatized group in the interaction with ingroup members. Other researchers (see Tropp 2003) have also
stressed the importance of taking subjective factors for minority group members into account. The present study was conducted from the majority or ingroup members (e.g., community) perspective and no data were collected from the minority or outgroup members (e.g., offenders) perspective. Information gathered from a minority perspective would need to take into consideration their views towards the ingroup, and whether they feel less stigmatized after going through the court or victim offender mediation process.

**Future Research Directions**

In the current study, participants were asked to imagine themselves within a given scenario as if they were there to participate in the process as part of the methodology. Going forward, future research should be purposely look into *imagined contact* as theorized by Crisp, Turner, and Lambert (2007). This type of indirect contact that asks participants to engage in “mental stimulation of a social interaction with a member or members of an outgroup category” (Crisp & Turner, 2009, p. 234). This approach has been shown to reduce bias towards an outgroup (see Turner et al., 2007) and positive receptions towards outgroup members (see Hunsu & Crisp, 2010; Stathi & Crisp, 2008). In addition, data could be collected from the ingroup members on their predictions of how likely it is for the specific offender to reoffend. Periodical follow-ups with participants would be needed to re-administer contact and feeling evaluations. Data collected during follow ups would provide information of feelings towards the specific outgroup member (offender) and information about contact between and feelings towards other members of that outgroup. Examining this information would reveal if the contact effects were temporary or long-term and if the feelings of positive contact generalized to other members of the outgroup. Using this contact approach, research could be expanded on by exploring additional mediating mechanism such as cognitive factors (i.e., learning about others and social
representation). Information about these factors would be useful for examining the process of social categorization of an offender.

**Reciprocal Process Model.** In the stage of decategorization (Brewer & Miller, 1984), also known as the personalization perspective, “intergroup interactions should be structured so as to reduce the salience of category distinctions and promote opportunities to get to know outgroup members as individual persons” (Brewer & Gaertner, 2001, p. 458). Elements within informal justice process (i.e., victim offender mediation) are built in to allow for both members of the ingroup and outgroup to mingle through the process during breaks and through sharing food. An example of decategorization in the current study is that those in the restorative condition reported the contact to be more *pleasant* than those in the retributive justice condition. Additional measurement of salient characteristics within the ingroup and outgroup could be given to observe the aspect of decategorization. Then in the stage of mutual differentiation (Hewstone & Brown, 1986), “co-operative interactions between groups are introduced without degrading the original ingroup-outgroup categorization” (Brewer & Gaertner, 2001, p. 461). During this time, individuals continue to have their own social identity and positive independence but avoid comparisons between groups (Brewer & Gaertner, 2001). The process of collaboration of the victim, the community, and the offender fulfills the requirement of co-operative interactions, but during mediation an agreement does not always meet the needs of all three parties involved. More data would need to be collected to examine the contact and feelings towards offenders when not all the needs of the victim, the community, and the offender are not met in the mutual agreement or if no mutual agreement can be reached. In the final stage of recategorization (Gaertner & Dovidio, 2000), also known as common group identity model, “intergroup bias and conflict can be reduced by factors that transform participants’ representations of memberships
from two groups to one, more inclusive group” (Brewer & Gaertner, 2001, p. 459). Building on to the current study, members from the ingroup could be asked about their perception of the specific offender in the scenario, whether if they perceive that individual to be an offender or as something who has offended.
References


Winterdyk, J. (1999). It’s time...it’s time...is time for restorative justice? In J. Winterdyk & D. E. King (Eds.), *Diversity and justice in Canada* (pp. 297- 292). Toronto, ON: Canadian Scholars Press.

Appendix A

Consent Form: Engaging with Offenders in the Justice System

Participation Consent Form

Please take your time to read over the participation consent form

Researcher: Erin Thomsen (Faculty of Arts, Undergraduate Student), Psychology Department, University of Regina; dobson2e@uregina.ca

Supervisor: Dr. Don Sharpe (Faculty of Arts, Faculty), Psychology Department, University of Regina; sharped@uregina.ca

The purpose of this study is to examine imagined social interaction with individuals within the Criminal Justice System. Through the online survey tool Qualtrics, you will be asked a number of questions related to your perceptions about offenders.

The objective of this study is to collect data for an Honours Thesis project in Psychology at the University of Regina. The findings of the research are intended to be used for a poster presentation and might also be presented and published in scholarly articles.

The total amount of time to complete this study will be approximately 30 minutes. For participating in this study, you will receive one credit toward a 100- or 200-level psychology class, awarded by the Psychology Participant Pool. Your instructor will be informed that you have participated in a study through the participant pool when assigning you credit but they will not know what study you have taken part in. If you have enrolled in this study but do not choose to participate, but not consenting, you will not be awarded a credit. If you choose to participate you must finish the survey in one setting, you can not close the study and finish it later.

The risk of participating in this study is minimal, but could elicit uncomfortable feelings or memories. However, those feelings should be temporary with no foreseeable psychological or physical harm. You may withdraw from the research project for any reason, at any time without penalty of any sort. To do this, exit your open window browser, your answers will not be saved and you will be unable to continue later on. Once data are collected, due to the data being anonymous we will be unable to identify your data to delete it. The potential benefit of this research is to better understand social interactions by members of society with individuals involved in the Criminal Justice System.

All identifiable information will be kept separate from the responses, and will only be used to award participant credit. There will be no identifying information (e.g., your name and/or student number) attached to your response. After you have completed the survey, you will be unable to
withdraw from the study. Since data is anonymous, we will be unable to identify your individual responses to remove them from the data. Your confidentiality will be protected by storing your responses in a password protected computer and will be permanently deleted after 5 years. Once data has been collected through the online survey tool Qualtrics, the data will then be transferred onto a laptop that is password protected and locked in an office.

If you have any questions, concerns or to obtain results for the study please contact Erin Thomsen at dobson2e@uregina.ca/ 306-585-4157 or Dr. Don Sharpe at sharped@uregina.ca/ 306-585-4157.

This project has been approved on ethical grounds by the University of Regina Ethics Board. Any questions regarding your rights as a participant may be addressed to the committee at (306) 585-4775 or research.ethics@uregina.ca

By selecting ‘I consent, begin the study’, YOUR FREE AND INFORMED CONSENT IS IMPLIED and indicates that you understand the above conditions of participation in this study.
Appendix B

Demographic Survey

What is your age in years? ______

What gender do you identify as?

Male       Female       Other (Specify): ________

Please indicate your current year of education (e.g., 1st year): _____

Please indicate your declared major:

Psychology _____ Justice/Police Studies _____ Other (specify): _____

Please indicate the response that best represents your political beliefs:

Conservative ___ ___ ___ ___ ___ Liberal

Were you born in Canada?

Yes ____ No ____

If no, what country? _____

Do you self-identify as Indigenous (First Nations, Inuit, Metis)? _____
Appendix C

Measures and Scales

General Evaluation Scale: (Modified for: Offenders in general)

Please describe how you feel about *offenders* in general:

1. Warm - - - - - - Cold (reverse coded)
2. Negative - - - - - - Positive
3. Friendly - - - - - - Hostile (reverse coded)
4. Respect - - - - - - Contempt (reverse coded)
5. Admiration - - - - - - Disgust (reverse coded)

General Evaluation Scale: (Modified for: Offender in the specific scenario)

Please describe how you feel about the *offender* in the scenario you read:

1. Warm - - - - - - Cold (reverse coded)
2. Negative - - - - - - Positive
3. Friendly - - - - - - Hostile (reverse coded)
4. Respect - - - - - - Contempt (reverse coded)
5. Admiration - - - - - - Disgust (reverse coded)

Personality-trait Ratings: For offenders in general and the specific offender

Strongly agree, agree, neither agree or disagree, disagree, and strongly disagree

Ten positive traits: Intelligence, resourceful, tolerant, observant, logical, practical, entertaining, careful, bold, and studios.

Ten negative traits: Aggressive, boastful, messy, disrespectful, gullible, moody, opportunist, disagreeable, possessive, and snobbish.
General Intergroup Contact Quantity and Contact Quality Scale: (Offenders in general-if have past experience)

Contact Quantity:

How much contact do you have with offenders?

1. At university (None =1 2 3 4 5 6 7= A great deal)

2. As neighbours (None =1 2 3 4 5 6 7= A great deal)

3. As close friends (None =1 2 3 4 5 6 7= A great deal)

How often have you?

1. Engaged in contact in informal conversations with offenders.

   (None=1 2 3 4 5 6 7=Very often)

2. Visited the homes of an offender.

   (None=1 2 3 4 5 6 7=Very often)

Contact Quality:

To what extent did you experience contact with the offender as:

1. Perceived as equal (Definitely not=1 2 3 4 5 6 7=Definitely yes)

2. Involuntary or voluntary (Definitely involuntary=1 2 3 4 5 6 7=Definitely voluntary)

3. Superficial or intimate (Very superficial=1 2 3 4 5 6 7=very intimate)

4. Pleasant (Not at all=1 2 3 4 5 6 7=Very)

5. Competitive or cooperative (Very competitive=1 2 3 4 5 6 7=Very cooperative)

General Intergroup Contact Quantity and Contact Quality Scale: (Modified version for contact within the imaged scenario)

Contact Quality:
In reflecting on the scenario that you read, please indicate what you perceived the contact to be like with the specific offender in the scenario:

1. Perceived as equal (Definitely not=1 2 3 4 5 6 7=Definitely yes)
2. Involuntary or voluntary (Definitely involuntary=1 2 3 4 5 6 7=Definitely voluntary)
3. Superficial or intimate (Very superficial=1 2 3 4 5 6 7=very intimate)
4. Pleasant (Not at all=1 2 3 4 5 6 7=Very)
5. Competitive or cooperative (Very competitive=1 2 3 4 5 6 7=Very cooperative)
Appendix D

Scenarios

Scenario #1:

A house in your neighbourhood was broken into several months ago. The person who broke in was caught by police, appeared in court, and has been found guilty. The court process is almost over and the offender has asked to share a statement of apology that will be read by their lawyer. As a member of the community, you have been asked to attend court with several other community members to support the victim.

The following information is provided in court about the offender and the charges they are found guilty of:

- On the day of or about the 10th of June, did an individual break and enter into a residence.
- On the day of or about the 10th of June, did an individual obtain material belongings of another individual (Theft under $5,000), from the residence.

While in court you hear the prosecutor describe the offender as a ‘troubled’ individual, who often struggles to hold a job. In addition, the prosecutor also states that the offender has other matters to be dealt with in court in relation to debt for failing to pay their utility bills. After this information is presented, the judge asks the offender to stand as their defense lawyer reads their letter of apology in front of the court.

The letter reads as follows:

To Whom It Concerns,
I wish to apologize for my actions. I know that my actions were wrong and that I caused damage to someone’s house that needed to be repaired and that some of your belongings were unable to be recovered. I understand that my actions were wrong.

Sincerely,

Xxxx

You then exit the courtroom with your fellow community members while the judge sentences the offender according to the legislation on sentencing principles.

Scenario #2:

A house in your neighbourhood was broken into several months ago. The person who broke in was caught by police, appeared in court and was diverted by the judge to a mediation program. Although a guilty plea has already been entered, you were asked to attend the mediation with several other community members to support the victim.

After you arrive, you are invited to grab a coffee or tea before having a seat in the circle of chairs. When the mediation begins, everyone sits down in a circle and is asked to state their name and why they have come to the meditation. You introduce yourself and state that you are a community member here to support the victim. As people introduce themselves you find out that both the victim and offender have family and community members here to support them.

The following information is provided by the mediator about the offender and the charges they are found guilty of:

- On the day of or about the 10th of June, did an individual break and enter into a residence.
On the day of or about the 10th of June, did an individual obtain material belongings of another individual (Theft under $5,000), from the residence.

In addition to this information, the information on the file describes the offender as a ‘troubled’ individual, who often fails to hold a job and has other matters to be dealt with in court in relation to debt related to them failing to pay their utility bills.

Some of the community members start talking about the day of the break in. Many of the community members state that they have felt a bit uneasy at night and have started to double check that their belongings are locked up before they leave. One of the neighbors even decided to install a security alarm, while several others bought new locks for their houses and garages. After a while, the victim turns to the offender and asks why they broke into their house. Since the offence, the victim has have had trouble sleeping at night and is up to check out any noises that they hear, even during the day. The victim concludes that “since you broke into my house, I no longer feel safe and I am scared that I was targeted”.

The mediator asks the offender if they would like to talk about their actions that led to the offence and the offender agrees. The offender explained that they have often had a hard time keeping a job due to their substance abuse. Although they have sought out help with this, they have been placed on an eight month wait list. Up until the offence, they were managing well but relapsed when they were let go from their job. Feeling that they were in a desperate situation and needed money, they decided to find something of value to steal and sell to support their substance use. The offender concludes with, “I was unaware that my actions has made not only the victim but the entire community feel unsafe. I understand now that I have done more harm than causing damage to someone’s house, but I also harmed them by making them feel unsafe in
their own house – a house is somewhere to be safe. I can promise you that I did not purposely target anyone and I am sorry you feel this way.”

The victim, community, and the offender then talk about possible ways of how the offender can repair the harm and damage that they have done to the community. Eventually the group decided that the offender, with the help of a community member who is a carpenter, will build a new door and frame to replace the back door of the victim’s house. In addition, other community members would like the offender to come to the community supper that will be going on next month so that they can meet more community members and to see the beautiful park in their neigbourhood. The victim thanks the offender for their honesty during the mediation and is looking forward to having their door replaced and hopes to see them at the community supper. The mediation ends and you are informed that the offender will return to court. Next, the judge will decide if the mutual agreement that the group arrived at will satisfy the judge’s recommendations for punishment as set out in the legislation on sentencing principles.
Appendix E

Participant Follow Up Questions

1. Have you been involved with the Criminal Justice System as a victim of a crime or someone who was close to a victim of a crime? (Yes/No)

2. Do you know of anyone that has offended - whether they were caught and processed through a court of law or not? (Yes/No)

   2a. If yes, please take time to think about them before the incident occurred and then think of them after the incident occurred. Have your views of them changed in any way? (Yes/No)

3. Have you ever been part of a mediation process in a public setting (i.e., for school or work) or through the justice system (i.e., for divorce or a criminal processing)? (Yes/No)

   3a. If yes, was the mediation part of a:

      (Public setting- School or work/ Private setting- Criminal or non-criminal justice matter)
Appendix F

Debriefing Form: Engaging with Offenders in the Justice System

Thank you for participating in this research study!

The purpose of this study was to learn more about how members of society would categorize an offender depending on the level of perceived contact they have with them.

We know that a process of social categorization can cause hostility, prejudice, and conflict towards out-group members (offender), and that labeling an offender though the criminal justice system can have multiple implications upon an offender’s reintegration process.

One way to reduce prejudice and hostile attitudes or beliefs towards an outgroup member is by the quantity and quality of contact an ingroup has with them. Within the criminal justice system, there are various processes that offenders can be diverted to as alternative ways to deal with their offence (i.e., therapeutic courts and restorative justice programs). When an offender goes through a traditional court process (i.e., court), they are engaged in superficial contact with everyone else in the court room, including the victim. When an offender is diverted into a restorative justice program (i.e., victim-offender mediation), they are able to engage in enriched contact with the victim and the community.

The potential benefits of this research are to better understand the implication of social interactions by members of society with offenders through imagined contact. Implications from the information collected can add to the growing body of literature in support of the intergroup contact theory and possible inform polices relating to the criminal justice system.

For participating in this study, you will receive one credit toward a 100- or 200- level psychology class, awarded by the Psychology Participant Pool.

There is no intended risk associated with participating in this study. If for any reason you feel triggered by the questions due to having past experiences with the justice system, please visit the following website for a variety of listed resource:
https://www.uregina.ca/student/counselling/resources/mental-health.html

If you have any questions, comments, or concerns about this research study, feel free to contact the researcher by email; Erin Thomsen at dobson2e@uregina.ca/ 306-585-4157 or Dr. Don Sharpe at sharped@uregina.ca/ 306-585-4157.