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Victim awareness: Re-examining a probation fundamental

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Abstract

'Ensuring offenders' awareness of the effects of crime on the victims of crime and the public' is one of five stated aims of the National Probation Service of England and Wales and specifically undertaking victim awareness work is an expectation of the service's work. The nature and putative value of such work appears to be rarely questioned however. It is argued that 'victim awareness' is a confused concept in terms of its rationale, definition, and empirical basis as a criminogenic need. These issues are evaluated and the practice implications discussed. A possible model of victim awareness work is described.

Keywords

empathy, inspections, interventions, practice, probation, victim awareness

Introduction

This article seeks to assess the rationale for, and the nature and value of victim awareness work with offenders, with a specific focus on the probation service in England and Wales. In doing so it will consider the legal and moral imperative to undertake such work, as well as the theoretical and empirical literature regarding victim awareness and related concepts such as empathy. These issues will be discussed in relation to probation practice and conclusions will be drawn.

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The legal basis of victim awareness work

The impact of crime can be substantial and may include physical and emotional harm, financial loss, and lasting changes in everyday behaviour for the people affected, yet historically victims have had little voice within the criminal justice system (Grey, 2002; Williams, 2007; Wolhuter et al., 2008; Zedner, 2002). This position was increasingly challenged by a variety of sources which have sometimes been collectively termed 'the Victim's Movement', and resulted in a culture shift in which victims were increasingly seen as consumers of the criminal justice system (Zedner, 2002; Williams, 2007). The 1990s saw the Government introduce two Victims' Charters and this was followed in the next decade by a new code of practice for victims of crime and the 'Justice for All' white paper, all of which led to substantial changes in practice (Criminal Justice System, 2005, 2007). For the probation service in England and Wales, these changes included the start of statutory victim contact work (legislated for in the Criminal Justice and Court Services Act 2000) and the expectation that victim awareness work would be undertaken with offenders as part of their sentence (Home Office, 2000). Alongside protecting the public, reducing re-offending, the proper punishment of offenders in the community, and the rehabilitation of offenders, 'ensuring offenders' awareness of the effects of crime on the victims of crime and the public' remains one of the five aims of the service (National Probation Service, 2003). Additionally, victim awareness work has been an important part of recent inspections by Her Majesty's Inspectorate of Probation and is a factor taken into consideration by parole boards; it is not, however, something the service has necessarily undertaken well (HM Inspectorate of Probation, 2005, 2006a, 2007, 2009, 2012a, 2012b; Parole Board, 2012).

The Government's general expectations are therefore specified. The Government's rationale for these changes is less well articulated however. It is possible that it was simply trying to achieve a moral 'rightness'. It is also possible that the rationale was rooted in wanting to further reduce offending, or more cynically that it was a populist step aimed simply at vote-winning. It is interesting that during these changes victim awareness and empathy appeared together in probation service strategy as a value rather than an objective (National Probation Service, 2001). Whilst increasing victim awareness appeared as an objective when the Offender Management Model was articulated in 2006, it appeared as a restorative intervention ('making good the damage done'), rather than a rehabilitative one (NOMS, 2006: 36), although it was stressed that Offender Managers were expected to increase an offender's victim awareness over and above any restorative requirement. It is arguable therefore that whilst the legal basis of victim awareness work is apparent, there remains some ambiguity in what such work is supposed to achieve and whom it serves.

The moral basis of victim awareness work

There is an intuitive appeal for victim awareness work. Dominey (2007: 320), for example, suggests it may be 'a good thing in itself', and given the historical public pressure for victims to have a greater voice within the criminal justice system, it seems that there is reasonable moral support for such work. It may also be an additional means through which practitioners keep in mind the impact of their offender's actions. However, this may not be so clear cut. For example, whilst it is perfectly possible to imagine one victim wanting the perpetrator to know exactly how they have suffered, it is also conceivable that a different victim in similar circumstances may find the thought of it being discussed unbearable. Some people do not even support the use of the term 'victim' as it suggests passive weakness from which they cannot easily recover (Woman's Aid, n.d.). As will subsequently be explored, some approaches to victim awareness work may also do victims a disservice in misrepresenting them (for example, promoting the concept of the 'ideal victim'), and the value of victim awareness work as an intervention which will serve the public by helping to reduce the risk of reoffending also appears to be more questionable than assumed historically, although there may be other gains in undertaking such work. The moral basis of such work is not therefore as clear as the legal framework.

Defining victim awareness and empathy

Although the imperative to undertake victim awareness work is apparent, the actual concept of 'victim awareness' is not always as clear. A literature review revealed limited use of the term, and others have noted that definitions are sparse (Spalek, 2003: 224). Dominey (2007: 320) however refers to it as 'understanding the impact of crime on the specific victim or, more generally, on potential victims', and it has been suggested that intervention techniques might include discussing Victim Personal Statements and challenging offenders' attitudes specific to the offence, challenging denial and minimization more generally, and increasing empathy, for example using fictional scenarios (Dominey, 2007; Williams and Goodman, 2007). There appears to be little comment, however, about which approach, if any, is most effective. HerMajesty's Inspectorate of Probation reports on the proportion of relevant cases inspected in which victim awareness is undertaken (for example, HM Inspectorate of Probation, 2012b). The Inspectorate does specify their expectations: To be considered as 'sufficient quality', victim awareness work requires the depth of an intervention; this could include focused and recorded work about the impact and consequences of being a victim (short and long-term/physical and psychological). This could be either in general terms or in relation to an individual's specific offending, depending on the nature of the offending. This can sometimes

be enhanced by discussing the offender's feelings about when they have been a victim, providing individual responsibility as an offender is not then undermined. (HM Inspectorate of Probation, 2012a: 109) It is noted that recording the work seems to be almost as important as undertaking the work itself and that such work can include the victim awareness sections of programmes, although offender managers should reinforce learning. Victim awareness work may not be 'relevant' in cases where substantial and evidenced work has already been completed earlier in the sentence, cases where victim awareness work might increase risk (for example if the reaction of a victim is a motivational factor for the offender), and cases where offenders are sentenced to a Community Order with unpaid work as the only requirement and there is no legal remit for victim awareness work to be undertaken (HM Inspectorate of Probation, 2012a: 109_110). Taken as a whole, the observations above suggest that victim awareness work targets knowledge (for example, the consequences of offending for both specific and potential victims), attitudes/cognitions (including denial and minimisation), and emotions (for example, encouraging offenders to care or develop empathy). Whilst it can be inferred, particularly from the Inspectorate, that any such work should have the depth of an intervention and the references to empathy, these descriptions do not overtly portray victim awareness work as including skills training. There is, for example, a qualitative difference between an offender being more or less didactically taught to list the consequences of their offence and work with an offender to improve their perspective-taking skills and then undertaking victim awareness work utilizing a Socratic approach. Additionally, Ireland and Homer (2002) argue that empathy and consequential-thinking skills should be considered more closely together during intervention.

The concept of empathy has been argued to be part of victim awareness work and given it receives far greater attention in the empirical literature, effort will be made to define it here with a view to including the concept in subsequent discussion. Whilst attempts to define empathy are far more numerous however, they have historically been fraught with difficulties, for example the conflation of empathy as a feeling, as a thought process, and as a trait or disposition, and its blurring with perspective-taking and sympathy (Blackburn, 2003; Duan and Hill, 1996; Ireland and Homer, 2002; Jolliffe and Farrington, 2007; Marshall et al., 1995, 2009; Polaschek, 2003: 173; Williams, 2005). The trait approach has been particularly criticized with the argument that if people could not to some extent control their empathy they would be overwhelmed by 'promiscuous empathy' during social interactions (Hoffman, 1982, cited in Marshall et al., 2009: 230). It has also been argued that even though it is frequently used as an aim in interventions specifically for offenders, the idea of empathy remains vague and can still be confused with 'sympathy' (Briggs, 1994: 64; Hanson, 2003; Polascheck,

2003). Some clarity can be gained by distinguishing between 'affective empathy', a vicarious emotional response to the observed state of another, and 'cognitive empathy', the ability to understand other people's thinking and feelings; it is often noted however that some confusion continues (Baron-Cohen, 2011; Briggs, 1994: 64; Davis, 1983, cited in Ireland, 1999: 52; Eisenberg et al., 1997; Hoffman, 2000; Polaschek, 2003). Clarity can also be aided by differentiating empathy from related concepts. For example, cognitive empathy is often written about as synonymous with perspective-taking: the two are sometimes distinguished in that cognitive empathy can refer only to understanding another's emotions, whereas perspective-taking refers to taking on the role of the other person more fully (Reber, 1995: 249) and 'sympathy' can be regarded as pity or agreement (Goldstein and Michaels, 1985; Hoffman, 2000). Empathy is often viewed as a dichotomous risk factor (lack of empathy/ having empathy) when managing risk (Jolliffe and Farrington, 2004). However, it is perhaps more accurately seen as a continuous variable (having varying degrees of empathy), and as something that all people inhibit on occasion (Baron-Cohen, 2011; Jolliffe and Farrington, 2004).

It has been observed that assessing empathy has been difficult even with clear definitions, and specific measures have been heavily criticized (Marshall et al., 2009). There is, however, at least one clearly articulated model of empathy that may be of some use, particularly as probation practitioners are more likely to assess empathy through interview rather than by using a formal psychometric. Marshall et al.'s (1995) information-processing model of empathy has four stages:

1. Recognizing the other's emotion;
2. Taking their perspective;
3. Experiencing a matching or appropriate emotional response from that perspective;
4. Generating a well-formulated behavioural response.

The emotion recognition stage has a prerequisite that the observer be able to accurately discriminate the emotional state of another person (Marshall et al. 1995). This model is at least in part supported by other authors and may include being able to interpret emotion cues such as facial expressions and context and individuals being aware that others may think and feel differently to themselves (Baron-Cohen, 2011; Eisenberg et al., 1997; Goldstein and Michaels, 1985). Yet more fundamentally, it is likely to be necessary to be able to identify one's own emotional state (Polaschek

and Reynolds, 2001: 419). Other authors also note perspective-taking as a component of / prerequisite for empathy and as previously noted, some consider that consequential thinking should be closely linked with empathy (Davis, 1983, cited in Ireland and Homer, 2002; Goldstein and Michaels, 1985; Polascheck, 2003). The behavioural component to empathy is also supported elsewhere, suggesting that having appropriate social skills is of relevance (Goldstein and Michaels, 1985; Polaschek, and Reynolds, 2001). The model has been criticized for suggesting that these steps must occur sequentially whereas other information processing models do not (Crick and Dodge, 1994; Ireland and Homer, 2002), and Marshall et al., 2009 noted its limitations and subsequently updated it, for example, including the possibility that an observer may experience indifference or pleasure in someone else's distress, depending on their relationship. The model presented however is perhaps more easily utilized in probation practice.

One important implication of this model is that if practitioners simply undertake exercises which consider the impact of an offence on a victim or in which they hope to encourage the offender to understand a little of what their victim felt, they may fail to recognize that the offender is actually lacking the necessary level of underpinning skill with which to undertake this effectively. This is potentially highly demotivating for an offender and may risk a practitioner then simply teaching the offender victim awareness knowledge which may mean the offender can give a semblance of empathy but without any real substance. A better approach in this case may be to focus on the skills the offender is lacking, perhaps even focusing on emotion recognition in themselves before even thinking about other people. Awareness of this model could therefore aid better targeted assessment and more effective victim awareness work.

Victim awareness as a criminogenic need

Given the probation service's other aims relating to reducing reoffending and public protection, it seems important to give consideration to victim awareness as a criminogenic need and how to maximize the effectiveness of intervention targeting this. However, whilst there often seems to be an assumption that victim awareness work will reduce the likelihood of reoffending, numerous authors have noted that this assumption has little definitive empirical support (Dominey, 2007; Spalek, 2003; Williams, 2005). It should be noted that the Inspectorate have specifically stated that their expectations regarding victim awareness work are not necessarily rooted in claims that such work would successfully help to reduce the risk of reoffending with all offenders; rather it is noted that it can be useful in contributing to a fuller assessment of the risk of harm an individual poses (HM Inspectorate of Probation, 2006b: 37).

Similarly, whilst the link between poor empathy (and sometimes sympathy and perspective-taking) and the willingness to cause others harm has been widely accepted, and empathy training has been included in many rehabilitation programmes, the perceived value of this has also often been based on intuitive appeal and assumption, and the supporting evidence that does exist is far more equivocal and often methodologically flawed (Björkqvist et al., 2000; Craissati, 2012: 222; Donnelly et al., 2001; Feshbach and Feshbach, 1982; Gaboury et al., 2008; Hanson, 2003; Joliffe and Farrington, 2004, 2007; Marshall et al., 2009; Miller and Eisenberg, 1988; Pakes and Pakes, 2009; Polascheck, 2003: 172; Powis, 2002). Indeed, Farrington (2010) noted that other criminogenic factors may be more important and Ireland and Homer (2002) state that one possible interpretation of the literature relating to sex offenders is that the concept of empathy is so flawed that it should not appear as an intervention target, though they do offer alternatives. This literature is considered in more depth.

There are two main bodies of evidence linking empathy to behaviour. The first suggests that empathy is linked to motivation, for example by affecting attitudes towards victims or leading to empathy-based guilt when contemplating harmful behaviour (Hoffman, 2000; Ireland, 1999). Arguably having empathy reduces egocentricity, and is linked to more mature levels of moral reasoning (for example, decisions being based on concern for others over fear of detection). (Donnelly et al., 2001; Gibbs et al., 1992, 1995; Hoffman, 2000; Pakes and Pakes, 2009; Palmer, 2003; Thompson and Hoffman, 1980). There is some empirical support for these arguments (see Ireland, 1999, for example). The second body of research connects empathy skills with pro-social behaviour and empathy deficits with anti-social behaviour. For example, poor victim attitudes and empathy have been linked (though not necessarily causally) to bullying, sexual offending against adults and children, and aggression; conversely, and perhaps more convincingly, good empathy has been found to be strongly predictive of pro-social behaviour (Cohen and Strayer, 1996; Eisenberg and Miller, 1987; Ellis, 2005; Ireland, 1999; McGrath et al., 1998; Marshall, 2001; Miller and Eisenberg, 1988; Roberts and Strayer, 1996).

Although there is therefore clearly some support for the link between empathy and offending, there are some important points to make about the literature. Firstly, the development of empathy is not essential to avoid offending. Baron-Cohen (2011: xi) notes the example of people with autism who have no empathy but who are rarely cruel to others. Secondly, those who criticize the literature have noted mixed findings and serious concerns about three main methodological issues: the differing

definitions used, the outcome measures selected, and the specific research methods utilised (Bush et al., 2000; Duan and Hill, 1996; Eisenberg and Miller, 1987; Ireland and Homer, 2002; Polascheck, 2003: 173). It has therefore been difficult to draw robust conclusions about the relationship between empathy and offending and the relative value of intervention work targeting this. By way of example, Jolliffe and Farrington (2004) undertook a meta-analysis and systemic review of 35 different studies, distinguishing between cognitive and affective empathy. Low cognitive empathy appeared strongly related to offending (low affective empathy appeared only weakly related); however, when socioeconomic status and intelligence were controlled for, this relationship vanished. They provide several interpretations of this finding, each of which would have different implications for empathy interventions, and concluded that further research and better measures of empathy were needed. The same researchers undertook a subsequent study in which they attempted to improve upon the methodological flaws of previous studies, for example, using a validated empathy scale that assessed both cognitive and affective empathy and recent self-reported offending figures (as opposed to convictions, for example), and testing for a relationship between empathy and the frequency of offending, not just whether someone offends or not (Jolliffe and Farrington, 2007). Their main findings this time were that: 1) Males (though not females) who committed offences scored lower on empathy, in particular, affective empathy, 2) Both male and female violent offenders scored lower on empathy than those who had not committed violent offences, although for males this relationship was accounted for by the relationship between high frequency offending and low affective empathy, and 3) Both male and female high-rate offenders scored lower on empathy, again especially affective empathy, than a same-gender comparison group of low-rate offenders.

Empathy may therefore be differentially related to offending depending on the type of offending and the gender of the perpetrator. Importantly, it also seems that affective empathy may be the more important concept when attempting to reduce the risk of reoffending. It is noted that this idea is consistent with thinking about people who score highly for psychopathy in that they are generally capable of great harm and also able to manipulate others very successfully, possibly due to having low affective empathy whilst also having high cognitive empathy (Baron-Cohen, 2011; Jolliffe and Farrington, 2007). Baron-Cohen provides the contrasting example of people with Asperger's Syndrome (who are not usually associated with harming others), as having their affective empathy intact but not their cognitive empathy. Although further work is needed, Jolliffe and Farrington (2007) concluded that empathy training may be useful for high-frequency and violent offenders, though probably not for more minor offenders. However they also questioned the degree to which

training in affective empathy specifically can be effective. Baron-Cohen (2011: 90) refers to twin study research indicating the high heritability of affective empathy, which may also suggest that affective empathy is difficult to change. It may further be useful to understand more about how empathy relates to the extent of harm caused in any subsequent offending.

The conclusions regarding the relative importance of affective and cognitive empathy to offending appear tentative but potentially very important. It is unfortunately difficult to translate these limited findings into practice. It is fairly easy to assess cognitive empathy through interview and exercises, for example, whereas affective empathy is far more difficult to assess in this manner. It may therefore be preferable for practitioners to use a reliable, validated psychometric for this purpose. It also seems reasonable to speculate that most traditional victim awareness interventions focus, if anything, on parts of cognitive empathy, perhaps with the hope that affective empathy will follow. Whilst there is at least some evidence that elements of empathy can be learned, for example the emotion recognition stage, overall this is another area for which sound empirical evidence is limited (Baron-Cohen, 2011: 125). Baron-Cohen also notes that further work is needed in order to establish whether interventions vary in their effectiveness for people at different points on the empathy continuum. It may be necessary to conclude for the present time therefore that affective empathy is the more important aspect of victim awareness in terms of criminogenic need, but that it remains difficult to address. Other interventions, including control measures, may therefore be of increased importance alongside undertaking victim awareness work for people with low affective empathy. As noted previously, however, such work may inform risk assessment even if it does not explicitly help to reduce reoffending and therefore may still be of value.

There is another discussion that may be of more use to practitioners. This focuses on the empirical literature (admittedly mostly relating to sex offenders and not necessarily distinguishing clearly between affective and cognitive empathy) that suggests that empathy problems can be both general (a skills deficit) and specific (empathy fails in a given situation) (Marshall et al., 1995; Marshall et al., 2009: 235_239; Polascheck, 2003; Polaschek, and Reynolds, 2001: 419; Ward et al., 2001). Therefore, an offender may have a genuine empathy deficit, meaning that models of empathy may be useful for intervention, or they may have the ability to empathize generally but have failed to do so in the case of their offence/victim, meaning that identifying and addressing the reasons for this would be the more important focus for 'victim awareness' work. Clearly if this is the case, it may provide further help in explaining the somewhat confused picture in the research literature and additionally offer practitioners a means to more appropriately and effectively target empathy or victim awareness

work. For example, it may mean that the practitioners are able to avoid spending time teaching an offender empathy skills that they already have when it would be more productive to address why their empathy skills failed in a given situation. The implications of this are elaborated upon next.

Victim awareness in practice: Avoiding solving the wrong problem Should practitioners assess whether individual offenders have a general or specific empathy deficit, then accurate assessment is crucial. For example, a simple statement such as 'my victim wasn't distressed' could be heard as a lack of empathy or as evidence of a cognitive distortion (Ireland and Homer, 2002), potentially resulting in a mismatched intervention. Exercises which have traditionally been used as victim awareness intervention work, for example considering the impact of crime on others, may actually serve this purpose well. Undertaking both general exercises and exercises specific to the offender's conviction may also help to highlight whether an offender has simply learnt appropriate responses during previous work or has genuine skills with which to consider victim impact.

For those with a general deficit, it may be necessary to further assess and address the root problem, for example, teaching perspective-taking skills, before undertaking further empathy work. As noted previously, expecting offenders to undertake general victim awareness work without those underlying skills could be demotivating and potentially somewhat futile. For those assessed with a specific deficit, there are numerous documented possibilities that may have inhibited empathy that could be considered for further assessment. For example, impulsivity, emotions (such as high levels of anger or fear), depression, physical states such as hunger or fatigue, ideology /beliefs, or cognitive distortions (thinking errors such as 'blaming others', 'minimizing', 'mislabelling' and 'assuming the worst) and neutralizations (guilt avoiding thinking strategies such as 'denial of responsibility', 'denial of injury', 'denial of the victim', 'condemnation of the condemners', and the 'appeal to higher authorities') (Baron-Cohen, 2011; Barriga et al., 2000, cited in Maruna and Mann, 2006: 159; Gibbs et al., 1995; Hanson, 2003; Hoffman, 2000; Ireland and Homer, 2002; Marshall et al., 2009; Plutchnik and van Praag, 1995, cited in Devonshire, 2008: 35; Sykes and Matza, 1957, cited in Maruna and Mann, 2006). Therefore, for some offenders, improving 'victim awareness' may actually mean considering less obviously related factors. If the assessment and rationale for the chosen intervention work are clearly articulated and recorded, then this would surely still meet the aims of the probation service and Inspectorate criteria.

Victim awareness in practice: Bias and the concept of the 'ideal victim'

Whether assessing an offender's victim awareness or implementing a related intervention, there is scope for practitioner bias. For example, even with the best intentions, practitioners may see victims

as homogenous and decontextualized, and in particular risk perpetuating of the notion of the 'ideal victim', i.e. one who is weak, passive, and innocent (Spalek, 2003: 218_224). 'Non-ideal victims' are less likely to be treated sympathetically and are allocated more blame by society generally (Clements et al., 2006; Green, 2007: 95), a more realistic view is that victims react in diverse ways and the distinction between victims and offenders is often blurred, even during a single incident. Spalek (2003) argues that the service should understand this before engaging in victim awareness work. Planning and careful use of language may help a potentially over-enthusiastic practitioner avoid undermining their legitimacy with an offender and indeed doing victims a disservice.

An additional observation that may be of use to practitioners is that listeners tend to prefer to hear excuses ('it was because . . .') rather than preference (doing something because the offender wanted to) or negligence ('I didn't think') (Maruna and Mann, 2006: 162). Practitioners therefore might inadvertently encourage this meaning that subsequent challenges may be misdirected, although again planning and careful use of language are good guards against this.

Victim awareness in practice: Important exceptions

The Inspectorate identified three accepted exceptions to victim awareness work being undertaken including cases in which victim awareness work might increase risk (HM Inspectorate of Probation, 2012a: 109_110). Those assessed as sadistic or other violent offenders for whom the goal is to distress a victim might reasonably be included in this group; however undertaking victim awareness work with those offenders who are unable to cope with their own guilt may also increase risk (Hanson, 2003; Ireland and Homer, 2002; Marshall et al., 2009: 238). Clearly therefore these issues should therefore be screened for; it may however, be possible to find ways to undertake victim awareness work with those who struggle with their own guilt, perhaps sequencing work on coping strategies first. Marshall et al. (2009) suggest focusing on future victims in order to avoid guilt-related issues. It may also help practitioners to be aware of Hanson's (2003, cited in Marshall et al., 2009: 231_232) distinction between guilt and shame reactions, as he argues that those offenders who feel guilt may be able to recognize their behaviour caused the problem and can therefore be avoided in the future, whereas those who respond with shame take the view that the offence occurred because they are 'bad' people whose behaviour is unalterable. This latter group are likely to employ defensive strategies such as blocking out the harm (poor emotion recognition) or applying cognitive distortions to their behaviour (Marshall et al., 2009: 231-232).

Another likely exception to victim awareness work is those offenders who score highly for psychopathy. For example, Seto and Quinsey (2007: 592) question whether it is possible to improve their empathy, Baron-Cohen (2011: 122) suggests their neurological empathy circuitry may be permanently problematic, and Hare (1993) writes particularly negatively about how this type of intervention could actually teach these individuals how to better manipulate people. It should be noted that this view isn't universally accepted, however, for example Marshall et al. (2009: 232-233) suggest that 'psychopathic indifference' or 'sadistic pleasure' may be best addressed by personalizing victims.

Victim awareness in practice: Sentence planning

Clearly there is a good deal to take into account when undertaking victim awareness work and not all of this is clear cut. Additionally, practitioners may have been trained in a variety of approaches to sentence planning, such as using approach goals, 'I' statements, or solution-focused targets, and sentence plans usually need to be SMART (the meaning of this acronym varies, one version is: Specific, Measurable, Achievable, Realistic and Time-bounded; HM Inspectorate of Probation, 2004). The term 'victim awareness' may appear rather vague within this context, especially given its limited research base. The agreed phrasing of a target may also be dependent on the offender's motivation as almost by definition, they may have very little interest in this work other than to comply with their sentence. Phrases such as 'I will be able to better recognize emotions in others', 'I will have completed four sessions learning about perspective-taking', or 'I will have identified and discussed the justifications I used for my offences' may debatably be more useful, depending on the individual's needs and preferences.

An additional consideration is that some of what may have been more commonly regarded as victim awareness intervention work has been conceptualized within this article as being possibly more useful as a tool for further assessment. This is arguably a semantic distinction if the same exercises are being completed; however the function and therefore the expected outcomes are different. Due to time constraints, undertaking such work may not be possible at the usual major assessment stages such as the pre-sentence report interview; it would therefore appear that it may be appropriate in some cases to set additional victim awareness assessment as all or part of a sentence planning target. In keeping with the Inspectorate's aims, this may also make a useful contribution to an individual's overall risk assessment.

Victim awareness in practice: A possible victim awareness practice model

In order to make best sense of the many issues raised, effort has been made to incorporate the conclusions formulated in this article into a possible model of victim awareness practice (Figure 1). Although tentative, particularly because many of the conclusions upon which it is based are far from robust, this model may provide practitioners with a more clearly articulated process they can follow and may also be useful in assisting them with recording their reasoning and actions. It is intended that this model apply to the mainstream offender population with a supervision requirement as part of their community order or licence; certain offenders, however, such as those with particular learning difficulties may require an alternative approach. The model is hopefully consistent with the expectations of the Inspectorate and aims of the probation service. Effort has been made to maximize the likelihood of having some impact on reoffending whilst also including factors that help to inform risk assessment.

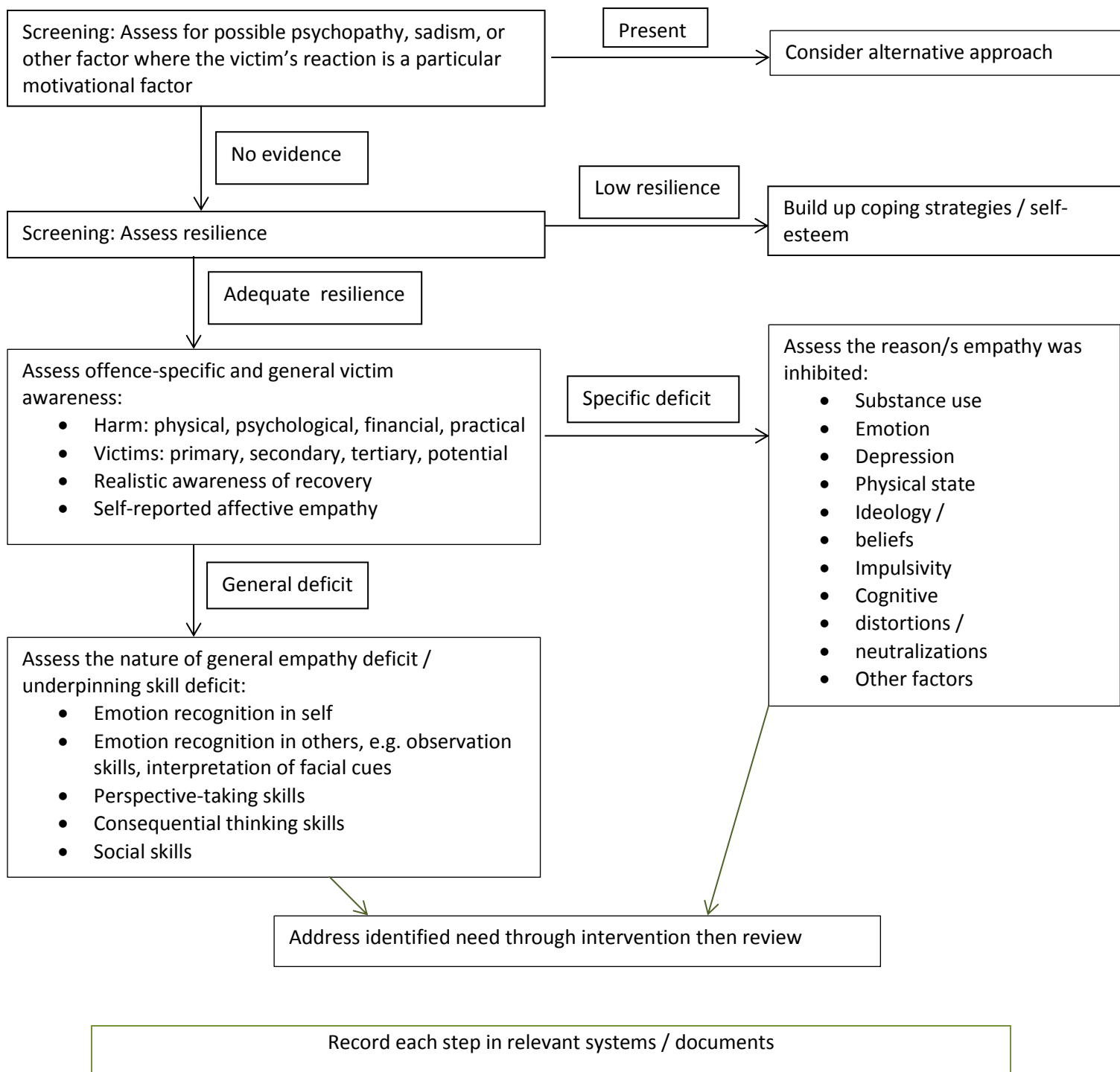


Figure 1. A possible victim awareness practice model.

The model takes ‘victim awareness’ to incorporate knowledge about the impact of offending, but also both cognitive and affective empathy and the skills underpinning these. It includes screening

and assessment stages aimed at determining if such intervention is appropriate and if so, the most appropriate approach. It is not prescriptive about assessment and intervention methods, which could be regarded as both a strength, particularly as it allows practitioners some scope for professional judgement in responding to the individual needs of offenders, as well as a weakness. It does not adequately address the problematic issues of the relative importance of affective empathy and the means to address this need, but it is hoped may provide a practicable model for the present time.

Conclusions

There is a clear legal imperative to undertake victim awareness work with most offenders who are supervised by the probation service. There are some moral and empirical arguments for this type of work also, although this is less clear cut. If this work is to be most useful, however, it may be necessary to reconsider the assumptions and evidence-base of traditional victim awareness work. It may be that the term itself is no longer helpful and that more focus should be given to concepts such as empathy and cognitive distortions when sentence planning. The literature regarding the relative impact of affective and cognitive empathy on offending appears to remain particularly in need of development and may have a pronounced effect on future practice when trying to reduce the risk of reoffending. In an effort to find a practical way forward at the present time however, this article has retained the phrase 'victim awareness' and has attempted to assimilate the available literature into a possible model for victim awareness practice. It has also provided additional discussion related to practice, with reminders of traps that practitioners may fall into.

Culture shifts in probation practice may also impact upon future victim awareness work. For example, plans for an increased use of restorative justice (Ministry of Justice, 2010) may provide an alternative means of achieving victim-related goals, and increased use of models such as the Good Lives Model (see for example, Ward et al., 2007) may bring about a shift of focus from addressing deficits to bolstering offenders' strengths. In the meantime, however, it is hoped this article will at least provoke some discussion of a subject which seems to have been accepted as so firmly intrinsic to probation practice that it has to all intents and purposes ceased to be questioned.

References

Baron-Cohen S (2011) *Zero Degrees of Empathy: A New Theory of Human Cruelty and Kindness*. London: Penguin.

Bjoörkqvist K, Österman K and Ari Kaukiainen A (2000). Social intelligence: Empathy = aggression? *Aggression and Violent Behavior* 5: 191_200.

Blackburn R (2003) *The Psychology of Criminal Conduct*. Chichester: Wiley.

Briggs DI (1994) Assessment of Sexual Offenders. In: McMurrin M and Hodge J (eds) *The Assessment of Criminal Behaviours of Clients in Secure Settings*. Melksham: Cromwell Press, pp. 53_67.

Bush CA, Mullis RL and Mullis AK (2000) Differences in empathy between offender and nonoffender Youth. *Journal of Youth and Adolescence* 29: 467_448.

Clements CB, Brannen DN, Kirkley SM, Gordon TM and Church WT (2006). The measurement of concern about victims: Empathy, victim advocacy and the Victim Concern Scale (VCS). *Legal and Criminological Psychology* 11: 283_295.

Cohen D and Strayer J (1996) Empathy in conduct-disordered and comparison youth. *Developmental Psychology* 32: 988_998.

Craissati J (2012) The paradoxical effect of stringent risk management: Community failure and sex offenders. In: Padfield N (ed) *Who to Release? Parole, Fairness, and Criminal Justice*. London: Routledge, pp.215_227.

Crick NR and Dodge KA (1994) A review of reformulation of social information processing mechanisms in children's social adjustment. *Psychological Bulletin* 115: 74_101.

Criminal Justice System (2005) *The Code of Practice for Victims of Crime*. London: Office for Criminal Justice Reform.

Criminal Justice System (2007) *Justice for All*. Norwich: The Stationery Office.

Devonshire P (2008) Impulsivity: Multidimensional or unitary concept? *Forensic Update* 93: 35_41.

Dominey J (2007) Victim awareness. In: Canton R and Hancock D *Dictionary of Probation and Offender Management*. Cullompton: Willan Publishing, pp. 320_321.

Donnelly J, Williamson L and Duncan E (2001) Facilitating moral reasoning. *Forensic Update*, 67: 5_11.

Duan C and Hill CE (1996) The current state of empathy research. *Journal of Counselling Psychology* 43: 261_274.

Eisenberg N and Miller PA (1987) The relation of empathy to prosocial and related behaviors. *Psychological Bulletin* 101: 91_119.

Eisenberg N, Murphy BC and Shepard S (1997) The development of empathic accuracy. In: Ickes W (ed.) *Empathic Accuracy*. New York: The Guilford Press, pp.73–116.

Ellis PL (2005) Preventing violence through empathy development in families. *Early Childhood Education Journal* 33: 53_59.

Farrington DP (2010) The developmental evidence base: Psychosocial research. In Towl GJ and Crighton DA (eds) *Forensic Psychology*. Oxford: Wiley-Blackwell, pp.113_131.

Feshbach ND and Feshbach S (1982) Empathy training and the regulation of aggression: Potentialities and limitations. *Academic Psychology Bulletin* 4: 399_413.

GabouryMT, Sedelmaier CM, Monahan LH and Monahan JJ (2008) A preliminary evaluation of behavioral outcomes in a corrections-based victim awareness program for offenders. *Victims & Offenders*

http://www.informaworld.com/smpp/title*db%all*content%t716100771*tab%issueslist*branches%3 - v33: 217-227.

Gibbs JC, Basinger KS and Fuller D (1992) *Moral Maturity: Measuring the Development of Sociomoral Reflection*. London: Lawrence Erlbaum Associates.

Gibbs JC, Potter GB and Goldstein AP (1995) *The EQUIP Program. Teaching Youth to Think and Act Responsibly through a Peer-Helping Approach*. Illinois: Research Press.

Goldstein AP and Michaels GY (1985) *Empathy: Development, Training, and Consequences*. London: Lawrence Erlbaum Associates.

Green S (2007) Crime, Victimization, and Vulnerability. In: Walklate S (ed.) *Handbook of Victims and Victimology*. Cullompton: Willan Publishing, pp. 91_118.

Grey N (2002). The psychological impact of offending on a victim of physical assault: A case of chronic post-traumatic stress disorder. *Issues in Forensic Psychology* 3: 9_19.

Hanson RK (2003) Empathy deficits of sexual offenders: A conceptual model. *Journal of Sexual Aggression* 9: 13_23.

Hare RD (1993) *Without Conscience: The Disturbing World of the Psychopaths amongst Us*. New York: The Guilford Press.

HM Inspectorate of Probation (2004) *Effective Supervision Inspection of the National Probation Service for England and Wales. Report on: Lancashire Probation*. Retrieved 26 August 2012, from: http://www.probation-lancashire.org.uk/files/publications/document_123.pdf

HM Inspectorate of Probation (2005) *Effective Supervision Inspection of the National Probation Service for England and Wales. Report on: West Mercia Probation Area*. London: HM Inspectorate of Probation.

HM Inspectorate of Probation (2006a) *Effective Supervision Inspection of the National Probation Service for England and Wales. Report on: Cambridgeshire Probation Area*. London: H M Inspectorate of Probation.

HM Inspectorate of Probation (2006b) *Joint Thematic Inspection Report. Putting Risk of Harm in*

Context. Retrieved 11 November 2012, from: <http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmiprobation/public-protection-report-rps.pdf>

HM Inspectorate of Probation (2007) A Report on Offender Management in Avon and Somerset. London: HM Inspectorate of Probation.

HM Inspectorate of Probation (2009) A Report on Offender Management in North Yorkshire. Retrieved 1 April 2010, from: http://www.justice.gov.uk/inspectorates/hmi-probation/docs/north_yorkshire_omi_report-rps.pdf

HM Inspectorate of Probation (2012a) OMI 2 Case Assessment Guidance. Retrieved 26 August 2012, from: <http://www.justice.gov.uk/downloads/publications/inspectoratereports/hmiprobation/adult-inspection-reports/omi2/omi-2-case-assessment-guide.pdf>

HM Inspectorate of Probation (2012b) A Report on Offender Management in York and North Yorkshire. Retrieved 26 August 2012, from: <http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmiprobation/adult-inspection-reports/omi2/yorknorth-yorkshire-omi2.pdf>

Hoffman ML (2000) Empathy and Moral Development: Implications for Caring and Justice. Cambridge: Cambridge University Press.

Home Office (2000) PC 108/2000: Criminal Justice and Court Services Act 2000: Implementation of the New Statutory Duty on Probation Services in Respect of Sexual or Violent Crime. Retrieved 14 May 2010, from: <http://www.probation2000.com/pit/circulars/PC108y00.doc>

Ireland JL (1999) Provictim attitudes and empathy in relation to bullying behaviour among prisoners. *Legal and Criminological Psychology* 4: 51_66.

Ireland JL and Homer L (2002) The role of empathy in sex offending. *Forensic Update* 70: 10_16.

Jolliffe D and Farrington DP (2004) Empathy and offending: A systemic review and metaanalysis. *Aggression and Violent Behavior* 9: 441_476.

Jolliffe D and Farrington DP (2007) Low empathy and self-reported offending. *Legal and Criminological Psychology* 12: 265_286.

McGrath M, Cann S and Konopasky R (1998) New measures of defensiveness, empathy, and cognitive distortions for sexual offenders against children. *Sexual Abuse: A Journal of Research and Treatment* 10: 25_36.

MarshallWL (2001) Adult sexual offenders against women. In: Hollin CR (ed.) *Handbook of Offender Assessment and Treatment*. Chichester: Wiley, pp. 333_448.

Marshall WL, Hudson SM, Jones R and Fernandez YM (1995) Empathy in sex offenders.

Clinical Psychology Review 15: 99_113.

Marshall WL, Marshall LE and Serran GA (2009) Empathy and offending behaviour. In McMurrin M and Howard RC (eds) *Personality, Personality Disorder, and Risk of Violence*. Wiley: Chichester, pp. 229_244.

Maruna S and Mann RE (2006) A fundamental attribution error? Rethinking cognitive distortions. *Legal and Criminological Psychology* 11: 155_177.

Miller PA and Eisenberg N (1988) The relation of empathy to aggressive and externalizing/antisocial behavior. *Psychological Bulletin* 103: 324_344.

Ministry of Justice (2010) *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*. Retrieved 8 November, from: <http://www.justice.gov.uk/downloads/consultations/breaking-the-cycle.pdf>

National Probation Service (2001) *A New Choreography. An Integrated Strategy for the National Probation Service for England and Wales. Strategic Framework 2001–2004*. London: Home Office.

National Probation Service (2003) *Our Aims*. Retrieved 29 October 2009, from: <http://www.probation.homeoffice.gov.uk/output/page18.asp>

NOMS (2006) *The NOMS Offender Management Model*. London: Central Office of Information.

Pakes F and Pakes S (2009) *Criminal Psychology*. Cullompton: Willan Publishing.

Palmer EJ (2003) *Offending Behaviour: Moral Reasoning, Criminal Conduct, and the Rehabilitation of Offenders*. Cullompton: Willan Publishing.

Parole Board (2012) *Oral Hearings Guide*. Retrieved 19 September 2012, from: <http://www.justice.gov.uk/downloads/offenders/parole-board/oral-hearing-guide.pdf>

Polaschek DLL (2003) Empathy and victim empathy. In Ward T, Laws DR and Hudson SM (eds) *Sexual Deviance Issues and Controversies*. London: Sage, pp.172_189.

PolaschekDLL and ReynoldsN(2001) Assessment and treatment: Violent offenders. In Hollin CR (ed.) *Handbook of Offender Assessment and Treatment*. Chichester: Wiley, pp. 415_431.

Powis B (2002) *Offenders' Risk of Serious Harm: A Literature Review*, RDS Occasional Paper No 81. London: Home Office.

Reber AS (1995) *Dictionary of Psychology*, 2nd Edition. London: Penguin.

Roberts W and Strayer J (1996) Empathy, emotional expressiveness, and prosocial behaviour. *Child Development* 67: 449_470.

Seto MC and Quinsey VL (2007) Toward the future: Translating basic research into prevention and treatment strategies. In: Patrick CJ (ed.) Handbook of Psychopathy. London: The Guildford Press, pp. 589_601.

Spalek B (2003) Victim work in the probation service: Perpetuating notions of an ideal victim. In: Chiu WH and Nellis M (eds) Moving Probation Forward: Evidence, Arguments and Practice. Dorchester: Pearson Education, pp. 214_226.

Thompson RA and Hoffman ML (1980) Empathy and the development of guilt in children. *Developmental Psychology* 16: 155_156.

Ward T, Hudson SM and Keenan TR (2001) Sexual offences against children. In: Hollin CR (ed.) Handbook of Offender Assessment and Treatment. Chichester: Wiley, pp. 349_361.

Ward T, Mann RE and Ganno TA (2007) The good lives model of offender rehabilitation: Clinical implications. *Aggression and Violent Behavior* 12: 87_107.

Williams B (2005) Victims of Crime and Community Justice. London: Jessica Kingsley.

Williams B (2007) Victims. In: Canton R and Hancock D (eds) Dictionary of Probation and Offender Management. Cullompton: Willan Publishing, pp. 322_324.

Williams B and Goodman H (2007) In: Gelsthorpe L and Morgan R (eds) Handbook of Probation. Cullompton: Willan Publishing, pp. 518_543.

Wolhuter L, Olley N and Denham D (2008) Victimology: Victimisation and Victims' Rights. Oxford: Routledge-Cavendish.

Women's Aid (n.d.) The Survivor's Handbook. Retrieved 19 September 2012, from: <http://www.womensaid.org.uk/domestic-violence-survivors-handbook.asp?section%000100010008000100310003>

Zedner L (2002) Victims. In Maguire M, Morgan R and Reiner R (eds) The Oxford Handbook of Criminology, 3rd Edition. Oxford: Oxford University Press, pp. 419_456