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Vulnerability, Welfare and Risk

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Critically evaluate how the criminal justice system responds to victims of crime.

What is the criminal justice system? The criminal justice system is part of the crown prosecution service and is responsible for finding justice to those who commit any such crimes in England and Wales (Bellamy et al. 1995). The criminal justice system is an extremely versatile law enforcing government body and so it should be. The criminal justice system covers such a wide variety of different crimes, which are committed in a massive number of different ways. With this being the case it is important that the criminal justice system always has a response to whatever cases they may be facing (Kessler et al. 1997). Despite that, it is also imperative that the criminal justice system does not just only respond to the actual offenders themselves but also ensure they deal with the victims needs whatever they may be within reason. 'It was concluded that bringing together experts in adult ADHD and the Criminal Justice System (CJS) will be vital to raising awareness of the needs of ADHD offenders at every stage of the offender pathway' (Young, 2011). The criminal justice system has not always been the most focused on helping and supporting those who become victims of crime and have started to focus a lot more on the victims as victims do suffer the most out of crimes committed against them however severe it may be. 'This article explores the infra-structure of support for victims of fraud in England and Wales using a new model for examining support through what the authors call a "fraud justice network"' (Button, 2012). Already it is clear to see that there are many points of view on how the criminal justice system actually responds to victims of crimes throughout England and Wales and that will be taken into account during this essay's evaluation on how the criminal justice system responds to victims of crime.

To be able to give an in-depth and critical evaluation on how the criminal justice system responds to victims of crime, it is imperative to understand the legislation and acts involved in the dealing with victims of crimes. The main act revolving around the criminal justice system's response to victims of crime involves the 2004, victims of domestic violence, crime and victims act which had later introduced the Victims Code. The victims code is the main structure used to help victims of crime in a number of different ways by providing the victims of crime a list of rights they have as a victim. 'This study highlights inequities in the way that police forces have implemented the 2015 Victims Code requirements for restorative justice in England and Wales' (D'Souza et al. 2021). The later introduction of the victims code will not only give victims the needed added confidence to report crime they have become victimized from, but to continue to seek help and not suffer in silence when involved in an on-going case.

It is vitally important for the criminal justice system to have the confidence of the public in the justice system as without public confidence comes low crime report rates which will lead to little to no response for the criminal justice system to have for victims.

Victims may only suffer more without support from the criminal justice system and without response can lead the victim to suffer in silence. 'Avoidance of stimuli that are associated with the traumatic event is a key feature of posttraumatic stress disorder (PTSD)' (Fleurkens et al. 2014). The quote above only further supports how crucial it is for public confidence in the criminal justice systems victims code.

The victims code has a large variety of different rights which are provided to people who suffer becoming victims of any sort of crime. One of which involves the victim being notified about the sentence outcome (Davis et al. 2008). Whether the offender has been charged, arrested, bailed or sentenced. This is an important step for the victims as it can be a form of closure for a victim as being a victim can prove to be difficult and during a trial the victim will have to continue to relive what had happened to them to be able to provide a clear understanding to the criminal justice system. However, this can also prove to be a harsh notification to the victim or victims as it can also lead to the offender being bailed or released which can bring up potential past-trauma and potential revictimization. 'It is alarming how many people who were abused either as a child or during an adult relationship often get revictimized later in life' (Portfield, 2014).

Therefore this right under the victims code can have its pro's and con's for the victims as proven above that an alarming rate of previous victims are becoming revictimized later on in their life. This can lower the public confidence in the criminal justice system in their dealings with victims even more as they may feel they are only being raised up to be potentially knocked back down again.

A worrying and large number of members of the public become victims every day and most people will become victims of a crime at some point in their lifetime. One ever growing and hard to combat crime include domestic and sexual assault. People become victims of domestic and sexual assault each day and it is extremely important that the criminal justice system do everything they can do support these victims of these horrific crimes. 'Approximately 90% of those who are raped, know the perpetrator prior to the

offence' (NIA, 2022). Such a staggering figure shows clearly why it is so hard to combat such a crime before the victim becomes the victim. Following that, it shows how easy it can be for the victim to become the victim again by the same perpetrator if the criminal justice system does respond to the victims with such care, compassion, sensitivity and respect. All of these factors in dealing with such a sensitive and serious crime can help get the support across to the victim and provide them awareness for any future encounters and prove them with early signs and steps on what to do next in a healing process. Victims have the right to be referred into support routes under the victims code of 2015 (Goodson et al. 2022). This right is imperative as silent suffering victims will only be a gateway to more suffering in the future which can later further reduce public confidence in the criminal justice system as well as current victims suffering. This would have a further chain reaction of victims choosing to suffer as if they do not feel as if they have the support of the criminal justice system they will begin to feel alone and more accepting of criminal acts being committed against them in the future. 'Women are enduring around 600,000 attacks a year regardless of needing to report them annually' (Caepv, 2022). This is not only another worrying statistic but it does also show the potential lack of support services being advertised to the public. It may be important to advertise contact lines and support organisations funded by the criminal justice system by utilizing the most popular advertising methods such as television and social media applications and websites. These advertisement methods can help get information across including contact methods and general safeguarding and dangerous signs to look out for. This can further help the criminal justice system get across to victims faster and in a more clear manner rather than waiting for the crime to happen and for it to be

reported. 'Minister for Justice Helen McEntee has announced an increase in funding for organisations to support victims of crime' (Conneely, 2022).

The criminal justice system, under the victims code, also provides the right for victims to provide a victim's personal statement, VPS (Reeves et al. 2010). A victim's personal statement is a statement in which a victim will write alongside a detective or officer in charge where they are given the opportunity to provide their own account of these damage the crime has committed to the victim whether it be mentally, physically or financially which will provide an in-depth and clearer account to the criminal justice system and provide the criminal justice system a chance to take a step into the victims shoes before reaching a verdict. 'The percentage of victims reporting having been offered a VPS varied from a low of 29 per cent in London to a high of 63 per cent in Northumbria' (Roberts et al. 2013). Again, the statistics found have managed to shine an inconsistency in the rights of the victims code which was similarly accounted for by Button,M., 2012. Following from that, although a higher number of victims are based in London, due to the higher number of crimes and population. It does not become an excuse for the criminal justice system to look past for such a high percentage of victims as all victims need support and it proves to be not fair if some get more rights given to them than others. This can also further knock public confidence in the criminal justice system. 'We estimate that 241,000 women and 120,000 men experienced domestic abuse in the past year in London' (Asato, 2022). This equates to 361,000 men and women experiencing domestic abuse in London last year. Looking at the percentages

from Roberts et al. 2013 that equates to just 104,690 people receiving the opportunity to provide victim personal statements, due to the percentage only being 29%.

Despite that, the criminal justice system has implemented an interactive scheme which can provide a starting step for victims to find closure and healing during their recovery (McGlynn et al. 2012). This scheme, restorative justice scheme, does not only help the victim but also plays a part in the rehabilitation of an offender which may reduce the chances of reoffending therefore leading to potentially reduced revictimization. 'One of the most positive aspects of mediation for victims was the humanizing effect of meeting and hearing from, and about, the offender' (Miers et al. 2001). A popular way of victims mediating from meeting their offender has been to have them hear the offender's explanation and potentially provide forgiveness however this method will come with its negatives as the duration of interacting with the offender may turn the situation into a more sour state or potentially leave the victim in a PTSD like state. 'It is, he added, a victim-based approach rather than punishment-based' (Ann Moore, 2022).

The victims code also entails many more rights for victims. All of these rights are also called the statutory code, which means that all these rights are to be the minimum rights that a victim should receive from the criminal justice system. Another right under the victims code includes the application for compensation. 'The first decade of experience with criminal injury compensation programs has been an exciting period of evolution and innovation' (Brooks, 1975). Criminal compensation can be a huge factor for most victims as it can help support victims in their recovery. Whether this support comes

through the route of medical needs, or in the case that the victim had to miss work. This can therefore be an even more mentally affecting factor for the victims due to potential increase in house bills and rent to pay off. Also, compensation for victims can also play a part in reducing mental illnesses such as depression, anxiety or stress as it can give the victim an opportunity to take a break from work and to potentially treat themselves to increase their serotonin levels therefore also helping the victim heal (Miers 2014). The main government compensation organisation is the Criminal Injuries Compensation Authority, otherwise known as CICA.

Throughout research, it becomes clear to everyone that the criminal justice system does respond to victims in many ways that benefit the victim. Whether this be by mental, physical or financial support, or support during the cases progress through notification or statements. However it is also clear that the criminal justice system is not a completely solid system. 'An MP has called for a change in the law after an abusive husband inherited his wife's estate despite an inquest linking her suicide to domestic violence' (Siddique, 2021). This is clearly not a good response from the criminal justice system due to the fact that the offender should be completely punished for their actions and therefore not benefit in the slightest from it. In this case, the spouse had domestically abused his partner until the eventual suicide of his partner. However the spouse had benefited from their actions and had inherited their partners belongings and finances. This response would not in the slightest provide confidence to the public and those who are currently in a similar situation and as the partner talked about above (Bradford et al. 2014). Infact, this would almost encourage those in a similar situation to

remain silent as they feel like they are in a lose, lose situation when it comes to criminal justice system proceedings.

Suffering in silence is one thing the criminal justice system needs to ensure they cover (Kiewitz et al. 2016). Whilst people suffer in silence, the criminal justice system can not support their victims and it's important that the criminal justice system reaches out to those who do suffer in silence. 'Like many women, I had been harassed and sexually assaulted by the time I was of college age. But I kept quiet – I did not expect filing complaints to bring justice' (Bekiempis, 2022). Where it had been suggested in the statement above 'Like many women' only goes on to prove that there is a public lack of confidence in what the criminal justice system can actually do for victims. Perhaps the public feel as if they would find it safer to not report the crimes committed against them as they believe it may make things worse and more dangerous for the victim as a whole. 'The statistics outline the reality that the most dangerous time for a survivor/victim is when she leaves the abusive partner; 77 percent of domestic violence-related homicides occur upon separation and there is a 75 percent increase of violence upon separation for at least two years' (Bwss, 2020). Does this mean that criminal justice is doing enough? The criminal justice system, as viewed by the public, believes that the sanctions are occasionally not strong enough. Many offenders of domestic and sexual violence tend to receive fairly low sentences and therefore puts the victim back into the line of danger. Therefore, the criminal justice system should revise their sentences and their view on abused victims and look for better ways to further protect the victims and to rehabilitate the offenders. 'Domestic abusers are more likely

to be sent to jail thanks to changes to sentencing guidelines campaigners have hailed as a “major step forward” (Bulman, 2018).

Overall, it may be said that the criminal justice system has been constantly revising their ways in dealing with victims of crime. For example, revamping the victims charter of 1990, to the victims code of 2015. These statutory rights have played their part in the dealings with thousands of cases successfully. Despite that, the criminal justice system has not always got the cases correct. Whether this be lack of sufficient charges leading to further victim endangerment and lack of provision of rights under the victims code. The criminal justice system's response to victims should be completely leak proof and the victims code of 2015 should only protect and support the victim, with provision of the statutory rights they deserve to help them heal and proceed on with life, post-victimization. It may be suggested that the criminal justice system does not respond to victims before it is too late or does not advertise the support the victims can receive, post-crime report, therefore leading to victims suffering in silence and providing lack of confidence in people out there to help and support them. More advertisement through local communities and social media is a big step in helping the public understand that the criminal justice system is not only there to bring the offender to justice, but is there to support the victim in as many ways possible. It can be added that the criminal justice systems introduction to the restorative justice scheme is large step in the aiding of the victim and can prove to be a good response by the criminal justice system as it can help the victim find answers to all their questions and potentially

furthermore move on with their life rather than relay questions of why throughout their life.

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