

CRIMINAL SOCIOLOGY, ETHICS, AND HUMAN RELATIONS

PART EIGHT

THE STUDY OF VICTIMS

TERMS TO PONDER

- **Victims** - persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws, including those proscribing abuses of power.
- **Victimization** - is the process of being victimized or becoming a victim. The field that studies the process, rates, incidence, effects, and prevalence of victimization is called victimology.
- **Victimology** - is the scientific study of the extent, nature and causes of criminal victimization, its consequences for the persons involved and the reactions thereto by society, in particular the police and the criminal justice system as well as voluntary workers and professional helpers.
- **Victimology (1970)** - the study of victimization, as a field of scientific endeavor that took off as a separate discipline round this year.
- **Victim Precipitation Theory** - analyzes how a victim's interaction with an offender may contribute to the crime being committed. Such concept was introduced by Marvin Wolfgang, in his article entitled - Victim Precipitated Criminal Homicide. It relates to how and why crime happens. While most theories focus on the acts and intentions of the offender, victim precipitation seeks to understand the interaction between the victim and the offender. Under this theory, the victim is viewed an active participant in the crime. This happens in two ways: first, the victim is the participant in the crime who acts first; and second, the victim encourages or provokes the offender to commit the crime. These are the primary components of the victim precipitation theory. Victim precipitation theory also relates to interactions that make a victim susceptible to crime.
- **Victim Lifestyle Theory** - suggests that certain people may become the victims of crimes because of their lifestyles and choices. For example, walking alone at night in a dangerous area,

conspicuously wearing expensive jewelry, leaving doors unlocked and associating with known criminals are other lifestyle characteristics that may lead to victimization.

- **Deviant Place Theory** - states that an individual is more likely to become the victim of a crime when exposed to dangerous areas. In other words, a mugger is more likely to target a person walking alone after dark in a bad neighborhood. The more frequently a person ventures into bad neighborhoods where violent crime is common, the greater the risk of victimization.
- **Victim Facilitation** - concerns situations where a victim's negligence or carelessness makes them more vulnerable to criminal conduct.
- **Victim Blaming** - occurs when the victim of a crime or any wrongful act is held entirely or partially at fault for the harm that befell them. The study of victimology seeks to mitigate the prejudice against victims, and the perception that victims are in any way responsible for the actions of offenders.
- **Vulnerable Victim** - a person who is a victim of the offense of conviction and who is unusually vulnerable due to age, physical or mental condition, or who is otherwise particularly susceptible to the criminal conduct.
- **Victim Mentality** - is an acquired personality trait in which a person tends to recognize or consider themselves as a victim of the negative actions of others, and to behave as if this were the case in the face of contrary evidence of such circumstances
- **Victim Provocation** - occurs when a person does something that incites another person to commit an illegal act. It suggests that without the victim's behavior, the crime would not have occurred.
- **General Victimology** - was first explicitly described by Mendelsohn 1956 as he advocated a general study of what he now called "victimity", with a view to reducing it by prevention and victim assistance.
- **Golden Age of Victims** - 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 the



victims were not only well cared for but also had considerable say in imposing punishments upon apprehending offenders.

- **Crime Victim** - used to include a person, groups or 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 Medicaid fraud cases, the victim is the government, and the loss of revenue is ultimately felt by honest citizens who dutifully fulfill their responsibilities.

PIONEERS OF VICTIMOLOGY

- **HANS VON HENTIG** – A German Criminologist who published an article with the title “Remarks on the Interaction between Perpetrator and Victim” in 1941 then “The Criminal and his Victim”, a criminological textbook in which he devoted a chapter to the victim (Hentig, 1948). He treated the victim as one of the participants in a crime. Victims were classified according to the nature of their involvement in the criminal act. It was thought that a study of the victim’s role might result in a better prevention of crime.

Classes of Victims According to Hentig

- ✓ **Young** – the weak by virtue of age and immaturity
- ✓ **Female** – often less physically powerful and easily dominated by males.
- ✓ **Old** – the incapable of physical defense and the common object of confidence scheme.
- ✓ **Mentally Defective** – those who are unable to think clearly.
- ✓ **Immigrant** – those who are unsure of the rules of conduct in the surrounding society.
- ✓ **Minorities** – racial prejudice may lead to victimization or unequal treatment by the agency of justice.
- ✓ **Depressed** – those submissive by virtue of emotional condition.
- ✓ **Acquisitive or Greedy** – the value or act of wanting more propels such individuals into victimization.
- ✓ **Wanton or Overly Sensual** - those ruled by passion and thoughtlessly seeking pleasure.
- ✓ **Lonesome** – similar to the acquisitive type of victim, by virtue of wanting companionship or affection.
- ✓ **Heartbroken** – those emotionally disturbed by virtue of heartaches and pains.



- ✓ **Tormentor** – the type of victim who asked for it, often from his own family or friends.
- **BENJAMIN MENDELSON** – An American Lawyer, known as the “*father of victimology*”, coined the term victimology in the mid-1940s, deriving from the Latin term “victim” and the Greek term “logos” meaning science of victims. As a Criminal Law scholar, he became interested in the relationship between the victim and the criminal as he conducted interviews with victims and witnesses. Like Von Hentig he drew attention to the part played by victims in precipitating crimes of violence, for example through provocation. For Mendelsohn, a defense counsel, victim precipitation was a mitigating circumstance in meting out punishment for the offender.

Types of Victims According Mandelsohn

- ✓ **Completely Innocent Victim** – such a person is an ideal victim in popular perception. In this category placed persons victimized while they were unconscious, and the child victims.
- ✓ **Victims with only minor guilt** - and those victimized due to ignorance.
- ✓ **Victim who is just as guilty as the offender** - and the voluntary victim. Suicide cases are common to this category.
- ✓ **Victim guiltier than the offender** – this category was described as containing persons who provoked the criminal or actively induced their own victimization.
- ✓ **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.
- ✓ **Imaginary victim** – those suffering from mental disorders, or those victims due to extreme mental abnormalities.



- **MARVIN WOLFGANG** – an American Sociologist and Criminologist who, in 1964 published *The Measurement of Delinquency*, which was the first study of the true impact of crime on society, then *The Subculture of Violence: Towards an Integrated Theory in Criminology*, which focused on high rates of violence among blacks and the influence of a black subculture. His most famous work, *Delinquency in a Birth Cohort*, was published in 1972 which marked the beginning of large-scale studies of crime and delinquency.

He popularized the **Theory of Victim Precipitation**. The term victim-precipitated is applied to those criminal homicides in which the victim is a direct, positive precipitator in the crime. The role of the victim is characterized by his having been the first in the homicide drama to use physical force directed against his subsequent slayer. The victim-precipitated cases are those in which the victim was the first to show and use a deadly weapon, to strike a blow in an altercation-in short, the first to commence the interplay or resort to physical violence

- **STEPHEN SCHAFER** – American Criminologist and Sociologist. Born in Hungary but immigrated to the U.S. and taught as a professor in some of the leading universities. His works include the following:
 - ✓ *Restitution to Victims of Crime* (1960)
 - ✓ *The Victim and His Criminal* (1968)
 - ✓ *Theories in Criminology* (1969)
 - ✓ *Juvenile Delinquency* (1970)
 - ✓ *The Political Criminal: The Problem of Morality and Crime* (1974)
 - ✓ *Social Problems in a Changing Society* (1975)
 - ✓ *Introduction to Criminology* (1976)



DYNAMICS OF VICTIMIZATION

- **Victims of Crime Model** – According to this model, there are three stages involved in any victimization: Stage of impact - disorganization, during and immediately following the criminal event. Stage of recoil – during which the victim's formulates psychological defenses and deals with conflicting emotions of guilt, anger, acceptance, and desire of revenge. Reorganization 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 Victim's Model** – this model was developed to explain the coping behavior of victims of natural disaster. According to this model, there are four stages of victimization: Pre-impact stage – describe the state of the victim prior to being victimized. Impact stage at which victimization occur. Post impact stage – which entails the degree and duration of personal and social disorganization following victimization. Behavioral outcome – describes the victim's adjustment to the victimization experience.

VICTIMS AND THE CRIMINAL JUSTICE SYSTEM

- **Victims' Rights** - The criminal justice system is charged with processing cases from the point of victimization, through investigation, arrest, prosecution and sanctions. At each point along this continuum, criminal justice agencies and professionals have opportunities and obligations to provide victims with assistance, services and accommodations 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** - This is an extremely important component of any service delivery plan, and depends greatly on the physical location and accessibility of such services. Court-based advocacy programs should be established in all adult and juvenile court facilities. Probation officials must guarantee that the crucial victim impact information is incorporated into their recommendations to 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 databases, with security precautions established to protect victim confidentiality.



Paroling authorities should encourage and accept victim impact statements, and offer victims whatever reasonable protections they request if an offender is released to parole supervision.

- **Training and Technical Assistance** - Victim sensitivity training should be 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:
 1. The scope of crime and victimization.
 2. The trauma of victimization, with an emphasis on responses that are unique to different types of victims.
 3. Victims' rights accorded by constitutional and statutory mandates, as well as by agency policy.
 4. The short- and long-term needs of victims (physical, financial and psychological), with a focus on why appropriate referrals for follow-on assistance are so important.
 5. Cultural diversity and sensitivity.
 6. The need for multidisciplinary approaches to victim assistance and services for the criminal justice system - including the use of inter-agency agreements that stipulate the various agencies' roles and responsibilities - to ensure a "seamless" delivery of services.
 7. The role of allied professionals in enhancing criminal justice-based victims' rights and services.

- **Components of Victim Services** - A comprehensive system of services should be "victim-centered." There are 10 core services to such a system:
 1. Orientation to the criminal justice system and process
 2. Assistance to victims and witnesses who must testify
 3. Crisis intervention
 4. Information about individual case status and outcome
 5. Assistance with compensation and restitution
 6. Facilitating victim 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.



ROLES OF THE PILLARS OF JUSTICE

- **Law Enforcement** - As "first responders" to most crimes, police departments serve a critical and primary role in providing immediate intervention and assistance to victims of crime. Unlike most social service agencies, police departments are typically open every day of the year, 24-hours-a-day. As such, there is tremendous responsibility on the part of law enforcement officers and civilian personnel to provide sensitive and supportive victim services. Police-based services provide essential assistance to victims of crime. These include on-site crisis intervention and securing emergency medical assistance. Additionally, law enforcement programs may provide information and referrals to services and resources that can aid in a victim's short and long-term reconstruction.

Essential police services for victims:

1. Orientation to the law enforcement and investigatory process.
 2. Provision of or referral and accompaniment to crisis intervention and psychological first aid.
 3. Accompaniment to emergency medical services in cases involving injury.
 4. Contacting a victim service professional to provide on-site assistance and support, upon request of the victim.
 5. Providing information to crime victims about their constitutional and statutory rights, and the availability of crime victim compensation.
 6. Securing the victim's property if personal safety has been compromised as a result of crime.
 7. Personally, contacting the victim by telephone or in person 24-to-48 hours following the initial response to see if assistance has been sought and/or received.
 8. Immediate referrals (verbally and in writing) to community agencies that offer emergency services to victims, as well as information about financial assistance, should be provided to all victims.
- **Prosecution** - When law enforcement has investigated a crime and a suspect has been arrested, the cases are then referred to prosecutors. At this point, information regarding the investigation and the facts of the crime is presented by law enforcement to the court with the assistance of prosecutors, and appropriate charges



are levied against the defendant. When appropriate, he or she is "bound over for trial" on the charges levied.

Plea Bargaining - Plea bargaining allows the defendant to avoid a trial and the possibility of a verdict that may result in a more severe sentence by agreeing to plead guilty to a lesser offense. Victims are often most distressed at the perceived ability of the defendant to "get off easy" by bargaining with the prosecutor to lower the offenses of which they may actually be guilty. Many victims and advocates rightfully consider victim participation in the plea negotiation process as essential to providing victims with a voice in the system. Any plea negotiation should include an opportunity to present the impact of the crime on the victim - a victim impact statement.

Trial - Assuming a case goes beyond the plea negotiation stage to trial, the defendant continues to receive basic protections. These include, for example, the right to obtain all exculpatory evidence from the prosecution, which would tend to prove the innocence of the defendant. Also, the defendant has the right to confront and cross-examine his or her accusers. Often, this is very difficult for the victim, who must be well prepared to withstand the onslaught of cross-examination by often aggressive defense counsel.

Although prosecutors are not the "victim's attorney," they have opportunities to keep victims informed and involved, to provide appropriate accommodations in the pre-trial and court settings, and to follow-up with information and referral, as needed.

- **Court** - Judges can provide essential protections to victims. For example, when cases involve children, certain accommodations such as allowing the victim to testify through close circuit television or granting orders requiring defense counsel to lower themselves to the child's eye level and not raise his or her voice, as well as other methods of making the courtroom less intimidating to a child, can be ordered. Judges can also expedite trials so as not to further victimize the crime victim due to additional delays during an already difficult process. Judges can deny motions by the defenses that are clearly aimed at offending the victims.

Probation - Prior to any agreement of probation, the probation officer should interview victims as part of the pre-sentence investigation (PSI) to determine the physical, financial and emotional impact the crime had on them. When an offender is sentenced to probation, he or she submits to community



supervision from a probation officer. The probationer may be required to fulfill certain requirements - called conditions of probation - that might include: no contact with the victim; payment of monetary obligations to the victim, such as restitution, child support, mortgage payments, etc.; payment of fines (that often support law enforcement and victim services); no use of alcohol or other drugs (with an agreement to submit to random testing); specific treatment that addresses the probationer's criminal activities (such as sex offender treatment, alcohol or other drug counseling, anger management, etc.); and/or community service. While restitution payments are monitored by probation agencies, they are usually collected by the court.

- **Corrections** - When a convicted offender is sentenced to a term of imprisonment, the correctional institution assumes responsibility for his or her supervision. The offender's file that contains details from the crime, court case and sentence, victim impact statement (when applicable), recommendations for treatment and services during the period of incarceration and personal information, is utilized as a basis for offender classification. The purpose of classification is to place the offender in the most appropriate incarceration setting (minimum, medium, maximum, or super-maximum facility). The Correctional institution house the offender for his or her period of incarceration; implement and monitor work, educational and treatment activities available to inmates; and coordinate any release into the community with paroling authorities.

Correctional Institutions may have the following roles and responsibilities of victims:

1. Obtaining relevant victim information -- including victim impact statements and protection orders -- from court documentation for inclusion in the offender's file.
2. Protecting the confidentiality of victim information through protected automated databases or "flags" on paper files that delineate that this information is not available to inmates or their counsel.
3. Providing victims and witnesses with information and recourse relevant to inmates who attempt to intimidate, harass, or harm the victim during their period of incarceration.
4. Upon request, notifying victims of an offender's status, including but not limited to: current location, classification, potential release date, escape, or death.



5. Implementing and monitoring victim/offender programming, such as victim impact panels, victim/offender mediation or conciliation, or "Impact of Crime on Victims" programs.
 6. Ensuring that inmates receive programming that is commensurate with court orders relevant to victims, such as sex offender treatment, alcohol and/or other drug counseling, anger management, etc.
 7. Coordinating the physical location and logistics of parole release hearings with paroling authorities, victims, and victim service providers.
 8. Providing information and referrals to victims who require assistance.
 9. Participating in multidisciplinary efforts with other entities that comprise the criminal justice system to ensure a seamless delivery of rights and services to victims of crime.
- **Community and Professionals** - In addition to the core criminal justice system professionals discussed above, various allied professionals have a significant impact on the criminal justice system response to involving victims. These include, but are not limited to Medical personnel; Mental health service providers; Child protection professionals; Doctors and Nurses; other hospital personnel provide tremendous assistance to victims of crime. In addition to police officers, medical personnel, who are often also available 24 hours a day, seven days a week, are commonly the first ones to come into contact with crime victims who have experienced some form of injury. In their roles, they are uniquely suited to make careful documentation of the condition of the victim and objectively report these findings - much of which can be utilized as evidence in criminal cases.

RIGHTS OF CRIME VICTIMS

In the Philippines, the **Bill of Rights** protects persons accused of a commission of a crime. Victims are not provided with the same safeguards to minimize damage or injury caused by the commission of crimes. These victims usually suffer physical and psychological trauma. Hence, they should be treated with respect, compassion and dignity throughout the criminal justice process.

The Philippine Constitution mandate that the State values the dignity of every human person and guarantees full respect for human rights.



At present, there is no law yet in the Philippines that deals with crime victims, except that of the **Victim Compensation Program** offered by the Department of Justice (DOJ). Under the Victim Compensation Program, payment of claims may be granted to qualified applicants as:

1. A person who was unjustly accused convicted and imprisoned and subsequently released by virtue of a judgment of acquittal;
2. A person who was unjustly detained and released without being charged;
3. A person who is a victim of arbitrary detention by the authorities as defined in the Revised Penal Code under a final judgment of the court;
4. A person who is a victim of a violent crime which includes rape and offenses committed with malice which resulted in death or serious physical and/or psychological injuries, permanent incapacity or disability, insanity, abortion, serious trauma, or committed with torture, cruelty or barbarity.

The basis for the Victim Compensation Program is Republic Act No. 7309 - the law creating the Board of Claims under the Department of Justice granting compensation for victims of unjust imprisonment or detention and victims of violent crimes.

- End of Part 8 -

