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Victim Care or Defendant Rights? Assessing Public Attitudes towards Special Measures Designed to Support Vulnerable Witnesses at Trial

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Abstract: The introduction of ‘special measures’ within England and Wales (i.e., provisions for vulnerable and intimidated witnesses at court) marked a significant change in legal tradition and trial procedures such that victim and witness care was repositioned as a primary concern alongside the longstanding rights afforded to defendants. As public perceptions towards the legitimacy of criminal justice procedure remain a key concern among legal scholars and social scientists, this study aimed to examine individual differences in attitudes held towards the rights afforded to complainants and defendants within English courts. Adopting a cross-sectional study design, 114 UK adults were recruited to take part in an online survey. Questions centered around the importance of providing adequate witness care whilst protecting defendants’ rights to a fair trial. A new measurement tool was developed to allow these attitudes to be systematically assessed and understood, termed the *Attitudes Towards Vulnerable Victims Scale (ATVVS)*. Results indicate that respondent age, gender, level of education, and belief in a just world are important determinants of public support for the use of special measures at trial as well as perceptions towards complainant and defendants’ rights. Taken together, findings indicate that misconceptions about vulnerable victims appear to underlie a lack of support for the use of special measures.



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1. Introduction

This study seeks to explore British public attitudes towards the treatment of victims and defendants in criminal trials, examining specifically, perceptions towards the use of special measures for vulnerable witnesses. We begin by reviewing the history of defendant rights and victim care within the Criminal Justice System (CJS) in England and Wales (E and W), including an explanation of vulnerability, special measures used within English courts, and the reasons for their adoption. Hereafter, we review existing literature on public attitudes towards the CJS, victims, and defendants, including the exploration of psychosocial characteristics seemingly linked to support for such CJS interventions. In this article we outline the rationale for our study, directly addressing a gap in existing research before introducing the methods we employed to carry out this work and perhaps most importantly, we introduce the new measurement tool developed to further understanding of public perceptions towards witnesses at trial termed the ‘Attitudes Towards Vulnerable Victims Scale’ (ATVVS). Finally, having taken account of the findings obtained, we discuss the potential impact of this and future research on policy in the area of victim, defendant, and witness rights within the CJS.



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2. Background to the Research

2.1. Context

The introduction of ‘special measures’ provisions for vulnerable and intimidated witnesses at court marked a change from defence-led criminal justice within E and W to an approach involving the inclusion of victim and witness care (Fairclough 2020; Fielding 2013). Special measures aim to enable ‘best evidence’ and advance procedural fairness principles such as voice, neutrality, respect, and trust (CPS 2021a). In particular, these steps have proven essential in reducing the secondary trauma imposed on complainants of sexual violence during trial alongside providing more inclusionary practices for witnesses with learning disabilities and other impairments (Keane 2012; Smith and Skinner 2012). The ongoing debate over the use of special measures is indicative of broader debate around what may be considered the most appropriate treatment of complainants and defendants within criminal trials, attempting to strike a balance between both parties’ somewhat distinctive (and often seemingly opposing) rights (Hoyano 2001). Historically, adversarial legal systems, justice principles therein and broader courtroom functioning have centered primarily upon the defendant and their legal right to a fair trial (Bartels 2020). However, in recent years, increasing attention has been given to the role of victims and witnesses in trials and the difficulties that they experience when giving evidence, especially among those deemed vulnerable based on a range of characteristics (Doak et al. 2021; Fairclough 2020). Prior work has considered public perceptions of complainant and defendant treatment within the CJS, and within the court system specifically (see Hudspith 2022; Smith et al. 2022). For many years, research has explored the influence of psychosocial factors, attitudes and beliefs, demographic characteristics, as well as broader attitudes toward procedural and distributive justice (Feild 1979; Kaukinen and Colavecchia 1999; Lucas et al. 2011; Marsh et al. 2019; Wood and Viki 2001). Similarly, the academic debate around the prioritisation of defendant rights over those of vulnerable witnesses (including complainants) is also well established (Bartels 2020; Hoyano 2001). However, as Fairclough (2020) pointed out, since the introduction of special measures in 1999, little research has focused specifically on public attitudes towards the use of these provisions for vulnerable witnesses. Given that special measures are widely considered an attempt to ‘rebalance’ the British justice system towards parties other than the defendant alone, it is important to assess the extent to which the public supports their use.

Terminology

It is important to consider our use of terminology when referring to those in contact with the CJS to ensure accuracy and acknowledge that language impacts how we perceive individuals involved (Beckley 2018). Here forth this paper shall refer to those who have had a crime committed against them or made an allegation of such as ‘victims’. This choice recognises the growing use of this term throughout the CJS and specifically its importance as a status to gain legal rights and access to support services. Both the Ministry of Justice (MoJ) and Crown Prosecution Service (CPS) now recognise the wider use of the term victim in their policies, and this is in line with key UK documentation such as the Victims Code (CPS 2022). The term ‘complainant’ shall be adopted instead when it is important to recognise that a crime is yet to be proven (CPS 2022) for example, in the context of jury decision-making. Those suspected of criminality shall be referred to as the accused or defendant interchangeably, given that both terms accurately represent an individual on trial (Willmott et al. 2021).

2.2. Victim and Defendant Rights in Court

The English and Welsh adversarial justice system has long made use of lay decision-makers to resolve important legal disputes (White 2012). Built upon common law principles, the underpinning notion centers upon public perceptions of its legitimacy (Fielding 2013). It is therefore important that the correct balance is achieved between the rights of victims and defendants expected to participate in criminal trials. Indeed, the English adversarial

model is by its very nature defence-centric (Hoyano 2001). For example, due process principles emphasise a defendant's right to a fair trial and this sentiment is ensured by Article 6 of the European Convention on Human Rights ('ECHR') (Equality and Human Rights Commission 2021). This affords defendants the right to receive a fair and public hearing, by an independent and impartial tribunal, and for witnesses against them to be examined (Equality and Human Rights Commission 2021). Evidence-in-chief (an account of events by the advocate for the witness) and cross-examination (examination of the witness by the opposing counsel), embody these rights and are widely considered to be the basis of adversarial systems (Kebbell et al. 2004; Willmott 2018). Therefore, adversarialism encourages a court culture where aggressive and competitive environments are the means by which witness testimony is scrutinised (Smith and Skinner 2012).

Historically, the defendant has been deemed the only person in jeopardy at trial with limited consideration shown for the distress that trial processes may have upon victims and witnesses (Keane 2012; Smith and Skinner 2012). At the core of adversarialism is the establishment of guilt and in the interests of ensuring a fair trial, defendants are granted particular rights. As complainants and crown witnesses are (indirectly) represented by the state (CPS in an English context), it has long been considered unfair to afford them the same rights or provisions as the person accused (Moynihan 2015). For some then, the adversarial trial is deemed incompatible with measures designed to protect and promote the participation of parties other than the defendant (Hoyano 2001). However, in recent years, victims' rights have been given increasing importance, resulting in attempts to 'rebalance' the CJS through additional policies and protocols (Fielding 2013). It is important to recognise here, especially when advancing victims' rights, that the defendant's right to a fair trial does not equate to one where they face no disadvantage whatsoever; and indeed, it may be necessary to provide resources to parties, unavailable to the defendant, in order to provide a fair basis for examining factual evidence in the public's interest (Smith and Skinner 2012). Moreover, the Code of Practice for Victims of Crime (i.e., The Victims' Code) was first introduced in 2006 and sets out the minimum standards of service that must be provided to victims by the CPS, His Majesty's Courts and Tribunal Service [HMCTS], and other key justice agencies (Ministry of Justice 2020). The latest revision sets out twelve rights afforded to a victim during criminal proceedings, with those relevant to the courts including 'the right to understand and be understood; the right to information about the trial; the right to tailored victim support; and the right to make a complaint about these rights not being met' (CPS 2021b). Victims are also protected by the prosecutor's pledge, a commitment that relates directly to the CPS and sets out that trial and prosecution should be conducted with the victims' interests at heart (CPS 2021b). This includes the responsibility to monitor cross-examination which may be inappropriate or excessively oppressive for the witness involved (CPS 2018).

Victims' changing position within criminal trial policies has however elicited debate among legal scholars and activist groups over the importance (and perceived undue prioritisation) of defendant versus victims' rights. Indeed, many critical voices appear concerned that growing victims' rights threaten the due process principles underpinning the defendants' right to a fair trial (See Moynihan 2015; Pablo and Nicholson 2021). Prosecutors in E and W are by definition required to act in the public interest, not for a third party, and it is therefore a source of debate whether they can ever be truly objective. Similarly, other dissenting voices in the legal profession suggest that attempts to soften the adversarial process for victims and witnesses may result in increased errors in case outcomes (The Secret Barrister 2018). Protection of defendants' rights has historically come at the cost of poor and insensitive victim treatment, and therefore, the mutual benefits of simultaneously promoting victims' and defendants' rights helps to avoid perceptions of a "zero-sum-game" (Smith and Skinner 2012, p. 318).

2.2.1. Vulnerable and Intimidated Witnesses

Academics generally agree that vulnerable individuals are disproportionately disadvantaged by techniques employed in adversarial court systems (Doak et al. 2021; Fairclough 2020; Henderson 2015; Keane 2012). Within the English and Welsh judicial system, definitions of ‘vulnerable’ and ‘intimidated’ are set out within sections 16 and 17 of The Youth Justice and Criminal Evidence Act 1999 (YJCEA) and include witnesses (including complainants) who are under 18 years of age, victims of serious or sexual crime, and those who have intellectual disabilities or other communicative impairments (CPS 2021a). There currently exists no national data system that tracks rates of ‘vulnerable’ witnesses or defendants that appear before the courts; however, estimates suggest that around 18% of court cases include at least one vulnerable or intimidated witness (Civil Justice Council 2020). Dame Vera Baird, the former Victim’s Commissioner for E and W, has argued persuasively that due to identification issues arising throughout the eligibility process, this figure is likely to be an underestimation of the real number of individuals who may benefit from ‘vulnerable’ status and entitlement to special measures (Fairclough 2020).

Those deemed ‘vulnerable’ by the CPS are not a homogenous group; vulnerability can be both endogenous (such as in cases of physical and mental impairments) and situational (including cases of serious and sexual crimes) (Civil Justice Council 2020). Diversity in the cause of vulnerability also gives rise to a range of difficulties experienced during trial varying from PTSD, anxiety, and re-victimisation, alongside communication and comprehension difficulties (Doak et al. 2021; Fairclough 2020; Keane 2012; Kebbell et al. 2004; Henderson 2015; Smith and Skinner 2012). For children and those with learning disabilities, the use of legal jargon and suggestive questioning can create confusion and erroneous testimony (Devine and Mojtahedi 2021; Doak et al. 2021; Kebbell et al. 2004; Richardson et al. 2019). These issues arise to the degree that one organisation known as *the advocate’s gateway* has developed toolkits to aid communication with vulnerable victims and defendants (The Advocate Gateway 2023). While for complainants of serious and sexual crimes confronting the accused is the main source of distress and anxiety (Hester and Lilley 2017; Stewart et al. 2024) alongside the experience of cross-examination, especially when this is exacerbated by defence lawyers invoking rape myths to undermine complainant credibility among jurors (Smith and Skinner 2012; Stevens et al. 2024).

Moreover, research demonstrates that there are substantial negative consequences to cross-examination (Doak et al. 2021). Levels of anxiety and dissatisfaction are found to be high among witnesses who are cross-examined, reporting feeling bullied, harassed, and personally on trial (Doak et al. 2021; Smith et al. 2022; Herriott 2023). Emphasis on live ‘contest’ has been criticised for serving to further traumatise vulnerable witnesses, resulting in a ‘secondary victimisation’ for complainants of sexual offences (Reed and Caraballo 2021; Smith et al. 2022; Stewart et al. 2024; Williams 1984). Legal professionals have insisted that robust re-examination is necessary for assessing truth through demeanor; however, the undue consequences in cases involving vulnerability are well established. For example, harm caused to jurors’ perceptions of witness credibility based upon broader myths and misunderstandings surrounding the perceived appropriateness of responses, and demeanor during questioning such as attributing discomfort as deception (Henderson 2015; Yasegnal 2023). Vulnerable participants experience unique problems when low diversity in the judiciary, especially at senior levels, results in intersectional equality caused by racialised and gendered power imbalances (Lammy 2017; Ministry of Justice 2022). For example, differences in ethnic background further complicate communication between judiciary members and vulnerable victims (Hale 2013), while judge’s sexist responses to female complainants of sexual offences are well documented (Smith and Skinner 2012). The diversity of judges has, however, improved between 2014 and 2022, with 9% now reportedly from an ethnic minority group and 35% female (Ministry of Justice 2022). However, despite such improvements, according to recent Ministry of Justice (2022) figures, judges remain far from representative with just one percent of all judges in E and W identifying as black (for a review of further concerns surrounding bias among judges see Curley and Neuhaus 2024).

2.2.2. Special Measures

In response to the issues faced by vulnerable participants in court in E and W, increasing attention has been paid to the rights of victims (Doak et al. 2021). Special measures were first introduced in the Youth Justice and Criminal Evidence Act 1999 providing eligible vulnerable and intimidated witnesses, including defence witnesses, greater access to new provisions aimed at lessening the burdens of trial and securing ‘best evidence’ (Hoyano 2001; CPS 2021a) with domestic abuse victims recently being considered for automatic inclusion (Home Office 2022). Special measures available cover a wide range of provisions aimed at offering support for vulnerable witnesses at different trial stages (CPS 2021a). The most notable options available consist of screens to conceal the complainant whilst giving evidence in court, live links such that complainants need not be physically present in the courtroom when delivering their evidence, pre-recorded testimony and witness (cross) examination, use of intermediaries during the trial, and the removal of wigs (especially common for child witnesses).

The use of ‘Video-evidence’ as termed by Fairclough (2020) covers several types of pre-recorded evidence presented during the trial. The opportunity exists for vulnerable witnesses, including complainants of sexual offences, to pre-record their evidence-in-chief and for those reaching further vulnerable criteria to have their cross-examination pre-recorded prior to trial (CPS 2021a). Screens are designed to reduce intimidation by shielding witnesses from the defendant (Fairclough 2020). Special measures designed specifically to help with communication issues include the use of aids and intermediaries (Fairclough 2020). The intermediary system in E and W involves highly trained specialists who assist impaired witnesses throughout the trial to verbalise their perspective by challenging inquiry and cross-examination of the witness that they are supporting; they are also present during pre-trial planning (Henderson 2015) and during some police interviews (Cooper and Mattison 2017). Aids refer to devices designed to help with communication including books, computers, and synthesisers (CPS 2021a).

Given that vulnerable and intimidated witnesses form a specific victim population, quantitative research with this group is often small-scale; therefore, qualitative interviews have often usefully illuminated the benefits from individual user perspectives. Indeed, the results of one study by Hamlyn et al. (2004), who conducted interviews with 11 vulnerable witnesses, indicated that pre-recorded evidence improved their overall satisfaction with the trial ‘experience’, reportedly a direct consequence of them not having to attend court, making communication easier based on feeling less anxious. Intermediaries are praised for advocating for the communication difficulties faced by vulnerable witnesses, especially during cross-examination, including supporting the understanding of both questions asked and responses given (Cooper and Mattison 2017). More broadly, research also concluded that members of the judiciary consider special measures ‘generally appropriate’ for vulnerable individuals (Charles 2012, p. 32). Jackson et al. (2024) found in their observations of trials including vulnerable witnesses in E and W, a willingness among practitioners to support the best evidence by applying special measures in cross-examination. In surveys with CJS professionals including police personnel, court staff, and CPS employees, among those who took part 97%, 80%, and 100%, respectively, believed that the enactment of the YJCEA led to vulnerable witnesses being better supported (Burton et al. 2006). That said, care should be taken not to generalise such levels of support for special measure provisions universally throughout these organisations given that the study is now quite dated and only 32 CPS personnel and 16 court staff responded.

While recent efforts appear committed to the need to rebalance the trial process based upon the lack of substantive prior consideration for victims’ rights and witness care, it is important to consider the impact of special measures on the defendant and their right to a fair trial. Some have argued that special measures are incompatible with the inherently defendant-centric adversarial system of justice. Article 6 of the ECHR upholds the notion that all evidence be produced in the presence of the accused in a public setting to create an equality of arms (Hoyano 2001). With defendants not entitled to make use of special

measure provisions during the trial, some have argued that such victim- and witness-centric provisions thereby swing the pendulum too far unfairly in favour of the prosecution (see [Doak et al. 2021](#)). This argument is further enhanced by interviews with UK Witness Service personnel who argue that defendants are unfairly disadvantaged in so far as they too have varied vulnerabilities but are not entitled to the same special measures at trial ([McLeod et al. 2010](#)). Similarly, [Jackson et al. \(2024\)](#) concluded that vulnerable defendants should have equal access to special measures. Special measures are also seen to disrupt the flow and efficacy of cross-examination among some barristers ([Doak et al. 2021](#)) with some legal scholars contending that such measures also impact the defendant's right to robustly cross-examine witnesses as part of their defence, given that employ a face-to-face cross-examination is not always now possible ([Hoyano 2001](#)). The Council of Europe has outlined that the ECHR does not justify these conclusions and endorses the use of special measures where appropriate, and the UK Government does not consider special measures to compromise the defendant's right to a fair trial ([Home Office 2022](#)). Finally, it is worth drawing attention to the former [Victims' Commissioner \(2018\)](#) for E and W who sought to highlight the urgency with which new research is needed to explore public support for the use of special measures alongside broader attitudes towards protecting witnesses from harm during the trial, though not offering defendants the same special measure safeguards ([Fairclough 2020](#)).

2.3. Attitudes towards the Criminal Justice System

The CJS in E and W relies upon public support to function effectively, in part because of the different ways in which lay decision-makers contribute to the administration of justice ([Watson 2021](#); [Wood and Viki 2001](#)). Indeed, the system operates based on the agreed authority; therefore, without a collective sense of legitimacy, laws, and procedures designed to ensure public order and safety would not be upheld ([Lacey 2012](#)). Yet, public support for justice institutions can vary across time and between groups (see [Ochterbeck et al. 2024](#)); therefore, it is important to regularly examine attitudes towards the CJS, especially as new processors are introduced and public attitudes continue to evolve ([Roberts and Hough 2005](#)).

Some existing research indicates that the British public generally perceives the CJS to be fair and effective overall ([Marsh et al. 2019](#)). In fact, the Crime Survey for England and Wales (CSEW) suggests that public perceptions towards the efficacy of current justice systems actually increased by 4% between 2014 and 2020, to 52% ([ONS 2021](#)). That said, [Kaukinen and Colavecchia \(1999\)](#) make an important distinction between 'general' and 'specific' attitudes towards the CJS remarking that while the public may express 'diffuse' support for the system overall, criticisms of specific aspects are likely to exist. There is then a need to acknowledge variation in support between different justice bodies, policies, and processes from such a stance point ([Marsh et al. 2019](#)). In fact, much research exists covering public attitudes toward courts specifically, with the CSEW indicating that positive attitudes towards the court system have seemingly increased in line with general attitudes to the CJS ([ONS 2021](#)). Of 16,600 individuals surveyed, 63% considered the CPS to be effective at prosecuting cases and 51% felt the courts deal with cases promptly ([ONS 2021](#)). However, with much criticism of CPS rates of prosecution and lengthy court backlogs routinely reported in national media, it seems likely that this may represent a somewhat biased or skewed sub-set of the British public. Indeed, [Ali and Kelly \(2012\)](#) make a strong case in accordance with such a perspective, concluding from their analysis that the voluntary nature of the CSEW means that responses are more likely to be provided by those who hold largely positive attitudes. Whatever the reality, support levels are likely to vary substantively by case type if this data were to be made available ([Marsh et al. 2019](#)). Alternative evidence suggests that a significant minority of the population is indeed dissatisfied and mistrusting of the judicial system in E and W (see [Willmott and Hudspith 2024](#)), and this is often linked to trust in the serving government of the day ([Lelii 2022](#)). Therefore, it is important to examine both general attitudes towards the courts in E

and W and more specific attitudes towards elements of witness and defendant treatment (Kaukinen and Colavecchia 1999).

2.4. Attitudes towards Victims and Defendants in Court

National and international organisations, including the ECHR, CPS, and MoJ, set standards for the treatment of victims and defendants within the judicial system in E and W through policy and codes of practice (CPS 2021b; Doak et al. 2021). However, public opinion on the appropriate treatment of these groups can differ from the official position. A wide range of factors have been found to impact attitudes towards victims and defendants, relating to fear of crime, victimisation, empathy, demographics characteristics, and broader justice attitudes (Chockalingam and Srinivasan 2008; Cook and Duff 2023; Conroy et al. 2023; Debowska et al. 2019; Lilley et al. 2023a, 2023b; Lucas et al. 2011). Opinion on appropriate treatment also varies depending on the individual case, including the alleged offence type and characteristics of the victim and accused (Devine and Mojtahedi 2021; Sowersby et al. 2022). Victim empathy can for example be thwarted by notions of deservingness and perceptions towards credibility (Lewandowicz-Machnikowska et al. 2023), especially in sexual assault and rape cases (Smith et al. 2022; Willmott and Widanaralage 2024). In a Canadian context for example, one pre-2000 study demonstrated that the Canadian general public exhibited greater criticism of the court-based support provided to victims than that of the protection of rights for the accused (Kaukinen and Colavecchia 1999). Considering if individuals in E and W similarly prioritise protection over support for victim-centered policies including special measures must be further understood.

2.4.1. Demographic Factors

One prior research endeavor has been to examine attitudinal differences toward victims' and defendants' rights based upon analysis of sociodemographic characteristics. Age, gender, social class, ethnicity, and educational attainment are all previously found to influence opinions towards the court's treatment of victims and defendants (Chockalingam and Srinivasan 2008; Kaukinen and Colavecchia 1999; Smith et al. 2022; Wood and Viki 2001). Established demographic differences in victim and defendant attitudes are often explained by personal identification; whereby certain groups relate more to victims, or defendants within their own demographic 'in-group' (Kaukinen and Colavecchia 1999; Willmott and Ioannou 2017).

Research has consistently demonstrated that women, over men, hold more negative perceptions of victim treatment by courts, favoring the advancement of greater protection from harm for victims and witnesses in court (Chockalingam and Srinivasan 2008; Smith et al. 2022). Women are also more critical of the accused and criminal justice agents in the face of lenient sentences for violence against women and victim blaming more generally (Chockalingam and Srinivasan 2008; Felson and Pare 2008). Studies have also indicated that older individuals are more likely to express critical attitudes towards enhanced protection of victims at court; however, no significant differences between age groups and their general perceptions of victim treatment have been found recently (Chockalingam and Srinivasan 2008; Flanagan et al. 1985; Kaukinen and Colavecchia 1999). Clearer age differences in attitudes towards victims are seen when looking at specific case types. Research supports that younger, over older, respondents have more favourable perceptions of sexual violence complainants; demonstrated through lesser belief in rape myths and higher criticism of the UK's Criminal Injuries Compensation Scheme (Lilley et al. 2023b; Smith et al. 2022).

Regarding ethnicity, while there is indication that black members of the community are more likely to perceive themselves as relating to a position of criminal injustice and protection of the accused, research has yet to establish a clear relationship between ethnicity and broad attitudes towards victims and defendants within the UK (Hagan and Albonetti 1982; Wood and Viki 2001). While research considering attitudes towards sexual violence specifically has reported some ethnic differences in victim attitudes, for example, higher belief in victim-blaming rape myths have been found amongst Asian populations, research

needs to consider differences in victim and defendant treatment attitudes within E and W specifically given the differences in race relations and court structures globally (Lilley et al. 2023a; Mori et al. 1995; Wood and Viki 2001).

Finally, literature considering education as a marker of class has supported the assumption that higher-educated individuals sympathise more with victims (Kaukinen and Colavecchia 1999). However, education in isolation has not yet been explored in relation to victim and defendant attitudes directly. Wider CJS research has, however, established that lower education is the most reliable demographic predictor of punitiveness and this in turn manifests itself in various ways toward victims and defendants (Kääriäinen 2018; Maruna and King 2009; Roberts and Indermaur 2007).

2.4.2. Justice Attitudes

Research also suggests that attitudinal variables may be even more efficient at assessing CJS opinion than demographics alone (Flanagan et al. 1985; Lieberman and Krauss 2016). Attitudes regarding the treatment of victims and defendants are shown to be influenced by beliefs about the relative importance of procedural and distributive justice (Akdeniz and Kalem 2020; Lucas et al. 2011). Distributive justice and procedural justice refer to differing approaches toward social justice that can be applied to the CJS (Cohen 1986). In the context of the court system, distributive thinkers believe fairness in court should center on the equality of the outcome (Lucas et al. 2011). Conversely, procedural justice concerns the assessment of the fairness of procedures, centering on interpersonal treatment within the CJS (Lucas et al. 2011). The exact criteria needed to achieve procedural justice in court is debated; however, the four main principles used to assess justice institutions include voice, neutrality, respect, and trust (McKenna and Holtfreter 2020; Somers and Holtfreter 2017; Tyler and Jackson 2014; Tyler and Lind 1992). Literature supports the notion that individuals judge outcomes and procedures in relation to specific contexts and Just World Beliefs about society that arise from a need to see the world as fair (and just) (Lerner 1980; Lucas et al. 2007). Stable views of allocations and processes as deserved are, therefore, indicative of distributive and procedural Just World Beliefs (Lucas et al. 2011). These justice attitudes in turn are predictive of behaviour, decisions, and value orientations (Tyler and Smith 1995). Lucas et al. (2011) conducted an online survey with university students from across four countries outside of the UK and found that justice attitudes related to beliefs about the self and others. Specifically, the authors found that distributive attitudes align with pro-self-orientations and harsh social attitudes. Conversely, those holding procedural justice beliefs about others held more pro-social values, predicting benevolence and collectivism (Lucas et al. 2011).

Some research has also found public support for procedural justice frameworks being introduced into courts (Somers and Holtfreter 2017; Watson 2021). A review of the 2011 CSEW demonstrates that procedural fairness principles, namely respect and voice, remain key to ensuring public legitimacy (Hough et al. 2013). These principles are also legitimised by witnesses, victims, and defendants themselves. Jacobson et al. (2015) interviewed 90 participants of Crown Court trials who reported that humanity, kindness, and respect resulted in positive perceptions of the CJS. However, McLean (2019) argues that the importance of distributive attitudes in relation to criminal justice legitimacy has been lost amongst the growing emphasis on procedural fairness. Those with distributive justice beliefs for others are shown to perceive fairness in relation to the outcome and also demonstrate victim derogation and low minority empathy (Lucas et al. 2011). These attitudes may, therefore, be associated with low prioritisation of procedural victim care meaning that there is a need to examine their impact on broader perceptions towards victim-orientated policies like special measures.

2.5. Current Study Aims

Previous literature has considered the influence of sociodemographic and psychosocial factors on attitudes towards the criminal justice system policies and practices, alongside

victims and defendants themselves (Marsh et al. 2019; Wood and Viki 2001). However, little remains known about public opinion surrounding eligibility and the use of special measures (Fairclough 2020). A greater understanding of current public support for the use of special measures is especially important given the judicial system's reliance on legitimacy and participation to function. This study will, therefore, explore the independent and combined influence of respondent demographics and attitudinal attributes on their attitudes toward trial procedures. Considering public support for court policies by demographic characteristics will help identify whether particular sections of the population are less likely to support current CJS procedures; especially important to understand given the historically fractured relationships with the CJS that seemingly exist. Attitudinal analysis may reveal indicators of problematic attitudes towards victims and their care. Existing research within the UK has examined attitudes by specific case types, though mostly ignored the exploration of victims and defendants as wider status with unique rights. Specific questions surrounding public prioritisation of victim care versus defendants' rights need greater investigation within an English legal context given differences in CJS structure and political relationships with race and gender compared to other North American jurisdictions where such research has been conducted to date. This study is unique in its exploration of public opinion towards the treatment and rights of trial participants (namely defendants and complainants). In fact, it is the first study of its kind that seeks to directly examine the role of demographic factors and justice attitudes within the context of vulnerability and special measures in E and W. Therefore, the main research questions that this study seeks to answer are:

1. To what extent do demographic and attitudinal characteristics of the British public influence their perceptions of what constitutes fair treatment of victims and defendants in court?
2. In what way do associations between respondents' demographics, attitudinal attributes, and perceptions of victim and defendant treatment, impact attitudes toward vulnerable victims and levels of public support for special measures?

3. Methodology

In order to gain insight into public opinion on the treatment of victims and defendants and the use of special measures in the English and Welsh courts, this study enlisted a quantitative survey methodology. As May (2011) outlines, it is crucial in democratic societies to review public feeling towards policies to ensure support and legitimacy. Social surveys operationalise attitudes into close-ended questions, producing standardised quantitative data that is easily comparable across time and between social groups (Bulmer 2017; May 2011). As such, surveys have been used widely in research surrounding public attitudes towards criminal justice policies. Rationalisation for the use of quantitative survey-based research comes from positivist philosophy which argues that human behaviour, especially at the group level, can be explained by factors influencing the individual (Hammond and Wellington 2021; Heidtman et al. 2000). The current study aims to establish relationships between the variables being explored; namely respondent demographics, attitudes towards the administration of justice and perceptions of what constitutes fair and reasonable treatment of victims, including the use of special measures.

3.1. Scale Development

At the onset of the current research project, there existed no known established scale referring to public attitudes towards special measures. As such, the 'Attitudes Towards Vulnerable Victims Scale' (ATVVS) was developed specifically for this study and consists of items that assess respondents' attitudes towards current special measures policy for vulnerable victims in relation to the individual's prioritisation of witness care versus defendants' rights. When designing the scale, it was important to incorporate key themes and features arising from previous literature on attitudes toward victim care and defendants' rights, alongside those relating to the practicalities of the courtroom and special measures.

The items included in the scale can be separated into three key areas: compatibility between special measures and defendants' rights, the importance of adversarial principles, and current eligibility/use of special measures. An important element when considering attitudes towards vulnerable victim care, specifically the use of special measures, is the consideration of whether participants feel they are compatible with defendants' legal rights. Three items on the scale centre on statements that question if victim care, and in turn the special measures provision, infringe upon defendants' rights. Items two, seven, and eight include reference to the continued protection of defendants' legal rights in the face of a growing victim orientation in the English and Welsh justice system; as an example, 'Focus on victim care in courts should not override defendants' rights'. The literature demonstrates that courtrooms in E and W still function based on adversarial principles, including an emphasis on live evidence and cross-examination (Hoyano 2001). Therefore, two of the scale items pertain to the use of adversarial principles during trial, and in particular, the use of the controversial but well-established method 'cross-examination' (Doak et al. 2021). Item three asks whether 'cross-examination is the best method to ensure justice, regardless of the victim's vulnerability'. Item six asks if 'both witness and defendant need to be in the courtroom to ensure the best evidence'. These items test respondents' opinions of historical defence-led adversarial principles. Finally, three items were incorporated in the scale relating to the knowledge gap surrounding public agreement with current levels of eligibility/use of special measures provision observed by the previous victim commissioner (Fairclough 2020). Items one, four, and five on the scale contain statements concerning the amount that both special measures and vulnerability status are used for victims and witnesses, for example 'the definition of 'vulnerable' and 'intimidated' victims is too wide'. All statements were negatively framed so as to avoid social desirability effects whereas prosocial statements are simply agreed with as May (2011) indicated is a risk of positively directed scale. From the scale, an overall index score for attitudes towards vulnerable victims and special measures is collected, with low scores indicating that the individual sympathises with vulnerable victim care over defendants' rights. Increased scores opposingly indicate the respondent prioritises the treatment of the defendant over that of vulnerable victims in relation to the special measures policy. (The full ATVVS measure is included at the end of this article—see Appendix A).

3.2. Questionnaire Design

Much work exists covering the importance of the questionnaire design on its success (Hammond and Wellington 2021). When designing research tools, it is important to consider the wording, length, and order of the questions (Ali and Kelly 2012; May 2011). Using 'OnlineSurveys.ac.uk' it was also possible to include check boxes and drop-down menu options to add ease, visual attractiveness, and encourage responses (Hammond and Wellington 2021; May 2011). The research questionnaire opened with a 'personal' section, asking participants for their demographic information relating to age, gender, ethnicity, and highest level of education. These questions were placed first as they do not involve opinion thinking and, therefore, ease in respondents. Some authors have noted demographic questions can produce non-responses and therefore a 'prefer not to say' option was included (May 2011). Following this, to assess the public's current view of the quality of treatment and fairness in court pre-existing and validated scales were included. Scales refer to a set of statements on a pre-coded rank through which respondents express their level of agreement; May (2011) suggests that they are effective in collating opinions as they consider multiple elements of a topic. The measures section will outline how such scales were refined for the current context (Hammond and Wellington 2021). The questionnaire also includes the aforementioned newly established scale analysing Attitudes Towards Vulnerable Victims (ATVVS) in the context of special measures. When creating a new scale, it is important to clearly operationalise concepts, so the public possesses the knowledge to answer the questions (Hammond and Wellington 2021). To ensure understanding, this

survey section begins with a short index, summarising what special measures are and who is eligible as stipulated by the CPS (2021a).

3.3. Measures

‘Procedural and Distributive Just World Beliefs Scale’ (PDJWBS) (Lucas et al. 2007). The original eight-item scale refers to beliefs about justice for others and is answered using a 7-point Likert scale ranging from (1) ‘strongly disagree’ to (7) ‘strongly agree’. The first subscale, ‘procedural Just World Beliefs’, is calculated from four items related to processes and treatment; for example, ‘Other people usually use fair procedures in dealing with others’. The second subscale score, ‘distributive Just World Beliefs’, is calculated from four items related to views on outcomes and allocations, such as, ‘Other people generally deserve the things that they are accorded’. Total scores range from 7 to 28 on each of the two subscales, with a higher score indicating a stronger belief in that justice type. Cronbach’s alpha for the subscales is distributive Just World Belief = 0.88 and procedural Just World Belief = 0.89.

‘Court Fairness’ was measured by combining pre-existing questions related to procedural and distributive justice within English and Welsh CJS agencies. Four items were converted from research on the perceived procedural fairness of police to refer to courts (Murphy et al. 2018). For example, ‘Police treat people with dignity and respect’ to ‘Courts treat people with dignity and respect’. Two items were similarly refined from Tankebe’s (2012) research assessing distributive fairness in the police to refer to the courts, for example, ‘People often receive fair outcomes from the police’ became ‘People often receive fair outcomes from the courts’. Total scores, calculated by summing the responses on a 5-item Likert-scale, range from 6–30, whereby a higher score indicates a higher perception of court fairness.

‘The Treatment of Victims and Defendants’ was assessed using a replication of Kaukinen and Colavecchia’s (1999) study assessing public perceptions of court treatment. The court’s ability to ‘Protect the rights of the accused’ and ‘Help the victims of crime’ is given a rating of ‘Good Job’, ‘Average job’ or ‘Poor Job’ by respondents, which is later dichotomized into the groups ‘good/average’ (0) and ‘poor’ (1). This measurement tool does not create a total score but rather participants are differentiated by responses to individual items.

Demographic questions. Respondents’ demographics were collected by asking the following questions: ‘What Gender do you identify as?’, ‘Please enter your age in years below’, ‘Please specify your ethnicity’, and ‘What is your highest form of education?’. Respondents selected the appropriate grouping or completed the open-text option.

‘Attitudes Towards Vulnerable Victims Scale’ (ATVVS) is a novel scale developed for use specifically in this study, testing respondents’ preferences for the treatment of vulnerable victims relating to special measures. Respondents state their level of agreement, ranging from ‘strongly disagree’ (1) to ‘strongly agree’ (7), with each of the eight statements related to adversarial principles; victim care versus defendants’ rights; and the minimisation of victim-orientated intervention. An overall index score is then calculated varying from 8 to 56; higher scores indicate that the individual has attitudes toward vulnerable victims and special measures. (Refer to the Appendix A for the complete measure).

3.4. Sample and Sampling Procedure

The current study utilised opportunity sampling techniques, in that adverts were publicised to different audiences online—generally social media feeds (Facebook, Twitter/X, and LinkedIn) and in special interest groups on these same platforms, using an online link to the study. Data collection occurred over a three-month period from December 2021 to February 2022. Certain inclusion criteria required to take part were made clear, including, being at least 18 years of age and a UK resident. In the later stages of data collection, more in-depth participant recruitment techniques were employed for harder-to-reach participant groups. For example, the survey was advertised in groups who had specific required

characteristics including victim support groups for men and student groups for those from a minority ethnic background—based on low response rates from these participants groupings in the sample. In total 120 participants took part in the online questionnaire. After removing partial completions, 114 participants remained who had completed the study in full. Participants comprised 77 (67.5%) females and 37 (32.5%) males. The average age of respondents was 34 ($M = 34.37$; $SD = 14.90$), with the age of participants ranging from 19 to 76 years old. The highest level of educational attainment was at degree level or above for 45 (38.6%) respondents and below university degree level for 68 (61.4%) respondents. Refer to Tables 1–3 below for more detailed participant information.

Table 1. Descriptive statistics for Age, DJWB, PJWB, Court Fairness, and Attitudes Towards Vulnerable Victim scale scores ($n = 114$).

Scale	M	SD	Observed Min	Observed Max
Age	34.37	14.90	19.00	76.00
DJWB	3.98	1.29	1.25	6.50
PJWB	4.08	1.20	1.25	6.00
Court Fairness	3.11	0.70	1.17	4.17
ATVVS	3.32	1.12	1.00	6.25

Note. DJWB = Distributive Just World Beliefs; PJWB = Procedural Just World Beliefs, ATVVS = Attitudes Towards Vulnerable Victims Scale.

Table 2. Frequency distributions of attitudinal study variables ($n = 114$).

Attitudinal Factor	Number	Percent
DJWB Level		
Low	39.00	34.21
High	75.00	65.79
PJWB Level		
Low	34.00	29.82
High	80.00	70.18
Defendant Treatment Rating		
Poor Job	9.00	7.89
Good/Average Job	105.00	92.11
Victim Treatment Rating		
Poor Job	35.00	30.70
Good/Average Job	79.00	69.30
Total	114	100%

Note. DJWB = Distributive Just World Beliefs; PJWB = Procedural Just World Beliefs.

Table 3. Frequency distributions of demographic categorical study variables ($n = 114$).

Demographic Group	Number	Percent
Gender		
Male	37.00	32.46
Female	77.00	67.54
Age		
18–35	71.00	62.28
36–80	43.00	37.72
Ethnicity		
White	106.00	92.98
Asian or Asian British	3.00	2.63
Black or Black British	3.00	2.63
Prefer not to say	1.00	0.88
Kurdish	1.00	0.88
Education Level		
Degree	44.00	38.60
Below degree	70.00	61.40
Total	114	100%

3.5. Ethical Procedures and Considerations

Ethics are a central element of social research and a key consideration in ‘professional practice’ (Ali and Kelly 2012, p. 59). Assessment of the risks to both participant and researcher was undertaken prior to the research in accordance with the host institution’s research ethics committee and the British Psychological Societies’ guidance regarding human research ethics (British Psychological Society 2021). Attention was paid to the potential sensitivity of the topic; specifically, when discussing criminal trials, it was essential to avoid re-traumatising respondents who may have been victims or witnesses of crime. Participants were provided with an information sheet at the onset of opening the survey link; this outlined the research aims and highlighted potential sensitivity surrounding victimisation. Participants were encouraged to read this in full before agreeing to take part to ensure that they were informed about what they were being asked to do. This was followed by an informed consent form that participants were asked to complete and ensured participants were aware of the context, wished to continue, and made clear their right to withdraw from the study at any time without the need to provide a reason for doing so. Within the survey, questions were framed with careful consideration. Participants were asked about general attitudes and abstract scenarios, rather than personal experiences, to reduce the risk of distress. A debriefing statement was presented to participants at the conclusion of the questionnaire, directing participants to free and independent available support services if they felt they would benefit from accessing such support. These services were also highlighted in the participant information sheet, important to ensure those in need of support were assisted without needing to participate. Finally, in line with UK data protection requirements, all collected data was stored in password-protected computer systems. Social researchers have a responsibility to handle data within the standards that ensure confidentiality; although, the current survey does collect demographic information, no names or personally identifiable information were obtained, and individuals always remained anonymous throughout the study.

3.6. Analytical Procedure

In order to perform descriptive and inferential statistical analysis on data collected from the quantitative survey, the Statistical Package for the Social Sciences (SPSS; Version 28) was employed. Using SPSS, it was possible to utilise existing information to compute new variables used in the analysis. Participants’ education level was dichotomized into ‘university degree or above’ and ‘highest qualification less than a university degree’, age was similarly categorized above and below 35, and participants’ procedural and distributive Just World Beliefs were grouped into ‘high’ (<3.5) and ‘low’ (>3.5) levels. Initially, univariate analysis was conducted, whereby the frequency of nominal data and distribution of scale data were calculated to examine the respondent population’s characteristics. Through multivariate analysis, differences between respondent groups’ scores on individual measures were examined through crosstabulation. The analysis considered the impact of the independent variables; age, education, gender, and justice attitudinal attributes, on the dependent variables; victim and defendant treatment ratings, and perceptions of court fairness. Probability testing was then incorporated into the examination of group differences. Independent *T*-Tests were selected as the appropriate method to compare the mean scores of demographic and attitudinal groups on the court fairness scale measure. For comparison of demographic and attitudinal groups on their ratings of victim and defendant treatment an independent chi-square test was selected. This was appropriate as the rating scores had been dichotomized into two categories: ‘poor’ or ‘good/average’. Finally, multiple linear regression was employed to explore the influence of predictor variables on attitudes toward vulnerable victims and special measures. This statistical test allows the association between multiple predictor variables to be tested in its influence on the outcome variable, considering the strength and direction of the relationships. In the current study, the model tested examined the role of demographic features and participant ratings

of victim and defendant treatment, alongside their procedural and distributive Just World Beliefs upon ATVVS scores.

4. Results

Descriptive statistics reveal that participants displayed stronger procedural justice attitudes ($M = 4.08$ $SD = 1.20$) than distributive beliefs ($M = 3.98$ $SD = 1.29$) and demonstrated an overall positive attitude towards vulnerable victims and special measures indicated by mean values (see Table 1).

4.1. Rating of Victim and Defendant Treatment

Comparing the frequency of ‘poor’ versus ‘good/average’ ratings of treatment for victims and defendants in court revealed that a higher proportion of the overall sample rated the treatment of victims in court as ‘poor’ (31.7%) compared to those that rated the treatment of the accused as ‘poor’ (7.9%) (see Figure 1). Further comparing the ratings of victim and defendant treatment between specific demographic and attitudinal groups revealed that significant differences between participants’ ratings of the court’s treatment exist for perceptions of victim treatment but not for the treatment of the accused. Differences in ratings of victim treatment in court by education status ($X^2(1, n = 114) = 0.045, p = 0.832$) and gender ($X^2(1, n = 114) = 2.1, p = 0.145$) were also not found to be statistically significant.

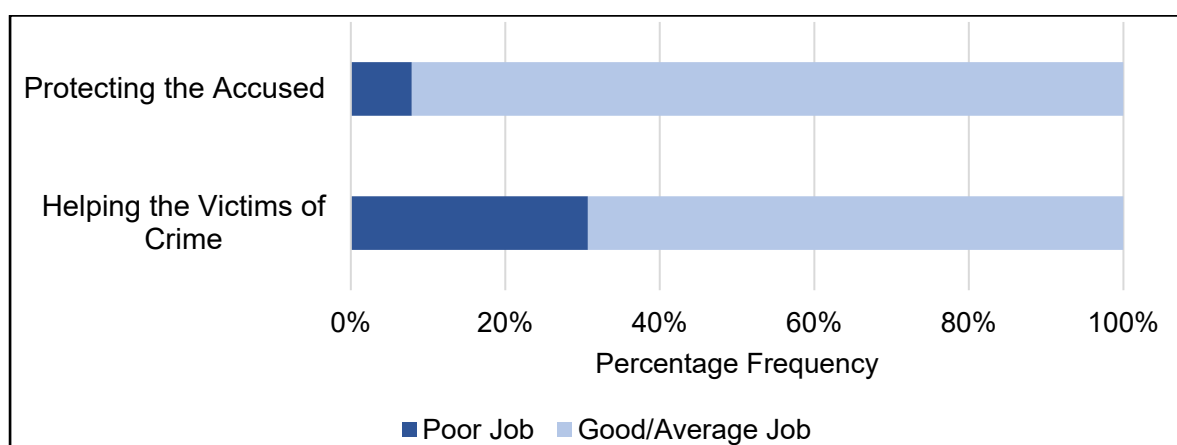


Figure 1. Percentage Frequency of Ratings of the Court’s Ability to Help Victims and Protect the Accused in the Total Surveyed Population.

Ratings of victim treatment in court were found to be impacted by the demographic factor of age (see Figure 2). More of those aged between 18–35 years old rated the court’s ability to help victims as ‘poor’ (39.4%) compared to those aged 36 years old and above (16.3%). This difference was found to be statistically significant, $X^2(1, n = 114) = 6.8, p = 0.009$, with a small effect size ($\Phi = 0.24$). The largest effect was produced by the older age group of respondents who rated the court’s ability to help victims of crime as ‘Poor’ less than would be expected (see Table 4).

Differences in the rating of victim treatment were also observed between high and low levels of distributive Just World Beliefs (see Figure 3). A greater proportion of those holding low levels of distributive Just World Beliefs rated the treatment of victims in court as ‘poor’ (51.3%) than of those who had high levels of distributive Just World Beliefs (20.0%). The difference observed was found to be statically significant ($X^2(1, n = 114) = 11.8, p \leq 0.001$), with a medium effect size ($\Phi = 0.32$). The largest impact came from those with low distributive Just World Beliefs who rated the court’s ability to help victims as ‘poor’ more often than would be expected (see Table 5).

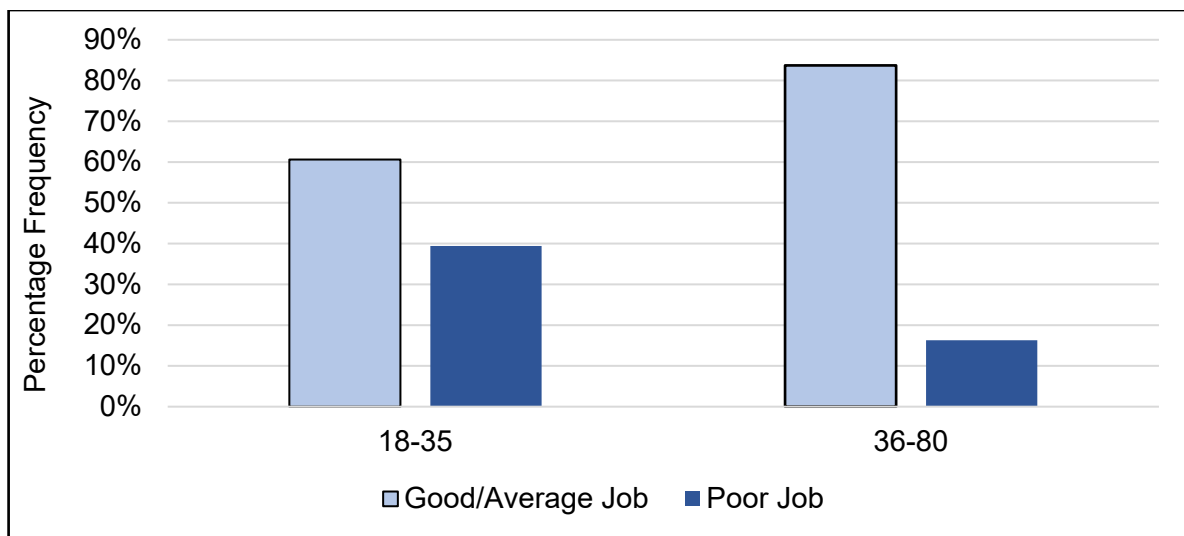


Figure 2. Percentage Frequency of 'Poor' Victim Treatment Ratings within Age Groups ($n = 114$).

Table 4. Chi-square for Association Between Age Category and Ratings of Victim Treatment.

Age Category	Victim Treatment Rating	
	Poor	Good/Average
18–35	28 (24.6%)	43 (37.7%)
36–80	7 (6.1%)	36 (31.6%)

Note. $X^2 = 6.8^{**}$, $df = 1$. $^{**} < 0.01$. ($n = 114$). Number in brackets represent percentage of total sample.

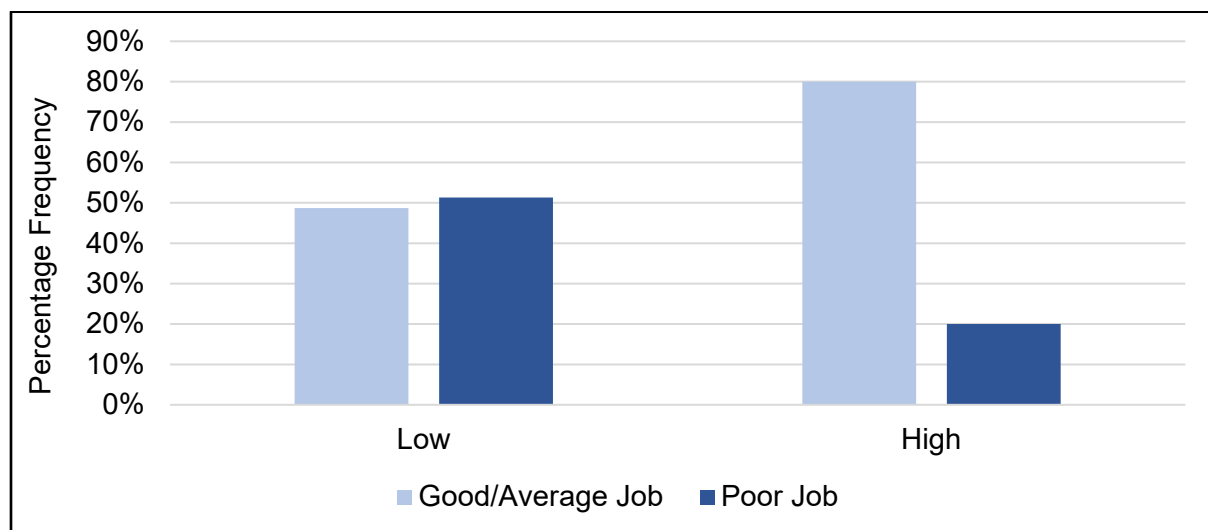


Figure 3. Frequency of 'Poor' Victim Treatment Ratings by Level of Distributive Just World Beliefs.

Table 5. Chi-square Between Distributive Just World Beliefs and Victim Treatment Ratings.

DJWB Level	Victim Treatment Rating	
	Poor	Good/Average
Low	20 (17.5%)	19 (16.7%)
High	15 (13.2%)	60 (52.6%)

Note. DJWB, Distributive Just World Beliefs. $X^2 = 11.8^{***}$, $df = 1$. $^{***} < 0.001$. ($n = 114$). Number in brackets represent percentage of total sample.

Differences in the rating of victim treatment were also observed between procedural Just World Belief level categories. Those who held low levels of procedural Just World Beliefs were more likely to rate the treatment of victims in court as ‘poor’ than those who were found to have high levels of procedural Just World Beliefs. This difference was found to be statistically significant, $X^2(1, n = 114) = 26.3, p \leq 0.001$, with a medium effect size, $\Phi = 0.48$. This variation was influenced most by the low procedural Just World Beliefs group who rated victim treatment as ‘poor’ more than expected (see Table 6).

Table 6. Chi-square Between Level of Procedural Just World Beliefs and Victim Treatment Ratings.

PJWB Level	Victim Treatment Rating	
	Poor	Good/Average
Low	22 (19.3%)	12 (10.5%)
High	13 (11.4%)	67 (58.8%)

Note. PJWB, Procedural Just World Beliefs. $X^2 = 26.3$ ***, $df = 1$. *** < 0.001 . Number in brackets represent percentage of total sample.

4.2. Court Fairness

The mean participant rating for perceived court fairness was 3.11 ($SD = 0.70$), indicating an overall general positive view of the court’s ability to provide procedural and distributive justice (see Table 1). Independent samples *t*-tests were conducted to compare perceptions of court fairness between demographic and attitudinal participant groups. Significant differences were found between age groupings, gender categories, and levels of both distributive Just World Beliefs and procedural Just World Beliefs (See Table 7).

Table 7. T-Test Results for differences in Perceived Court Fairness ($n = 114$).

Variable Grouping		M	SD	df	t	Cohens d
Age	18–35	2.98	0.71	112	−2.56 **	0.52
	35–80	3.33	0.62			
Education	Below Degree	3.10	0.73	112	−0.196	n/a
	Degree Level	3.13	0.64			
Gender	Female	2.98	0.71	112	−3.07 **	0.63
	Male	3.39	0.60			
DJWB	Low	2.59	0.71	112	6.26 ***	1.29
	High	3.39	0.51			
PJWB	Low	2.42	0.60	112	9.02 ***	1.78
	High	3.41	0.50			

Note. DJWB, Distributive Just World Beliefs; PJWB, Procedural Just World Beliefs. Statistical significance: ** $p < 0.01$; *** $p < 0.001$.

The findings show that younger participants aged 18–35 ($M = 2.98$ $SD = 0.71$) exhibited significantly lower scores in their perceptions of court fairness than older participants ($M = 3.33$ $SD = 0.62$). Similarly, observed differences between the genders of respondents revealed that women ($M = 2.98$ $SD = 0.71$) scored significantly lower on court fairness perceptions than male respondents ($M = 3.39$ $SD = 0.60$). The magnitude of the mean differences was medium for both age (Cohens $d = 0.52$) and gender (Cohens $d = 0.63$). Differences by attitudinal attribute showed that participants with high distributive Just World Beliefs ($M = 3.39$ $SD = 0.51$) rated the court’s level of fairness higher than respondents with low Distributive Just World Beliefs ($M = 2.59$ $SD = 0.71$). Those with high procedural Just World Beliefs ($M = 3.41$ $SD = 0.50$) exhibited higher scores for perceived court fairness than participants with low Procedural Just World Beliefs ($M = 2.42$ $SD = 0.60$). Large differences in mean scores were observed for distributive Just World Beliefs (Cohens $d = 1.29$) and procedural Just World Beliefs (Cohens $d = 1.78$).

4.3. Predictors of Attitudes towards Vulnerable Victims

Multiple regression was performed to investigate the ability of gender, age, degree education, justice-based Just World Beliefs, and ratings of victim/defendant treatment to predict levels of sympathy towards vulnerable victims and special measures on the ATVVS (see Table 8). Preliminary analyses were conducted to ensure no violation of the assumptions of normality, linearity, and homoscedasticity. The significance of the regression model was tested through ANOVA analysis and was shown to be significant at the <0.001 level. Since no a priori hypotheses had been made to determine the order of entry of the predictor variables, a direct method was used for the multiple linear regression analysis. The seven independent variables explained 25% of the variance in attitudes toward the treatment of vulnerable victims ($F(7, 106) = 4.94, p < 0.001$). In the final model, three of the seven predictor variables were statistically significant, with distributive Just World Beliefs recording a higher Beta value ($\beta = 0.31, p < 0.05$) than degree education ($\beta = 0.20, p < 0.05$) and age ($\beta = -0.18, p < 0.05$). These findings align with previous studies that found attitudes appear to negatively impact juror fairness and impartiality during a trial (for reviews see [Dinos et al. 2015](#); [Hudspith 2022](#); [Leverick 2020](#); [Willmott et al. 2021](#)).

Table 8. Multiple Linear Regression Model for Attitudes Towards Vulnerable Victims ($n = 114$).

	R ²	β	B	SE	CI 95% (B)
Model	0.25 ***				
Age		−0.18 *	−0.01	0.01	−0.03/0.00
Degree Educated		0.20 *	0.46	0.20	0.06/0.86
Gender		0.03	0.07	0.22	−0.36/0.50
DJWB		0.31 *	0.27	0.14	0.00/0.54
PJWB		0.14	0.13	0.15	−0.16/0.42
Victim Treatment Rating		−0.13	−0.31	0.23	−0.77/0.14
Defendant Treatment Rating		−0.01	−0.03	0.37	−0.76/0.70

Note. PJWB, Procedural Just World Beliefs; DJWB, Distributive Just World Beliefs. Statistical significance: * $p < 0.05$; *** $p < 0.001$.

5. Discussion

5.1. Interpretation of the Findings

Results from the anonymous online survey support that demographic background, namely age and education level, alongside justice Just World Beliefs impact upon respondents' opinions on the treatment of defendants and victims in court, specifically in relation to special measures policy in E and W. The main findings from this study concern respondents' (a) perceptions of victim treatment, (b) perceptions of court fairness, and (c) attitudes towards vulnerable victims and special measures.

5.1.1. Perceptions of Victim Treatment

There has been a huge push in recent years within the CJS towards victim-oriented policy and procedures ([Fielding 2013](#); [Smith et al. 2022](#)). Yet, despite institutional agreement, there exists key divides within the general public's perceptions of victims ([Lilley et al. 2023b](#); [Stevens et al. 2024](#)), defendants ([Chesser et al. 2023](#); [Lewandowicz-Machnikowska et al. 2023](#)), and the appropriate treatment of both ([Jones et al. 2023](#); [Sowersby et al. 2022](#); [Williams et al. 2023](#)). The current research, in line with previous findings, found that the British public demonstrates victim-oriented attitudes, as a higher proportion of respondents rated the court's ability to help victims as poor than rated the protection of the accused as poor ([Kaukinen and Colavecchia 1999](#)). Replication of the previous finding supports the notion that the public, across time and location, is more sympathetic to victims and, therefore, is likely to approve of policies supporting this group ([Fielding 2013](#); [Lindsay et al. 2023](#)). The current results further substantiate the view that treatment of the accused is less contentious, and potentially less prioritised, as no significant differences were found in ratings for this group's treatment.

Within ratings of victim treatment, significant differences were observed in the current study between young participants, who rated the help provided to victims as ‘poor’ more often than older participants. This directly opposes the result previously found by [Kaukinen and Colavecchia \(1999\)](#), who observed that older individuals rated victim treatment more poorly, and other studies where no age differences were observed ([Conroy et al. 2023](#)). Given these questions were originally posed within Canada it may be that age differences present differently within a British criminal justice context. The current finding is in line with studies completed within the UK on specific case types, including those exploring sexually violent crimes and elements of vulnerability, which found younger individuals show more victim sympathy ([Lilley et al. 2023a](#); [Ioannides and Willmott 2024](#); [Smith et al. 2022](#)). Therefore, age differences in victim treatment attitudes may be impacted by the type of victimisation. Secondly, significant differences in respondents’ ratings of victim treatment in E and W were observed based on justice attitudes. The current study found that high levels of procedural Just World Belief predicted ‘good/average’ ratings of the court’s ability to help victims. This supports the existing body of literature surrounding Just World Beliefs that argues that these beliefs result in individuals viewing scenarios as stable and fair ([Lerner 1980](#)). In the current research, participants holding high levels of procedural Just World Beliefs were more likely to rate courts as ‘good’ at helping victims as they see the world’s procedures, in this case, procedures for helping victims, as just ([Lucas et al. 2011](#)). Respondents who exhibited higher levels of distributive Just World Belief were similarly less critical of the court’s ability to help victims. This result supports wider literature on the impact of distributive attitudes which has shown that distributive justice attitudes are aligned with low sympathy for minority groups and higher victim derogation ([Lucas et al. 2011](#)), suggesting that those lower in distributive Just World Belief are more likely to hold victim-orientated attitudes. Interestingly, no significant differences in the rating of victim treatment in courts were observed between genders or of those of different levels of educational attainment. Prior literature suggests that women exhibit higher victim identification and support ([Willmott and Widanaralage 2024](#); [Willmott et al. 2024](#)) and in turn, higher victim orientation ([Kaukinen and Colavecchia 1999](#); [Smith et al. 2022](#)). However, female respondents did not rate the treatment of victims in court significantly more poorly than male respondents. It may be that other CJS agencies, most obviously the police, are currently facing higher levels of gendered criticism than the courts (see [Antaki et al. 2015](#); [EVAW 2021](#)).

5.1.2. Perception of Court Fairness

The literature shows that public attitudes towards the CJS centre on the fairness and effectiveness of its agencies ([Marsh et al. 2019](#)). This study found that the overall respondent population viewed the courts in E and W to be fairer, as opposed to not. However, demographic background, alongside attitudinal attributes, evidence some variation in this perception. The gender of respondents had a significant impact on their ratings of court fairness, with female respondents rating the courts lower in perceived fairness than their male counterparts. This reinforces previous research considering gendered perceptions of fairness in courts within E and W ([Chockalingam and Srinivasan 2008](#); [Smith et al. 2022](#)). While the current study did not demonstrate gendered differences in victim-oriented attitudes, it does indicate that women appear less likely to believe that the courts provide procedural or distributive justice. This supports previous findings that women perceive courts less favorably overall ([Marsh et al. 2019](#)). Differences in opinions towards court fairness were also found by age group; younger respondents scored significantly lower on perceptions of court fairness than the older participant grouping. This result, alongside lower ratings for the care of victims, indicates that the young are highly critical of the judicial system in E and W. The current study therefore contradicts previous literature which has found that older individuals tend to perceive the courts more critically ([Marsh et al. 2019](#)). It may be that different aged participants’ perceptions of fairness are impacted by the criterion used; the current study focused on procedural and distributive values and,

therefore, it may be that these principles resonate with the young, while other elements, including sentencing, resonate with older individuals (Marsh et al. 2019). The impact of justice-based attitudes on participants' perceptions of court fairness was similar to those observed in victim treatment ratings, with higher procedural and higher distributive Just World Belief resulting in significantly higher ratings of fairness. This finding demonstrates that Just World Beliefs apply to perceptions of the CJS and courts given that individuals viewing society as just criticised these institutions less (Lucas et al. 2011). The effect size of Just World Beliefs on court fairness perceptions was large for both distributive and procedural attitudes, compared to medium for age and gender. This supports the argument that attitudinal factors have a stronger impact on criminal justice opinion than demographics (Flanagan et al. 1985; Willmott et al. 2021).

5.1.3. Impact on Attitudes towards Vulnerable Victims and Special Measures

This research presents novel findings on public attitudes to the use of special measures for vulnerable witnesses as a specific form of victim-orientated policy. In line with the surveyed populations' victim care orientation, it was found that respondents as a whole sympathised with vulnerable victims and the use of special measures. However, three key factors negated such with younger individuals, degree-educated individuals, and those with high distributive Just World Beliefs, scoring higher on the ATVVS. Within the sample distributive Just World Beliefs were the strongest predictor of attitudes toward vulnerable victims. Higher distributive justice attitudes resulted in higher belief in statements prioritising defendant rights over victim care, including against the use of special measures. The observed result corresponds with wider research on justice attitudes which has connected distributive belief with low victim sympathy and low minority support (Lucas et al. 2011). The finding also demonstrates that distributive justice beliefs are more tightly held than other justice attitudes, namely procedural justice for which a significant relationship was not established, supporting research showing that distributive individuals are rigid thinkers (Lucas et al. 2007). The observed results demonstrate that attitudinal factors have a continued stronger influence on criminal justice opinion than demographics (Flanagan et al. 1985; Lieberman and Krauss 2016). However, the results did show that degree-educated respondents scored significantly higher on the ATVVS than those without a degree, indicating that higher-educated individuals have lower sympathy for vulnerable victims and the use of special measures. This result opposes that found previously by Kaukinen and Colavecchia (1999) who had established that higher education results in higher victim-oriented attitudes. Given that the current research did not confirm this age difference related to ratings of victim treatment, it suggests that education-based differences towards special measures may be better explained by defendant attitudes (D'Agostino et al. 2013). Therefore, those of a higher education may not exhibit attitudes against special measures due to lower victim sympathy but because they are more permissive to defendants as indicated in previous research on punitiveness (D'Agostino et al. 2013).

Younger respondents expressed attitudes less favourable and supportive of vulnerable victims, with older individuals scoring significantly lower on the ATVVS. This aligns with research that found older individuals are more sympathetic to victims generally (Kaukinen and Colavecchia 1999). However, interestingly in the current research, younger, over older, respondents were more critical of victim treatment and court fairness in E and W. Given the critical nature of younger respondents in the current study it may be that they score highly on the ATVVS because they are critical of trial procedures, including special measures, more generally rather than specifically being against those supporting vulnerable victims. This suggestion is strengthened by research demonstrating that younger individuals are more victim-oriented when the specific case involves an element of vulnerability (Smith et al. 2022; Lilley et al. 2023a). Despite a range of possible explanations, no significant relationship was obtained in the current study between the gender of respondents and their attitudes towards vulnerable victims (Kaukinen and Colavecchia 1999; Smith et al. 2022).

5.2. Implications for Policy and Practice

It is important when considering the implications of research into public attitudes on CJS policies to note that ‘popular’ policy does not always equate to ‘good’ policy (Smith et al. 2022, p. 89). Therefore, despite this study indicating that special measures are contentious with certain populations, the measures remain a justifiable provision regardless of their lay popularity (Smith et al. 2022). This research, therefore, offers some insight into whom to target educational interventions towards surrounding improving public awareness of victim care needs and the benefits of special measures. The current study revealed that high distributive belief, age, and level of education should be considered to be potential indicators for those most likely to benefit from such awareness training. This is especially true for distributive thinking given the rigidity with which such attitudes and beliefs appear to be held (Lucas et al. 2011). These indicators should be incorporated into practices throughout the judicial process to ensure that perceptions of vulnerable victims and special measures do not harm how a trial is conducted. Among the general public, younger and university-educated populations may benefit from education and awareness-raising programmes, explaining the burden faced by vulnerable witnesses in courts and the necessity of special measures in supporting justice. This is especially important for jury members, as evidence indicates aspects of vulnerability can impact perceptions of witnesses (Henderson 2015). The *Crown Court Compendium* (2023) sets out that special measures should be described to jurors, highlighting the important functions that they serve, including putting witnesses at ease. The compendium also makes clear that jurors should be instructed to not let the use of special measures impact their judgement of victims, defendants, or the trial’s fairness, assuming that is possible for jurors to simply set aside such unintended judgements (for a review of how special measures impact juror judgements at trial, see Ellison and Munro 2014). Similarly, research has shown that some members of the judiciary and other CJS stakeholders may remain averse to the use of special measures (Fairclough 2020; Hudspith 2022), and therefore, vulnerable witness training is essential for the judiciary and other CJS personnel, with consideration needed for possible mandatory training requirements and refresher courses (Jackson et al. 2024). While judicial members from groups indicated by the current research may require specialist training alongside screening to ensure that members from these backgrounds understand and are applying the provisions as necessary. Jackson et al. (2024), recently concluded that ultimately, while providing novel information on the subject, this research supports that a wider review of public knowledge and support for the use of special measures is crucial (Fairclough 2020). Obtaining the opinion of the wider public allows policymakers to both refute public criticism of victim-orientated policies and make necessary improvements for service users.

5.3. Methodological Limitations

Though providing a number of important advances to the existing literature, the current study should be considered in light of some limitations. It is likely that the majority of the public does not have expert knowledge on special measures and vulnerable status; therefore, it is difficult to ascertain if participants fully understood in detail what the questionnaire was asking of them. However, attempts were made to negate this issue within the current study. Firstly, an index was provided before the ATVVS, outlining the context and legalities behind special measures, so participants were better equipped to understand the statements therein. Secondly, as the ATVVS is a novel scale, it was discussed and piloted with an expert in researching legal decision-making to ensure that the statements included were accurate and well-suited to research with the general public. Given the time and resources available to the current research, the best methodology was chosen. Online sampling is suited to attitudinal research as it promotes the inclusion of more and varied participants, use of URLs allowed access to more individuals from a wider range of backgrounds, than would have been possible using traditional methods like post or telephone (Berinsky 2017). While the overall number of collected responses was small,

the sample size did meet the requirements for statistical analysis adhering to [Tabachnick and Fidell's \(2007\)](#) sample size calculation formula. However, as opportunity sampling was used in the current study, a self-selection bias is consequential, with participants of only certain demographic backgrounds completing the research; therefore, resulting in a lack of a truly representative population of respondents. This bias was possibly enhanced by the online nature of the research as digital literacy is low within certain populations, including older individuals and those from certain ethnic minorities, according to [Hooley et al. \(2012\)](#). In the current study, the age range varied widely from 19–76 years old; however, within the sample, only 5.7% of respondents were from non-Caucasian ethnic groupings. This figure is significantly less than within the general British public as a whole; therefore, analysis could not be reliably conducted on attitudinal ethnic differences. Other researchers have noted that because justice-based Just World Beliefs predict harsh social attitudes, respondents may be impacted by social desirability bias ([Lucas et al. 2011](#)). As the current research makes use of the PDJWBS, it is important to note that participants may have given socially desirable answers. The risk of this was largely reduced as the survey was conducted online; providing a strong sense of anonymity as participants answered questions in a setting removed from the researcher ([Dolnicar et al. 2009](#); [May 2011](#)). Despite the aforementioned limitations, the results do provide the first known insight into the attitudes of the public towards special measures policy within E and W. The study aimed to be largely exploratory, and future work can build upon this unique insight.

5.4. Recommendations for Future Research

Given the aforementioned methodological limits of this study, future research should seek to re-examine the current study objectives on a larger scale, applying the survey, and in particular the newly developed ATVVS, among a larger and more diverse sample. This would allow for confirmation of the novel scale's applicability and reliability of the current study findings among this larger population. Repetition also allows for a comparison across time points, considering if public attitudes towards victim treatment and special measures found in this research are variant or consistent over time. Replication of the current study could, however, benefit from a more in-depth analysis of demographic factors. Specifically, this study was unable to capture differences between ethnic groups due to sample underrepresentation. Given the historically fractured relationship between ethnic groups and the CJS, analysis of this demographic factor on attitudes towards the fairness of the judicial system, and use of special measures, is necessary and should be voiced within review of criminal policies ([Lammy 2017](#)). Similarly, enhanced detail on educational background would provide an interesting line of future analysis. While the current study highlighted the impact of education level on attitudes towards victim treatment and special measures, exploration of subject-specific differences may provide further context about the role of education in such attitudes and beliefs. Future research would also benefit from considering public attitudes towards special measures individually. Provisions available differ in their visibility and degree of impact on the courtroom. While the general public may express diffuse support, or criticism, for special measures policies as a whole it is possible that the public's support may differ by the method used. Research in this area would indicate if particular special methods are contentious with the public and need further review. Finally, as suggested by [McLean \(2019\)](#), more CJS research needs to consider the specific impact of distributive justice attitudes on public opinion towards criminal policies. The current research supports that attitudinal attributes have a stronger influence on public support than demographics, and that distributive justice attitudes are particularly rigid. Therefore, given that high distributive thinkers hold potentially dangerous attitudes surrounding victims, and their care, further attention needs to be paid to exploring this type of justice attitude.

6. Conclusions

Recent history has seen a shift within the judicial system in E and W away from purely defence-led justice to a growing incorporation of policies centered on the role of victims and witnesses during trial. While most thinkers recognise the value of victim-oriented policies in reducing the burden faced by witnesses, especially those of a vulnerable background, there remains some contention as to whether such provisions infringe on defendants' legal rights to a fair trial. The judicial system heavily relies on lay participation and public legitimacy to function; therefore, assessment of public perception of policies dictating the treatment of victims and defendants is important. The current piece of research assessed attitudes within the British public towards the treatment of victims and defendants in criminal trials in E and W. Noting a key gap in existing literature, special attention was paid to special measures policy for vulnerable witnesses. This study concludes that the British public demonstrates a victim care orientation and expresses diffuse support for special measures policy compared to the defendant's legal rights. However, differences in opinion by demographic and attitudinal attributes were observed, leading to the identification of three key indicators for potentially harmful attitudes toward vulnerable victims and the use of special measures. Attitudes towards victim-orientated policy amongst those of younger age, higher education, and distributive justice belief require further exploration to ensure that vulnerable victims and witnesses experience fair treatment by the judiciary and lay participants during trials in E and W. Ultimately, while the introduction of victim orientated policies, including special measures, have necessarily promoted proper victim care within the judicial system, it remains important to adjust our understanding of victim care and defendants legal rights as a zero-sum-game (Smith et al. 2022). Policies aimed at improving the experiences of witnesses are not entirely victim-orientated; after all, the creation of a fairer system of justice for victims, vulnerable or not, also ensures such for defendants and society overall (see Willmott and Hudspith 2024). Further assessment of public support for special measures, and victim care policy, is essential to improving understanding of their importance amongst lay individuals and to retaining legitimacy amongst all populations of the public.

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Appendix A

Attitudes Towards Vulnerable Victims Scale (ATVVS; Metson & Willmott)

The next section of the questionnaire is going to refer to the use of 'special measures'. Special measures are a series of provisions that help vulnerable and intimidated witnesses give their best evidence in court. Special measures apply to prosecution and defence witnesses and are subject to the discretion of the court. Victims of serious crimes, all child witnesses, and those with mental or physical disorders can be eligible.

Special measures available include:

1. Screens
2. live link
3. evidence given in private
4. removal of wigs and gowns by judges and barristers
5. visual recorded interview
6. pre-trial visual recorded cross-examination or re-examination
7. examination of the witness through an intermediary
8. communication aids

Attitudes Towards Vulnerable Victims Scale (ATVVS; Metson & Willmott)

To What Extent Do You Agree with the Following Statements?	Strongly Disagree (1)	Disagree (2)	Slightly Disagree (3)	Neutral (4)	Slightly Agree (5)	Agree (6)	Strongly Agree (7)
1. Use of 'special measures' in court should be kept to a minimum							
2. The accused are disadvantaged by the use of 'special measures' for vulnerable victims							
3. Cross-examination is the best method to ensure justice, regardless of the victim's vulnerability							
4. The definition of 'vulnerable' and 'intimidated' victims is too wide							
5. 'Special Measures' are overused for vulnerable victims of crime							
6. Both witness and defendant need to be in the courtroom to ensure the best evidence							
7. Focus on victim care in courts should not override defendants' rights							
8. The use of 'special measures' impacts on the defendant's right to a fair trial							

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