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Vulnerability, Welfare and Risk

Critically evaluate how the Criminal Justice System responds to victims of crime.

Throughout this essay, there will be information and an in-depth definition and meaning of the word 'victim' and furthermore, how someone can be then classed as a victim. The committing of crimes has been present in everyday life. Therefore, for there to be a crime, there has to be a victim involved. 'Just as every husband needs a wife, every child needs a parent, and every teacher needs a pupil, so every crime needs a victim. Not a potential victim or possible victim or a supposed victim, but an actual victim' (Vance, 2010). Without there being a victim involved in the crime itself, there would be no one to argue the fact that it is a crime being committed. Throughout the British Justice System (BJS) and the British Law itself, there come many forms of many different crimes. For example, Murder can come in a two-degree system including murder in the first degree and murder in the second degree. An exception to this two-degree system is the sentencing of manslaughter. The British Justice System is the main base and body of structural justice within the United Kingdom and in the forefront of handing out justice when proven necessary. 'The purpose of the Criminal Justice System... is to deliver justice for all, by convicting and punishing the guilty and helping them to stop offending while protecting the innocent' (Garside, 2008). The British Justice System works closely with victims of crimes committed through the use of victim statements which can be taken into account by the courts in which a case is attempting to find a verdict. However, working closely with victims hasn't always been the case. Throughout time, victims were not as supported and looked at anywhere near as closely as the criminals were looked at and assessed. To support this statement factually, the

RSPCA was actually formed long before the creation of the Victims support act of 1970. Since the introduction and passing of this act, victimisation rates have taken a great reduction throughout the United Kingdom. 'Victimisation rates have decreased from 4.7% of adults being a victim of violent crime in 1995 to 1.6% in the year ending March 2020' (ONS, 2021)

What is a Victim? A victim is someone who has either been attacked, suffered an injury, been robbed or killed by another person or a victim is someone who has been caught up or targeted in a crime that they had no part of or intention of being a part of but ended up at the receiving end of the consequences of the actions committed by others. 'In 2019/20, 10% of adults were estimated to have been a victim of property crime and 2.5% of adults were a victim of violent crime' (BBC, 2020). Recently, the Victims Code of 2015 was updated and introduced which includes the required standards of rights, support and also protection for victims of crimes. The Code has been vital in the insurance that criminal justice bodies ensure that the victims receive their rights. 'The Code of Practice for Victims of Crime helps to ensure victims are at the heart of the criminal justice system. The Code is designed to make it easier for victims to understand and access their rights' (VictimsChoice, 2015). What are the rights included in the Victims Code of 2015? There are eleven rights included under the Victims code of 2015. Some of which include the following; Information about the progress of the case by the police to the victim, hearing when the victim is arrested, charged, bailed or sentenced, an appliance for compensation and the writing of a victim's personal statement.

Information being transferred from the police regularly to the victim of a case can help keep the victim and the police in touch with each other. This can help the victim have a better understanding of the work the police are doing on the case and keep the victim in the loop of how well it is going and whether or not they are starting to work towards finding a charge or whether the defendant is leaning towards innocent or guilty. 'The unit takes referrals of victims from the police, as well as any enquiries directly from victims, and it contacts people to find out how Victim Support can help' (Victimsupport, 2022). This can also help the police in the case as the victim can also provide any information back on a case if they start to remember any other information about the case or if anything happens to do with the ongoing case to the victim or anyone related. 'By approaching victims appropriately, officers will gain their trust and cooperation.'

(NCJRS, 2021) It is important for the public to have trust and cooperation with the police as it helps the police protect the public and solve cases more efficiently and effectively in the future. This can then help the police pass their information on the cases, found by them or the public to the criminal justice system to help with the ongoing case to find a verdict later on down the line in the investigation and potential hearing. 'Victims of human trafficking often do not trust the police and rarely seek their assistance as they believe that the police hold biases and stereotypes about them and they are not trained adequately' (Basu, 2019). The police are also in a position to let the victim have it in their understanding whether the defendant has been bailed and this comes especially in cases of sexual assault. 'A victim should be informed about any special bail conditions imposed on the accused that are designed to protect the victim or the victim's family'

(ALRC, 2010). In cases of sexual assault, the victim will be informed years prior to the release of the charged defendant. This is important for the victim as they may have a restraining order against said defendant. The victims' commissioner has hailed as "an excellent step" a new code that will ensure victims of crime are always alerted when an offender is due to leave prison.' (Weaver, 2021)

Following that, another right included in the Victims Code 2015, includes the appliance for compensation. For example, If a victim was assaulted when on a walk home by another person, and that defendant causes damage to the victim mentally or physically, the victim has every right to apply for compensation. 'People who suffer as a result of violent crimes that take place in England, Wales or Scotland can be awarded taxpayer-funded payments of up to £500,000 through the scheme' (Modin, 2019). The compensation changes throughout the severity of the damage whether it be permanent, temporary or traumatic. Modin (2019) also states 'While no amount of compensation can make up for the immense suffering endured by victims of violent crime, we are committed to ensuring that they receive the help and support needed to rebuild their lives. This shows that the criminal justice system recognises that what's done, is done and will remain in the victim's memory forever and can not be changed by money, but the victim's compensation scheme is in place as a starting pedestal to getting their lives back on track. Criminal Injuries compensation within the United Kingdom is administered by a government organisation called the Criminal Injuries Compensation Authority, CICA, for short.

Throughout the years there have been many travesties in the United Kingdom. One of these was the Grenfell Tower fires. During these fires, 72 people had lost their lives with 70 more being injured from the fires. However, 223 people managed to escape the building in time, being lucky enough to save their own lives. Despite that, they will have lost family and friends that day and it will not sit easily with the victims mentally or physically very well. Previous Prime Minister had stated, 'Theresa May today promised a comprehensive package of support for victims of the Grenfell Tower tragedy.' (ERR.gov, 2021)

The criminal justice system's response to the Grenfell tower was appalling. For the following 4 days after the tragedy of the Grenfell towers, there were no personal communications between the government personnel and the victims of the Grenfell tower fire. The financial aid by the government was not strong enough for the victims of the Grenfell tower fire which raised public concern, therefore, raising over 3 million pounds for the victims. ' "I would rather have my family back than any amount of money in the world, but that isn't going to happen." ' (Booth, 2021) All victims received a further £500 guaranteed and a potential £5000 if all their possessions had been damaged or lost throughout the fire. The payments carried on flowing until the end of 2017, resulting in over £300,000 in total.

The response to Grenfell was not up to standard also. The response to the fire was un-coordinated and the government had responded by providing no proper alternative living spaces. This led to a further public response to the Grenfell victims and they helped by providing places to live, food to eat and clothes to wear. The criminal justice system had also publicly announced that there may not even be any charges, which

would bring closure to the victims, of the Grenfell tower disaster. 'Even now coming up to the two-year anniversary there is no guarantee that we can give that there will be criminal charges' (BBC, 2019). Although it may be hard for the police and the criminal justice system to find a suspect or anyone who may be at fault for the disaster, it would also add a slight bit of closure for the victims of the Grenfell disaster, and potentially give them an understanding or even an explanation of why the disaster occurred so badly in the first place. This may then further help the victims move past the disaster and start a new chapter in their lives, rather than having to relive the disaster and constantly bring up what happened in that bracket of their life.

It is difficult to see when crime first began, but what we can start to understand and factually present is how crime is evolving and how it is becoming harder for people to not be victims of a crime throughout their lives. 'The Crime Survey for England and Wales (CSEW) estimated that 1.6% were victims of violent crime in the year ending March 2020' (ONS, 2021) Although this number may be a low percentage but the population of Wales is 3.17 million and the population of England being 56.223 million people that means that the 1.6% of people, victims of violent crime, adds up to 950,000. That is almost 1 million people being victims of violent crime in one year.

In the years between, 2001 to 2004 and 2010 to 2014, the crime levels dropped throughout England and Wales. Crimes committed went from a little over six million offences committed to a lower more satisfactory number of around four million. The trend was in fact sadly soon the opposite as after these stages, there were significant yearly increases after 2014, leading to a peak of just over 6 million offences by 2019 to

2020. This is due to a faster rate of population growth, however, the trend began to reverse again and the crime rate in England and Wales for 2019 and 2020 was actually lower.

No one will want to ever become a victim of a crime. However, there is a changing mental factor for those who fall victim to an abduction or kidnapping where in fact they actually develop a relationship and bond with their captor(s). This is called Stockholm syndrome. This can occur because the hostage will tend to eventually sympathize with their captor(s). However, this can also be for people who aren't necessarily captors but someone who threatens or harasses a victim. These actions can also cause the outcome of Stockholm syndrome and can also be called the Stockholm effect.

'Diagnosis Stockholm syndrome is a condition in which hostages develop a psychological alliance with their captors during captivity. Victims form emotional bonds with their captors and become sympathetic toward them' (Morin, 2020). After evaluating Morin (2020), it is clear to see how some hostages tend to fall into developing Stockholm syndrome. In some cases, a hostage can be kept for years, eventually developing a bond of trust. It is also in human nature to gravitate towards someone, after spending such a long time with someone. Stockholm syndrome is closely related to the method of brainwashing and it can take time to come into effect but it can come into effect as victims will become more for the captor or abusers cause as a method for survival and to suffer less abuse in the future. The British justice system worked with the

FBI to define and figure out what Stockholm syndrome really was and had finally come to the conclusion of what it was around 1980. This is crucial for the British justice system as it enabled them to work on the reversing factors of Stockholm syndrome and provided ways for counsellors to work with the victims suffering from Stockholm Syndrome. The British justice system will keep in touch with the victims of Stockholm syndrome and continue their support as this mental state comes from the most traumatic of experiences and is closely related to PTSD.

An example and case where the Stockholm effect played a large part in a person's life include the Natascha Kampusch case. Just before the 2000s, in 1988, Natascha was taken captive by two adult men and was held captive for the following 8 years of her life. She endured persistent beating and rape by the two men and had no escape route as all escape points had been trigger points for explosives. One day, she managed to escape after being left unsupervised whilst cleaning one of the captors' cars. One of the captors learned of the escape and decided to take his own life rather than be arrested. This is where the Stockholm effect kicked in in Natascha's life. Once Natascha had learned of the death of her captor she was an emotional wreck for the days after the death and decided to sit alone with her captor's coffin for hours on end. For many years to come after her escape she had ensured he had a photo of her captor in her wallet as a constant reminder and even decided to purchase the house she had been held captive in for 8 years and live there for the future to come.

However, in the cases of when the hostages or those being abused do escape and do not get into a mental state like Stockholm Syndrome can involve a restraining order and

that will be offered to people when they have experienced such crimes or other crimes such as domestic abuse. A restraining order is an order which requires someone by law to stay a certain amount of distance away from a victim who applied for the restraining order. If the restraining order gets violated it can result in an arrest of the person who violates the order. 'In the year ending March 2018, an estimated 2.0 million adults aged 16 to 59 years experienced domestic abuse in the last year (1.3 million women, 695,000 men).' (ONS, 2021)

Women are more likely to experience domestic abuse as shown in the statistics above, and due to this, many women's charity groups have been started by the public and eventually by the government. These include the Welsh Women's Aid and the Women's Aid Federation of England. 'WWA member services supported 19,916 people during this year, which is technically a decrease from the previous financial year, but the data also tells us about the increase in complexity of cases' (WWA, 2021). The increase in complexity of cases could be around the current pandemic and lockdown measures in place. These foundations are in place to support women in need of people to speak to, to get help and rescue from their abusive relationships. These foundations work closely together with the criminal justice system to help provide victims statements and help them through cases and protect them when they need it throughout the finding of the case's verdict and after it.

Relating to that, another common form of domestic abuse involves the abuse of children. This is still popular in modern-day life for children and many children fear going home from school every day. 'It estimated that 6% of children aged under 11 years, 19%

of children aged 11 to 17 years and 25% of those aged 18 to 24 years had experienced severe maltreatment at some point during childhood.' (ONS, 2021) It is a lot harder for children to reach out for help as they do not understand as well as adults what is in fact going on. However, this is where schools and charities and government authorities come into play and prevent any further abuse from happening and support those children to the maximum mentally and physically. However, in some cases, the schools or the government can be at fault for the abuse of children as they see it as a way to take advantage of the upset child. 'A child is usually abused by someone they know or trust, such as a teacher, Scout leader, someone from church, or at home. Over 90% of sexually abused children are abused by someone they know' (Kemp, 2014). This should not be the case, however, it is getting increasingly more and more of a popular trend. 'A primary school teacher who abused scores of pupils over 13 years continued teaching for 11 years after an allegation was made against him' (Hall, 2002). This is a big issue for the criminal justice system, and it can prove to be a bigger issue when young children who are vulnerable or already suffering abuse as places of 'safety' feel as if they can not speak up on their issue. The criminal justice system has to crack down on large issues such as Hall (2002) because otherwise no victims will look for justice in the present and the future to come.

Some of the government authorities include OFSTED, Office for Standards in Education, Children's Services and Skills, The Care Inspectorate and the NSPCC. These bodies again work closely with the Criminal Justice System in tackling issues such as child neglect and abuse.

The NSPCC is a well-structured government agency which has been around since 1884. 'Last year the NSPCC Helpline contacted agencies about 22,505 children to investigate abuse and neglect concerns – that's an average of 62 children a day (NSPCC, 2021). The statistics shown above show just how vital organisations such as the NSPCC are and how vital it is for the criminal justice system to work alongside them to provide help for victims of child neglect and abuse. It is also extremely important that the criminal justice system keeps a firm relationship with the NSPCC to help advertise the help lines available and the early warning signs for people to look out for. It is well funded and well trusted and helps hundreds of thousands of kids every year. Their role is to support victims of child neglect and abuse and help authorities deal with the situations at hand. They play a vital role in aiding the police's investigation and the criminal justice systems work in protecting victims and upholding the law for the vulnerable, at risk and with little welfare, people. The Criminal justice system works well in the aspect of working with government agencies such as the NSPCC and charities and proves critical in being efficient and effective in supporting victims.

To conclude, with both weighing up the research conducted and the knowledge already obtained, this essay proves to show that the criminal justice system throughout the years has taken its time to fact pass effective enough legislation to provide support to victims that need it and is rather focused on dealing with the crime and the criminals itself than the victims of the crimes committed by the criminals/crimes. Despite that, the criminal justice system has also improved its standards in the victim's support

department, after many years, and made it effective and efficient in dealing with victims and their support. This has come from the providing of victim personal statements and the CICA scheme, criminal injury compensation authority. Both of these branches in the victim's support department are accompanied by many more branches however these two branches prove to be helpful and mentally and physically positive for those who have suffered by being a victim of a crime. These factors are just a start to many other elements to the victim's support in the criminal justice system and they are encouraging enough to get more people to press charges on those who have committed crimes against them and are helping victims speak up and trust in their system more than they already did so. Many nowadays middle aged people and parents grew up with more respect for the police than the criminal justice system. However, in the modern day and the younger generation of people in the United Kingdom do not have full trust in the criminal justice system due to their knowledge of this history of mistakes made by the justice system, whether that includes racial bias towards non-ethnic minorities or the factor of police brutality many years ago. Now the police have more equipment such as body cameras to help the justice system see what really happened and further support victims in that aspect and judge cases to the absolute truth.

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