

University of Wales Trinity Saint David's

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

**Emily Slade
Social Inclusion, Victimisation and Welfare
BMLW6001
Jane Thomas
05/11/21**

The Criminal Justice System works together with the police, different courts, the Home Office, the Ministry of Justice and other agencies throughout the system in the United Kingdom. (The Criminal Justice System, The Crown Prosecution Service, 2021).

The Criminal Justice System in England and Wales works with other agencies to reduce crime and to reduce the reoffending rates throughout the country. The system} also punishes the offenders, protects all different communities and provides victims with help to overcome what happened to them. They carry out all this to ensure the system is fair for everyone.

The main topic of this essay will be discussing how the Criminal Justice System responds to the victims of crime and what they do to help and also discussing what victimology is and studies that have worked on it.

Victimology has recently been discussed a lot more in the Criminal Justice Service system, where the understanding of victims has come to play that for every criminal act, there is at least one victim (William G, 2017). Victims of crime deserve rights and services within the criminal justice system that begin at the point of reporting a crime to the police and continue through the entire criminal justice system. 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.

Understanding the victim is just as important as understanding criminals and crime. It is not about the involvement of criminal behaviour but as to why people or groups of people experience victimisation at certain times in their lives and at certain places. Victimology first started to be looked at by some lawyers and criminologists such as Wolfgang 1958; Mendelsohn 1956; Fattah, 1986 & Van Dijk, 1999. They all had

similar thoughts as to what they should do about the victim. They started to realise that the victim needed help as much as a criminal did. Many people would say that victims happen to be in the wrong place at the wrong time. However, Hans Von Hentig stated that victims may provoke victimisation (Rock P, 2012).

He classified the victims he discovered into thirteen categories based on their proclivity or risk of victimisation. His typology included young people, female, old people, immigrants and depressed people. His belief was that victims contributed to their own victimisation by their actions and their behaviour led to the 'birth' of the idea of "victim-blaming."

He saw that old, female and young people were the ones to take more risks and were also seen to be the type to be taken advantage of. He also identified that younger people tend to be more ignorant so they would take more risks in which they expose themselves to criminals.

Hans had said that immigrants are an easy target for crime due to their social status and lack of activity in the community. During the fifties and sixties, immigrants were known to keep to themselves and were too afraid to mix with others thus making them an easy target.

According to Hans, depressed people don't recognise or respond to danger due to their mental state. Hans' theory summarised is saying that victims may provoke victimisation on themselves. Victimology attempts to understand why some people are more prone than others in becoming victims of crime. 4 theories to explain why: Victim Precipitation Theory, Lifestyle Theory, Deviant Place Theory.

Victim Precipitation theory is when some people may instigate a confrontation that eventually leads to their injury or death making them a victim of crime. This theory

relates back to Hans Von Hentig where he explained that victims provoke victimisation on themselves. The Lifestyle theory is that people may become crime victims because their lifestyle increases their exposure to criminal offenders. People who constantly drink alcohol are likely to be assaulted at some point.

This is due to their behaviour whilst being intoxicated. The deviant place theory is where people may associate or live. They are prone to being a victim because they live in socially high-crime areas.

Victimisation comes under the legislation Equality Act 2010. This act protects your rights if you were to report a crime to the police. If you report a crime and nothing is done about it, this is where the legislation comes in and protects you from your rights if you were going to make a complaint. (Equality act 2010)

As well as placing the victims of crime into different types of victimisation theories, one of the main questions that is asked about a crime is: "does the criminal justice system do enough to help these victims?". The answer to this question is very broad as there are lots of people who have different opinions whether they helped victims enough or not at all. There are two key systems that the Criminal justice system uses to help victims. These are called: victim personal statement and restorative justice (Great Britain and Home Office, 2016).

A victim's personal statement gives you a voice in the criminal justice process if you would like to give your own thoughts out loud in front of the offender. The VPS allows you to describe how a crime has impacted you physically, emotionally, financially, or in some other way in your very own words. Making a victim's personal statement is completely up to the victim's choice, it is not something that has to be carried out

with. If you decline to make a statement when first given the opportunity, you may choose to do it again if the case does not go to court. (Gov.UK 2018)

An example of when the victim personal statement was used was the 'Standford Rape case'. Brock Turner was 20 years old when he sexually assaulted and raped 23 year old Emily Doe back in 2016.

The case went on for ages and got taken to trial where Emily had the chance to give her personal statement of what happened on that night and how it has made her feel since. The personal statement is there for victims to allow them to express how they feel about what happened to them and in hope that the offender would feel guilty and sorry for what they have done. This does not work for everyone however for some people it may seem as a relief. (Sheley 2017).

A survey was carried out to see if people knew that they were able to have a VPS statement and how effective it was. According to Roberts and Manikis (2011), over the last three years, less than half (forty two percent) of the victims interviewed for the survey recalled being offered the opportunity to make a VPS.

Over the three year period between two thousand and seven and two thousand and ten, forty five percent of people said that they had not been given an opportunity to make a VPS and thirteen percent of people responded that they did not know what a VPS was.

There is enough evidence from this survey that shows not much was done during those three years that helped the victims by allowing them to give a VPS.

Last year in 2020, a follow up survey had been carried out on if anything had changed from the 2010 results.

Crime Survey England and Wales respondents were asked if they felt that what they said in their Victim Personal Statement was taken into account by the Criminal

Justice System, thirty five percent of people said yes, thirty people said to some extent, thirteen percent said not really and twenty one percent of people said no (Windsor E et.al, 2020).

However, more than half of respondents felt the police investigation took too long. Only a minimum amount of people said that they were kept regularly informed about something that happened.

Some people said the police treated their crime reports as 'not a priority'. Less than half said that they would report a crime again, based on their experience of reporting this time. This is bad that less than half of the people that participated said they would report a crime again.

The Criminal Justice system needs to come up with more innovative ideas that will help victims of crime more efficiently. It is not a good sign for other potential victims of crime. If not much is being done to help a victim of crime then it gives a negative look on the Criminal Justice System as a whole. A way where they can make sure that Victims get the recovery and justice they need is multiple checkups with the victim until he/she is happy with the outcome of the offender.

If a personal Victim statement does not work for a victim, then the criminal justice system should move on to trying something like restorative justice but only if the victim is happy with it. Other than the ideas that the criminal justice system already has, a good idea would be to send round a survey to previous victims allowing them to explain what the police and the system could have done better to help them in the past. This way it allows the Criminal Justice system to learn from previous mistakes and help victims in the present and future.

The Victim personal statement can often be the only opportunity that a victim has to participate in the criminal justice process as it is the most accessible one for a victim

to carry out. It allows them a chance to ensure that their voice is heard as part of the process. A victim's personal statement can be a therapeutic opportunity to start the healing process after a crime.

Over 80% of judges say that they use the information found in a victim's personal statement as part of their decision on sentencing a convicted offender, which is a rate that dates back to at least 2001 (Chief, 2019). Overall, these findings show that victim statements can be good for victims of crime but overall not many people know what it is or did not make much of a difference to them.

The other criminal justice system strategy that they use to help victims of crime is called restorative justice. Restorative justice is when victims have the chance to meet or communicate with their offenders to explain the real impact of the crime that it had on themselves. It allows the victim to feel empowered by giving them a voice (Van D, et.al 2014).

Restorative Justice can help the offender understand the true consequences of their conduct by putting a face to their crime. It allows the victim to express their feelings about what occurred, get an apology, and seek answers to their questions from the offender. The victim could also have the opportunity to assist in determining what effort the offender can engage in to help rebuild some of the harm caused by their action. Restorative justice council (2016) states that the majority of victims choose to participate in face to face meetings with the offender, when offered by a trained facilitator. Out of all of these victims, eighty five percent of those who took part were satisfied with the process at the end of the strategy. Ultimately, restorative justice lowered the likelihood of repeat offending, saving the criminal justice system nine pound for every one pound spent on it. According to the government's review of this

evidence, restorative justice reduces the probability of reoffending by fourteen percent.

A case that helped a victim move on from their offender's crime was a story by Tony. (Restorative justice council, 2021). Tony was pushing his elderly mother in a wheelchair when a young boy had 'mugged' his mother by taking her handbag and the money inside. Tony later got in contact with the police and reported the crime. The young boy was eventually caught by the police and eventually Tony and his mother met up with the young boy for something called a 'restorative justice' meeting.

Tony's words were, "Having the opportunity to meet and communicate with Sam has helped us move on from the incident and I also think it helped him. I didn't know anything about restorative justice at the time of the incident but, since going through the process, I'd definitely recommend it to other victims. It gave us the opportunity to ensure that our voice was heard, which we wouldn't have had otherwise". From Tony's response to experiencing restorative justice, it is proving that it can help people move on from being a victim of crime and eventually forgiving the offender.

Victim strategies used by the criminal justice system have shown to help some people and others not that much. However, figures have suggested otherwise that the Criminal justice system has improved over the years in small amounts. On the discussion of victims and how the criminal justice system has helped them, not all carried out by the justice system is positive.

The key term 'victim blaming' comes under a lot of crimes that a victim is blamed for and relates back to what victimology is about and the victimology theories.

A major crime that a victim was blamed for many years ago and still in society today is 'rape'. According to Metropolitan Police (2021), rape is defined as the intentional

penetration of another's vagina, anus, or mouth with a penis without the other person's consent.

Years ago before the 1970's it was legal for men to rape their wives when they pleased. A man called 'Menachem Amir' undertook one of the first studies of rape in 1971. According to Amir, 19% of all forcible rapes were victimised by circumstances such as the use of alcohol by both individuals; persuasive acts by the victim; and the victim's use of exposing attire, which could tantalise the offender to the point of misinterpreting the victim's behaviour (Amir M, 1967).

Comparing Amir's study to the 21st generation. A lot has changed on the topic of rape and victim blaming. Over the years, blaming victims for getting themselves raped is very much unheard of. However, a case that had happened in 2015 where a male named Brock Turner raped Emily Doe, now known as Chanel Miller. During the trial of the case, Emily was asked questions from the defendant's lawyer such as, "what were you wearing that night?", "how much have you had to drink?" and "have you ever cheated on someone before?". These questions from the defendant's lawyer are instigating that Chanel Miller was "asking for it" from the type of clothes that she was wearing and whether or not she had a lot to drink.

What is different in 2021 is that if sexual activities happened without any consent, no matter what your clothes are like or how much you had to drink, it is still rape.

Victim blaming relates back to victimology as a whole as it is the study of the victims of crime and the psychological effects of their experience. Chanel's psychological effects from the rape had said it changed her life and destroyed her (people V Turner, 2021).

To sum up everything that has been stated, the Criminal Justice System as a whole supports victims of crime in many ways.

Over the years victimology has been studied more deeply by criminologists which allowed them to discover why and how people are affected by crimes, making them a victim. Relating back to the two key strategies that the Criminal Justice system uses, the strategy that has worked best for victims of crime is restorative justice.

Many previous victims have said that this is what worked best for them to be able to receive justice and move on from the past. The example used was Tony's story about his mother being robbed by a young boy. Tony managed to gain his justice by letting his voice be heard to the young boy.

Comparing this strategy to the 'victim personal statement' strategy, is very much different in the victims opinions. A lot of people that gave their victim personal statements in court felt like it did not do anything at all. A lot of people had said that they did not know that there was an option to speak in front of the judge about the crime that they went through and how it made them feel. Looking back to the main findings in this essay, a small number of people said that they were kept regularly informed about something that happened but most people said the police treated their crime reports as 'not a priority'. The lack of care from the police causes a major effect on other victims and potentially the same victim if they were to be revictimized. For example, if a woman was raped and nothing was followed up from the police on their report about the offender or about how the victim is feeling, it is unlikely that the same woman would report a crime if it happened to her again. A case study that was used to support this was the Brock Turner and Emily Doe case where Emily's rapist only did a matter of three months in prison and was released. For Emily's point of view, justice was not served as he got to live his life normally again where she had to

live with the psychological and mental health factors afterwards. This is why the Criminal Justice System needs to take into account who they are employing and see if they are there to take care of victims or to just get paid. If the Criminal Justice system looked into helping victims more, an increase in reported crimes may go up which means more offenders will be captured. This will have a bigger impact on victims' lives if justice is met.

The victims code supports victims of crime because they deserve rights and services within the criminal justice system that begin at the point of reporting a crime, all the way to the police and continue through the entire criminal justice system. Criminal Justice agencies and professionals have the opportunity and obligations to provide victims with assistance, services, and accommodations to ease their difficulties in what is already a very trying, tragic time. The role of the victim in the criminal justice system is crucial for receiving the justice they deserve. From prosecutable to severe offences, justice must be delivered in every instance, and the victim's role and perspective are critical in providing justice.

Bibliography:

- Amir, M. (1967) 'Victim Precipitated Forcible Rape', The Journal of Criminal Law, Criminology, and Police Science, 58(4), p. 493. Available at:
<https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=5481&context=jclc>
- Chief, E. in (2019) '17 Big Pros and Cons of Victim Impact Statements', ConnectUS, 23 October. Available at:
<https://connectusfund.org/17-big-pros-and-cons-of-victim-impact-statements>

- Cps.gov.uk. 2021. *The Criminal Justice System | The Crown Prosecution Service*. Available at:
<<https://www.cps.gov.uk/about-cps/criminal-justice-system>>
- Doerner, W.G., 2017. *Victimology*. Routledge. Available at:<https://www.taylorfrancis.com/books/mono/10.4324/9781315537054/victimology-william-doerner-steven-lab>
- Equality Act 2010, c.2. Available at:
<https://www.legislation.gov.uk/ukpga/2010/15/section/27/enacted>
- Great Britain and Home Office (2016), *Reforming the powers of police staff and volunteers: summary of consultation responses and proposals for legislation*. Available at:
<https://www.justiceinspectorates.gov.uk/cji/wp-content/uploads/sites/2/2015/12/meeting-the-needs-of-victims-in-the-criminal-justice-system.pdf>
- Metropolitan Police (2021), *What is rape and sexual assault?* Available at:<https://www.met.police.uk/advice/advice-and-information/ras/rape-and-sexual-assault/what-is-rape-and-sexual-assault/>
- 'People v. Turner' (2021) Wikipedia. Available at:
https://en.wikipedia.org/w/index.php?title=People_v._Turner&oldid=1051390853
- Rock, P., 2012. Theoretical perspectives on victimisation. *In Handbook of victims and victimology* (pp. 53-77).
Available at: <https://www.jstor.org/stable/1147556>
- Roberts, J.V. and Manikis, M. (2011) 'Victim Personal Statements: A Review of Empirical Research'. Available at:<https://www.justice.gov.uk/downloads/news/press-releases/victims-com/vps-research.pdf>

- Restorative Justice Council, (2016). *Evidence supporting the use of restorative justice*. Available on:
<https://restorativejustice.org.uk/resources/evidence-supporting-use-restorative-justice>
- Sheley, E., 2017. Victim Impact Statements and Expressive Punishment in the Age of Social Media. *Wake Forest L. Rev.*, 52, p.157. Available at:
<https://heinonline.org/HOL/LandingPage?handle=hein.journals/wflr52&div=8&id=&page=>
- GOV.UK. (2018) *Victim Personal Statement*
Available at:
<https://www.gov.uk/government/publications/victim-personal-statement>
- Van Ness, D. and Strong, K.H., 2014. *Restoring justice: An introduction to restorative justice*. Routledge. Available at:
<https://www.taylorfrancis.com/books/mono/10.4324/9781315721330/restoring-justice-daniel-van-ness-karen-heetderks-strong>
- Windsor E, Roberts J (2020), 'Victim Personal Statements and Sentencing: A review of policy, operation and research – Sentencing Academy'. Available at:
<https://sentencingacademy.org.uk/2020/11/victim-personal-statements-and-sentencing-a-review-of-policy-operation-and-research/>