

# [Response of the criminal justice system to victims of corporate crime](https://assignbuster.com/response-of-the-criminal-justice-system-to-victims-of-corporate-crime/)

[Law](https://assignbuster.com/essay-subjects/law/), [Criminal Justice](https://assignbuster.com/essay-subjects/law/criminal-justice/)

Essay Title: With the use of at least 3 real life stories reported in newspapers, discuss the response of the Northern Ireland Criminal Justice System to victims of corporate crime. There is no time limit on the stories and they may be accessed via the internet. Within this essay I will look to discuss victims of corporate crimes experiences within the Criminal Justice System. In order to do this I will first define the Criminal Justice System and then corporate crime.

I will then address the task by using 3 real life stories about victims’ experiences of the operation of the Northern Ireland Criminal Justice System. The Criminal Justice System (CJS) is a series of practices and institutions that are used “ to deliver justice for all, by convicting and punishing the guilty and helping them to stop offending, while protecting the innocent. It is responsible for detecting crime and bringing it to justice; and carrying out the orders of court, such as collecting fines, and supervising community and custodial punishment” (frontline. jsonline. gov. uk) In criminology, corporate crime refers to ‘ crimes committed by corporations, or by influential individuals within corporations, where the illegal act is carried out with the intentions of furthering thegoalsof that organisation. ’ (Newburn. 2007. 946-947) Experiences within the criminal justice system are undoubtedly going to vary with each person’s own experiences and perception. Some may hold the view that it is a just and worthwhile organisation while others will not share the same optimism.

For example, there is an article in the Belfast Telegraph about the rape in Colin Glen Forest Park. The incident took place on the 12 April 2008. The article shows the complete dissatisfaction and faith within the criminal justice system but praises the work of the PSNI. The victim stated that the days between her reporting the crime and attending the trial she had no contact or information relating to the trail until just 2 week before hand “ The criminal justice process leading up to the trial was not much better from a victim's perspective.

I did not hear from my prosecuting barristers until two weeks before the scheduled trial — leaving me to spend 11 months in confusedanxietyabout the prospect of testifying. ” “ How can rape victims be expected to assist the criminal justice system in convicting their attacker, when there isn't even a proper counseling service to help them through this very harrowing process? ”(www. belfasttelegraph. com) It is easily seen from this specific example that the criminal justice system is simply focused on one thing, which to convict the criminal and punish them accordingly.

There seems to be no regard to the victims feelings, concerns or anxieties, but simply referrals and advice, on where to go to achieve help and comfort in an attempt to deal with the traumatic event of being raped. “ No one told me that a service like Victim Support existed until a few weeks before my trial (and 10 months after my attack). ” (www. belfasttelegraph. com) (2009) It has been seen as standard practice to observe that the ‘ victim’ has long been the forgotten party in criminal justice as the Colin Glen Forest Park victim’s story demonstrates.

Victims appear very often appear as complainants and applicants for compensation, or as a witness giving evidence, but thereafter they are unfortunately very much neglected. It is only recently that the victim now forms the focus of a substantial area of enquiry within criminology. There is now a requirement for sufficient attention to be paid to the needs and rights of the victims. (Newburn. 2007. Pg. 342) Crimes vary in their nature and therefore the impact of the crime on the victim can vary also.

Goodey (2005: 121-2) lists a range of emotional, material and social needs that victims may need to have met in the aftermath of crime. This list consists of: reassurance and counselling; medical assistance; financial and practical assistance to secure property; information about case programs; guidance about what to expect in court; the chance to express how the crime affected them; and information about the release date of the offender. (Newburn. 2007. Pg. 353) In is only in recent years that these needs of victims have been taken into account and there is now such a thing called ‘ victims policy’.

This policy ensures that the needs of the victims are being met and there is now a substantial raft of services now provided to protect the victim and their rights. (Newburn. 2007. Pg. 358) Duff (1988) argues that there are two discernible trends which illustrate the impact of the ‘ victim movement’ on the Criminal Justice System. The first is the introduction of state funded compensation schemes. These schemes had the aim of trying to strengthen the relationship between the offender and the state. The second was the introduction of compensation by the offender to the victim.

This aimed to increase the importance of the victim-offender relationship. This therefore became the start of criminal injuries compensation, and it was through these schemes that the needs of the victims were officially being recognised. (Newburn. 2007. Pg. 358) In 1959, the government published ‘ Penal Practice in a Changing Society’; this is what resulted in the setting-up of a party which were to examine the proposal of introducing the schemes for payment of compensation to victims ofviolence. The proposal was then passed and was called the ‘ Criminal Injuries Compensation Scheme’, also known as CICS.

It came into operation on the 1st August 1964. (Newburn. 2007. Pg. 358) An example of a recent payment of compensation to a victim is that of Lucas Da Costa, 32, while working for Lindon foods meat processing company, suffered severe head injuries when he was hit by 255 kilos of crates as he lifted them using an electric pallet truck at the Granville Industrial Estate plant on 25 February 2010. The father-of-four was rushed to hospital and then transferred to the Royal Victoria Hospital where he was treated for bleeding onto the brain as well as multiple fractures to his skull and facial bones.

Linden Foods Ltd pleaded guilty to breaches ofhealthand safety legislation at a previous hearing at Omagh Crown Court, in the case which was brought against the company by the Health and Safety Executive. The company were ordered to pay ? 25, 000 after an employee was left " close to a vegetative state". (www. u. tv. co. uk) Also Northern Ireland Water has been fined ? 2, 000 after pleading guilty to polluting a major river. A blockage in the sewerage system caused poisonous discharge to pollute the Six Mile Water River at Clotworthy Bridge in Antrim.

The fine was imposed on 4th May 2011 at Antrim Magistrates Court where NI Water pleaded guilty to making a polluting discharge to a waterway and breach of consent. Antrim mayor Pam Lewis welcomed the fine saying she hoped it would act as a deterrent. (www. belfasttelegraph. co. uk) In another incident, two construction companies have been fined over the collapse of a building owned by the Law Society in Belfast. The building collapsed in March 2008, injuring six workers. JH Turkington and Sons Ltd and Ripley Developments Ltd were fined a total of ? 1, 000 for health and safety breaches. A Health and Safety Executive for Northern Ireland (HSENI) investigation found that the collapse of a temporary supporting structure, known as false work, caused the incident. It was estimated that approximately 150 tonnes of concrete, 25 tonnes of steel reinforcing bars and four tonnes of false work all came down in the collapse. (www. bbc. co. uk) This increased recognition of victims needs developed even further; there became an increased desire to protect children who had been victims.

Many of the child victim’s experiences were particularly traumatic itself; never mind the trauma of having to give evidence in court also. After numerous protests, the requirement in ‘ The 1988 Criminal Justice Act’ was abolished that stated that the child had to give evidence in court. This was enforced in order to protect the child and instead the use of video recordings was introduced. (Newburn. 2007. Pg. 362-363) In 1986 in government then took the decision to provide core funding to victim support.

In the first years the scheme mainly focused on the victims of conventional crimes, such as burglary. During the 1980s they became progressively more involved in providing support for a wider range of victims. This came to include victims of racial harassment, families of murder victims, rape and serious sexual assault. Victim support demanded that victims had the right: to be heard; to be kept informed about the progress of ‘ their case’; be protected by law enforcement agencies; to receive compensation as well as ‘ respect, recognition and support’. Newburn. 2007. Pg. 363-364) This led to an increased interest in victims within the criminal justice system. Victims support started running a series of victim/witness support programmes in seven Crown Court centres, and now, the organisation provides a witness service in every criminal court in England and Wales. The first victim’s charter was published in 1990. This was the first acknowledgement that some victims may have entitlements (not rights) because of their victimisation. In 1996 the second victim’s charter was published.

The charter covered police responsibilities for providing information to victims, familiarisation with the courts, together with details of the complaints procedures if the standards set out were not met. From this charter victims could expect to get: contact details for police officers and leaflets on ‘ Victims of Crime’, information on case progress, chance to explain how the crime affected them, information on the offenders release, treatment and support if attending court as a witness, expenses for attending court, and also emotional and practical support. (Newburn. 007. Pg. 364-365) In 2002, a White Paper, ‘ Justice For All’, was published by the Home Office. Its aim, it said, was to rebalance the Criminal Justice System in favour of the victims, witnesses and communities. Their aim was to increase detection rates, reduce delays, and increase the conviction rates. (Newburn. 2007. Pg. 365 & 669) Northern Ireland has numerous areas in which victims can receive support. These include the PSNI Victim support, The Public Prosecution Service, NICS, PBNI Victim Information Scheme, and The Prisoner Release Victim Information Scheme.

These aim to help people affected by any type of crime. They provide emotional support, information and practical help to victims, witnesses and others affected by crime. (www. victimsupportni. co. uk) The Northern Ireland Justice Minister made this response in July 2010. “ Northern Ireland must have a Criminal Justice System which puts victims and witnesses at the core. As part of this, it is of paramount importance that victims are provided with the necessary support and that they have confidence in the service they are receiving”.

Although many improvements to victim support had been made, there are still many changes to be made. The NI Criminal Justice System has made commitments for 2010/2011 to: provide victims and witnesses with easier access to information; ensure that specific and timely information is provided to victims and witnesses in relation to their cases; continue to work with relevant voluntary agencies; recognise and be responsive to victims and witness’ individual needs and also to make victims and witness’ views made know to the CJS.

It seems to be a simple solution to ensure that the victims of crimes should be put at the fore front of the investigation, ensuring that they receive the best care and guidance possible in an attempt to raise the comfort and awareness of the conviction process, therefore raising the belief in the criminal justice which in turn, will allow other victims to follow suit thus raising the level the convictions, instead of concentrating on just the legal aspects of getting the conviction, which seems to be the case at present.

People are very often not aware of the services and support groups available to them in the event of a crime, and they are relaying on the people within the legal profession and their knowledge and the CJS to inform them of such services. It’s bad enough that they have to suffer at the hands of the criminals, but to suffer at the hands of the criminal justice system is totally unacceptable. It is beyond doubt that the criminal justice system needs a reform, so that it takes into account all aspects of crimes, from the victim to the sentencing.

They may see an increase in assistance from the victims if they focus their attention on them rather than being simply focused on one thing, which to convict the criminal and punish them accordingly. Bibliography Newburn, T. (2007) Criminology. Cullompton. Willan Publishing. (frontline. cjsonline. gov. uk) http://www. belfasttelegraph. co. uk/lifestyle/bt-woman/as-a-tourist-in-belfast-my-rape-was-shock-news-so-why-did-you-forget-about-it-and-me-so-quickly-14484709. html#ixzz15CJWLv3H