

Criminal justice

[Law](#), [Criminal Justice](#)



CRIMINAL JUSTICE Robert Reiff once said, the problems of crime always get reduced to “ What can be done about criminals? ” Nobody asks, what can be about victims? ” (Shcmelleger, 1999) The consequences of crime vary from one individual to another. Crime can involve financial loss, property damage, physical injury, and death. Less obvious but sometimes more devastating are the psychological wounds, left in the wake of victimization, wounds that may never heal. In an attempt to prevent victimization, individuals may move, restrict their daily activities, or purchase expensive security measures. The government, in apprehending and punishing offenders, is extending billions of money and man-hours. Yet we have only started recently to focus our attention on the victim of crime. Crime victims could be key actors in the criminal justice process, but more of them are kept at the periphery. Crime victims are the “ forgotten person ” of the criminal justice system while the criminal is the superstar. Victims are only valued for their capacity to report crimes and to appear in court as witness (Lurigio, 1990). Introducing

Victimology Victimology, or the study of victimization, is a field of scientific endeavor that took off as a separate discipline around 1970 (Dramkin, Vieno, 1974). Before that, victimology was, inter alia, pioneered by the German criminologist Von Hentig and criminal law scholar Benjamin Mendelsohn. In 1941 Von Hentig published an article with the title “ Remarks on the Interaction between Perpetrator and Victim ” (Von Hentig, 1941). Later he published *The Criminal and his Victims* where victims were classified according to the nature of their involvement in the criminal act. It was thought that a study of the victim’s result in a better prevention of crime. In 1947, Mendelsohn presented a paper in French at a congress in Bucharest in which he counted

the term victimology (see Hoffman, 1992). Like Von Hentig he drew attention to the part played by victims in precipitating crimes of violence, for example through provocation. For Mendelson, a defense counsel, victim precipitation was a mitigating circumstance in meting out punishment for the offender. Of great significance to the development of victimology as a field of research in its own rights was a book by S. Schafer published in 1968, entitled "The Victim and his Criminal; a study into fictional responsibility". As the title, which paraphrases the title of Von Hentig's classical textbook, indicates, the victim is at the heart of this monographic. Schafer presents victimology as the independent study of the relationships and interactions between offender and victim before, during and after the crime. In addition to victim precipitation in the events resulting in the crime act, the obligation of the offender to make good by compensating his victim is now also seen as part of the subject matter. This was shared by the Dutch criminologist Nagel in his publications on the "victimological notion" in criminology (Nagel, 1959; Nagel, 1963). Like the other pioneers, Nagel argued for an integrationist victimology. He was particularly interested in the relationship between offender and victim after the commission of the crime. In his opinion the criminal justice system should aim to satisfy the offender's need for atonement, the victims need for retribution and their joint need for reconciliation. Blaming the victim The most important political criticism leveled against this type of victimology is that it provides arguments for blaming victims for their fate. From the historical perspective, it cannot be denied that Mendelsohn in his early publication drew the attention to the victim's involvement with the intention to inculcate the offender and shift

part of the blame upon the victim. In later victimological publication by Mendelsohn and others the involvement of the victim in the commission of the crime is analyzed to explain the dynamic of criminal behavior without any intent to incalculates the victim. Researchers who study the role played by the victim in the dynamics resulting in the crime as well as in the ensuing legal conflict will typically hold discriminate opinions on the punishment of the offender. In some cases the victim indeed have to share part of the blame. In other cases the victim has interest in being reconciled with the offender. In penal victimology, there is an intrinsic interest in non-punitive solution in to criminal incidents. (such as Mediation), which, at least in the theory, empower both victims and offenders. For the pioneers in victimology, offenders and victims are equally deserving of humanitarian concerns. Since concern for the offenders does not conflict with concern for the victims there is every reason to preserve this tradition. General Victimology Like penal victimology, General victimology was also first explicitly describe by Mendelsohn advocated a general study of what he now called “victimity”, with a view to reducing it by prevention and victim assistance. In later papers he called for the establishment of victim’s clinics. The assistance for victims should be based on specific personnel, social and cultural rehabilitation theory. Mendelsohn’s interest no longer lay with crime and its prevention, but with prevention and alleviation of “victimity” in a wide sense. The subject of study should not only include victims of crime and abuse of power but should also include victims of accidents, natural disasters and others acts of God. He advocated the development of general victimology as a discipline in its own rights,

independent of criminology or criminal law, which would assist governments in minimizing human suffering. In many countries criminal procedural law has been modified as to give victims a better deal (Joutsen, 1987).

Victimologists became victim advocates. Victimology was transformed from a victimology of the act into a victimology of action. Parallel to this global reform movement, clinical research involving victims of crime and disasters have expanded over the past years. The key issue in this field of research is now people can be in coping with traumatic stress or how Post Traumatic Stress Disorder can be prevented or cured (Klever and Brom, 1992).

Although criminologists, criminal lawyers and social psychologists have made important contributions to this practical body of knowledge, most work this was and is done by psychiatrists and clinical psychologists. The scope of the studies is not limited to victims of crime. The precise nature of the serious life events, which generate traumatic stress, is of a little importance. The focus is on treatment and the prevention or alleviation of adverse consequences. Much research has been done on the problems of survivors of the holocaust and other acts of war and the best methods to assist them in their coping behavior. Post Traumatic Stress Disorders have also been observed among victims of accidents or natural disasters. Many victim assistance programs also provide services for victims of traffic accidents or natural disasters. It is for this reason that the stream of victimology focusing on victim assistance is often called general victimology. This stream differs not only in its definition of the scope of victimology but also in its focus on assistance or treatment rather than on the analysis of the genesis of the victimization. The World Society of Victimology from 1970 onwards, the global development of

victimology as a discipline or field of research is closely interrelated with the activities of the WSV, THE World Society of Victimology. The WSV was formerly founded in Munster by criminologist like Schneider and Drapkin inter alia in 1979. The first of the series of international symposia held every year was held in Jerusalem as far back 1973, the held in Amsterdam being the ninth. Viano an American criminologist, also organized a number of symposia in this same period and began publishing the journal “Victimology” in 1976. The journal “ International Review of Victimology” started in 1988 and is affiliated to the WSV. Victimology, as institutionalized by the WSV, may be defined as; the scientific study of the extent, nature and causes of criminal victimization, its consequences for the person involved and the reaction thereto by society in particular the police and the criminal justice system as well as voluntary workers and personal helpers. At the three-annual symposia of the WSV the debate on the objectives, scope and subject matter of victimology has continued ever since. At the third and fourth symposia the criminologist Cressey argued for a clear distinction between scientific and humanistic victimology (Cressy, 1988). Over the years tacit agreement was reached on the relationship between victimology as an academic undertaking and the service-, action-, or policy —oriented victim’s moment. While the WSV is a society for the advancement of specialized for the advancement of specialized scientific research — and should be cautious in talking positions in political debates — it is fully recognized that much victimological research has significant implications for the provision of services to victim and that the researches carried out partly for that reason. The WSV has been instrumental in the development on the Basic Principle of

Justice for Victims of Crime and Abuse of Power of the UN. The society is also actively involved in follow-up activities regarding this declaration such as the publication of a geode for Policymakers and a Handbook for practitioners.

Many of the lending researchers in the field are or have involved in promoting or setting up victim assistance organizations. At the same time, many of those working organizations have a scientific background and keen interest in objective information on the effectiveness of their services.

Several officials of victim assistance organizations present keynote lectures or papers on developments within these organizations that are interesting from a scientific viewpoint as well. Within the WSV, the cross fertilization of theory and policy making and feature probably helps to explain the popularity of victimology among students. The subject matter of victimology can be defined in the terms of the UN declaration: Victims means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, trough acts or omissions that are in violation of criminal laws, including those proscribing abuse of power. A Historic of the Victim In early times, victims took the law into their own hands. If their own hands. If they were able to apprehend their victimizers, they enacted their own form of revenge and impose some form of personal relation. The Code of Hammurabi, one of the earliest legal codes, required that many offenders make restitution. If the offender could not be found, however, the victim's family was duty bound to care for the needs of the victim. This early period in history has been called the " Golden Age of Victims" because victims were not only well cared for but also had considerable say in imposing punishment

upon apprehended offenders. During the middle ages, the concept of “King’s Peace” had emerged, wherein all offenses were seen violations of imperial law. It became the duty of the government to apprehend try and punished offenders, effectively removing the victim from any direct involvement in judicial decision making. Victims were expected only to provide evidence of the crime and to testify against those who had offended them. Victims as a class moved to the periphery of the justice process. Justice for the victim was forgotten, translated instead into the notion of justice for the state (Schmeller, 1999). The situation remained pretty much the same today. Proof is that the state is being considered the offended party against the criminal offender. The concept of victim dates back to ancient cultures and civilization on its original meaning was rooted in the exercise of sacrifice — the talking of the life of a person or animal to satisfy a deity. (Karmen, 1990) Today, the world victim is use un many different contexts and is broadly interpreted. It is not unusual to hear the word “victim” paired with a wide range of human experience: cancer victims, holocaust victim, accident victim, victim of injustice, hurricane victims, crime victims, and others. Each of these conjures up visual images of suffering , devastation and often-individual heroism endurance in the face of powerful destructive forces. (Karmen, 1990) One communality has come to apply to virtually all usages of term victim: That an individual has suffered injury and harm by forces beyond his or her control, and not of his or her personal responsibility. The Frequent and diverse use of “ victim”, Listed in the American Heritage Dictionary, illustrates breadth of the accept meaning of the term “ victim”: 1. Someone who is put to death or subjected to torture or

suffering by another. 2. A living creature slain and offered as sacrifice to a deity or as part of a religious sacrifice. 3. Another who is harmed by or made to suffer from an act, circumstance agency or condition: victims of war. 4. A person who suffers injury, loss, or death as a result of a voluntary undertaking: a victim of his own scheming. 5. A person who is tricked, swindled, or taken advantage of a dupe. Thus, a victim may be an innocent, led to slaughter, a dupe, or someone whose suffering is caused by his or her own scheming or ineptitude. It is no wonder that society has become confused about how positively or negatively to regard some victims. The term "crime victim" has been used to include a person, group of people, or entities who have suffered injury or loss due to illegal activity. The harm can be Physical, psychological, or economic. By definition this includes victims of fraud or financial schemes, businesses or even the government. In tax or Medical fraud case, the victim is the government, and the loss of revenue is ultimately felt by honest citizens who dutifully fulfill their responsibilities. For the purposes of crime victim rights and services, the legal definition of "victim" typically includes the following: A person who has suffered direct or threatened, physical, emotional or pecuniary harm as a result of the commission of a crime, including: 1. In the case of a victim who is under 18 years of age, incompetent, incapacitated, or diseased, one of the following (in order of preference): a spouse; a legal guardian; a parent; a child; another family member; or another person designated by the court; and 2. In the case of a victim that is an institutional entity, or an authorized representative of the entity. Some people who have been harmed by crime feel that defining themselves "victim" has negative connotations, and choose

instead to define themselves as a “ survivor”. This is a very personal choice than can only be made by the person victimized, and not by any other individual. The term “ survivor” also has multiply meanings in society, e. g. survivor of a crime this terminology for victims of crime will endure. Who is Victim? Medical attention on several high profile case in recent years has clouded the issue of “ who is a victim? “. For example, cases in which a victim clashes with antagonists have resulting in the “ victim” being tried in the courts, and have complicated the delineation of victim and offender, i. e. the so-called “ subway vigilance”, a man who shot four teenagers with an unlicensed revolver on a subway train when he feared he would be robbed. Reportedly, he perceived himself to be a victim of a mugging, and used a weapon on perceived perpetrators, in order to “ defend himself”. The “ would-be victim” was tried for attempted murder, assault and reckless endangerment. To some, trigger-happy gunman who reportedly overreacted to an inaccurately perceived threat. (Johnson, 1986; Sullivan, 1989; Karmen, 1990) One of the first books entirely devoted to victims of crime was The Crime Victims Book. (Bard, and Sangrey, 1979), which address the issue of “ who is the Victim? ” Bard and Sangrey attempted to paint a picture of crime victim, stating that “ Every victim of personal crime is confronted with a brutal reality: the deliberate violation of one human being by another. The crime may be murder or rape, a robbery or burglary, the theft of an automobile, a pocket picking, or a pocket picking , or a purse snatching — but the essential internal injury is the same. Victim have been assaulted — emotionally and sometimes physically — by a predator that has shaken the world to its foundations” The study of Victimology Andrew Karmen, who

wrote a comprehensive text on victimology entitled *Crime Victims: to Victimology* in 1990, broadly defined victimology: The scientific study of victimization, including the relationship between victims and offenders, the interaction between victims and the criminal justice system — that is, the police and courts, and corrections officials — and the connections between victims and other social groups and institutions such as the media, businesses, and social movement. " Since victimology originated from the study of crime, some would say that the victimology is the study of crime (not victimization) from the perspective of the victim. (Roberson, 1994)

History of Victimology The scientific study of victimology can be traced back to the 1940s and 1950s. Until then, the primary focus of research and academic analysis in the field of criminology was on criminal perpetrators and criminal acts, rather than on the victims. Two criminologists, Mendelsohn and Von Hentig, began to study the other half of the offender/victim dyad: the victim. They are now considered the " father of the study of victimology". (Roberson, 1994) In their efforts to understand crime, these new " victimologists" began to study the behaviors and vulnerabilities of victims, such as the resistance of rape victims and characteristics especially murder victims. In the course of his legal practice, Mendelsohn interviewed his clients to obtain information about the crime and the victim. HE viewed the victim as one factor among many in the criminal case. His analysis of information about victims led him to theorize that victims had an " unconscious aptitude for being theorized".(Roberson, 1994) Von Hentig studied criminal and victims in the 1940s, and Steven Shaffer later published *The Criminal and his Victim*. Their analysis of murder focused on types of people likely type of

victim Von Hentig identified is the “ depressive type” who was seen as easy careless an understanding. The “ greedy type” was seen as easily duped because his or her motivation for easy gain lowers his or her natural tendency to the suspicious. The “ wanton type” is particularly vulnerable to stress that occur at a given period of time cycle, such us juvenile victims. Von Henting’s last type was the “tormentor”, the victims. Von Henting’s target of his abuse, such as the battered woman. (Roberson, 1994) Von Henting’s work provided the foundation for analysis of victim-proneness that is still evident in the later theorized “ many victim-precipitated homicides were, in fact, caused by the unconscious desire of the victims to commit suicide. ” (Roberson , 1994) Viewed from perspective of criminology, victimology initially devoted much of its energy to the study of the home victims contribute — knowingly or unknowingly — to their own victimization, and potential ways they may share responsibility with offenders specific crimes. The negative effects of “ victim blaming” have been a key tenant of the fight to improve the treatment of crime victims. Research into ways in which victims “ contribute” to their own victimization was (and continues to be) viewed by victims and victim advocates as both unacceptable and destructive. As criminal victim services and rights have expended throughout the last two decades, practitioners and public policy-makers have looked to research to provide a more scientific foundation for service design and delivery. More recent avenues of studies in victimology have included: * How various components of the crimes of the criminal justice system treat victims; * He in fact of victimization; and * The effectiveness of certain intervention with crime victims Extensive qualitative and quantitative

research about the nature and scope of crime victim services has been conducted and published. Studies about the effectiveness of intervention with crime victims have also been done. In addition, evolving and is illustrated in the sharply contracting topics of research that are the found in a variety of victimology journals. General Classes of Victims (Hans Von Hentig) 1. The Young — the weak by virtue of age and immaturity. 2. The Female — often less physically powerful and easily dominated by males. 3. The Old — the incapable of physical defense and the common object of confidence scheme. 4. The Mentally Defective — those who are unable to think clearly. 5. The Immigrant — those who are unsure of the rules of conduct in the surrounding society. 6. The Minorities — racial prejudice may lead to victimization or unequal treatment by the agency of justice.

Psychological types of victims 1. The Depressed —those submissive by virtue of emotional condition. 2. The acquisitive or Greedy — the value or act of wanting more propels such individuals into victimization. 3. The Wanton or Overly Sensual — those ruled by passion and thoughtlessly seeking pleasure. 4. The Lonesome — similar to the acquisitive type of victim, by virtue of wanting of companionship or affection. 5. The Heartbroken — those emotionally distributed by virtue of heartaches and pains. 6. The Tormentor — the type of victim who asked for it, often from his own family or friends.

Other Types of Victims Benjamin Mendelsohn, a European defense attorney, like Hans Von Henting, created his own classification of victim types. This includes the following six categories: 1. The completely innocent victim — such a person is an ideal victim in popular perception. In this category place person victimized while they were unconscious, and child victims. 2. Victims

with only minor guilt and those victimized due to ignorance. 3. The victim who is just us the offender and the voluntary victim. Suicide cases are common to this category. 4. The victim guiltier than the offender — this category was described or actively induced their own victimization. 5. The most guilty victim “ who is guilty alone” — an attacker killed by a would-be victim in the act of defending themselves were placed into this category. 6. The imaginary victim — those suffering from mental disorders, or those victims due to extreme mental abnormalities.

Dynamic of Victimization There a number of procedural models that can be applied to the study of the victimization process for the purpose of understanding the experience The victims undergoes during the following victimization. Among these models are: “ Victims of Crime Model” (by: Brad and Sangrey) — According to this model, there are three stages involved in any victimization: * Stage of impact and disorganization, during and immediately following the criminal event, * Stage of recoil — during which the victim formulates psychological defense and details with the conflicting emotions of guilt anger, acceptance, and desire of revenge (said to last three to eight months), * Reorganizational stage — during which the victim puts his or her life back to normal daily living. Some victims however may not successfully adopt the victimization experience and a maladaptive reorganization stage may last for many years.

“ Disaster Victims Model” —this model was develop to explain the coping behavior of the victims of natural disaster. According to the model, there are four stage of victimization: * Pre-impact stage - describe state of the victim prior to being victimized, * Impact or the stage at witch victimization occur, * Post impact stage — which entails the degree and duration of personal and

social disorganization following victimization. * Behavioral outcome — which describes the victim's adjustment to the victimization experience. Response

to Victimization The contemporary study of the characteristics of crime victims has tended to focus on identifying risk factors in order to better understanding the phenomena, without attributing blame to the victims.

Information about the risk for victimization has been used to developed crime prevention and enforcement strategies. Research indicates that there is a host of individual, situational, and community-level factors that increase risk of criminal victimization. Let's look at individual factors. Individuals can be described in terms of their sociodemographic characteristic. These characteristic are encapsulated in the acronym S. A. U. C. E. R.

Sociodemographic Characteristics The risk becoming a crime victim varies as a function of S. A. U. C. E. R. * Sex — Male or Female * Age — Young, middle age, or elderly * Urban — Urban or rural * Class — Socioeconomics class * Ethnicity — Racial characteristic * Religion — Religious preference Sex — with the exception of sexual assault and domestic violence, men have higher risk of assault than women. Lifetime risk of homicide is three to four times higher for men than women. Age — Adolescents have substantially higher rates of assault than young adults or older. Survey indicates that 12-to 19 Years olds are two to three times as likely as those over 20 to become victims of personal crime each year. 62% of all forcible rape cases occurred when the victim was under 18 years of age (Kilpatrick et al., 1992). Urban — Crime and victimization is mostly an urban problem. Urban areas have a dangerous amount of transience (strangers moving in and out of town) heterogeneity (mix of different people and places), and disorganization

(dilapidation of housing and building). Class - Violence disproportionately affected those from lower socioeconomic class. Family income is related to rate of violence and victimization, with lower income families at a higher risk than from higher income brackets. Ethnicity — Racial and ethnic minorities have higher rates of assault than other people. In America, rates of violent assault are approximately twice as high for African —and Hispanic-Americans compared to White Americans. African-Americans and Hispanic-Americans are significantly more likely than White-Americans have ever been violent victims of crime. Religion — Certain religion groups tend to be regularly persecuted, and over represented in hate crime statistics. Victims and the Criminal Justice System Victims of crime deserve rights and services in the criminal justice system that begin at the point of reporting crime to the police, and continue through the entire criminal justice system process. The criminal justice system is charged with processing cases from the point of victimization, through investigation, arrest, prosecution and sanction. At each point along this continuum, criminal justice agencies and professionals have opportunities and obligations to provide victims with assistance, services and accommodations to ease their difficulties in what is already a very trying, tragic time. The criminal justice system can minimize and avoid inflicting “ secondary victimization” that has often characterized much of the plight of victims of crime. Access to Services Access to service is an extremely important component of any service delivery plan, and depends greatly on the physical location and accessibility of such services. For example, police officers should be trained and updated on a regular basis about existing victim impact service program — including 24-hrs.

emergency crisis response and shelter — and how to make appropriate referrals. Court-based advocacy program should be established in all adult and juvenile court facilities. Probation officials must guarantee that crucial victim impact information is incorporated into their recommendation in the court relevant to an offender's sentencing and community supervision plan. Correctional institutions should include important victim information- such as notification requests and victim impact statements — in offender files or data base, with security precaution established to protect victim confidentiality. Paroling authorities should encourage and accept victim impact statements, and offer victims whatever reasonable protecting they requests if an offender is released to parole supervision. Training and Technical Assistance Victim sensitivity turning should provided to all criminal and juvenile justice professionals, as part of mandatory orientation educational programs, as well as continuing education. Such training should include, but not be limited to: * The scope of criminal and victimization. * The trauma of victimization, with an emphasis on responses that are unique to different types victims * Victims' rights accorded by constitutional and statutory mandates, as well as by agency policy. * The short and long term needs of victims (physical, financial, and psychological), with a focus on why appropriate referral for following assistance are so important. * Cultural diversity and sensitivity. * The need of multidisciplinary approaches to victims assistance and service from the criminal justice system — including the use of inter-agency agreements that stipulated the various agencies' roles and responsibilities — to ensure a “seamless” delivery of services. * The role of allied professionals in enhancing criminal justice-based victims' rights and services. Core

Components of Victim Services A comprehensive system of service should be “victim-centered”. There are approximately ten (10) core services to such a system:

1. Orientation to the criminal justice system and process
2. Assistance to victim and witnesses who must testify
3. Crisis intervention
4. Information about individual case status and outcome
5. Assistance with compensation and restitution
6. Facilitating victims participation in the criminal justice system
7. Facilitating property return
8. Information about and referral to community services
9. Education and training about the needs and rights of victims in the criminal justice system
10. Witness coordination and post-disposition services.

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