

VICTIMS OF CRIME

Problems, Policies, and Programs

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VICTIMS OF CRIME

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Volume 25. **Sage** Criminal Justice System Annuals

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SAGE Publications
International Educational and Professional Publisher
Newbury Park London New Delhi

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For information address:



SAGE Publications, Inc.
2455 Teller Road
Newbury Park, California 91320

SAGE Publications Ltd.
6 Bonhill Street
London EC2A 4PU
United Kingdom

SAGE Publications India Pvt. Ltd.
M-32 Market
Greater Kailash I
New Delhi 110 048 India

Printed in the United States of America

Library of Congress Cataloging-in-Publication Data

Victims of crime : problems, policies, and programs / Arthur J.
Lurigio, Wesley G. Skogan, Robert C. Davis, editors.
p. cm. — Sage criminal justice system annuals : v. 25)
Includes bibliographical references.

ISBN 0-8039-3369-X. — ISBN 0-8039-3370-3 (pbk.)

I. Victims of crimes—United States. I. Lurigio, Arthur J.
II. Skogan, Wesley G. III. Davis, Robert C. (Robert Carl)
IV. Series.

HV6250.3.U5V54 1990
362.88'0973—dc20

89-24260
CIP

95 96 97 98 99 10 9 8

Sage Production Editor: Mary Beth DeHainaut

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CRIMINAL VICTIMIZATION

**WESLEY G. SKOGAN
ARTHUR J. LURIGIO
ROBERT C. DAVIS**

This book is about victims of crime. There has been a great deal of research on criminal victimization, legislation supporting victims, and victim programs and services, but no book has taken recent stock of these advances. This volume provides a state-of-the-art review of many facets of criminal victimization and many of the efforts that have been made to ameliorate crime victims' pain and loss. It covers a wide range of topics, including chapters on the trends in victimization, the emotional impact of crime, the needs and problems of special classes of victims, the participation of victims in the criminal justice system, the evolution of victim programs and services, policies toward victims in the United States and Europe, and the politics of the crime victim movement.

BACKGROUND

In recent years, one of every four U.S. households has been victimized by personal or property crime. At one time or another, crime will touch most Americans or affect the lives of their relatives, friends, and acquaintances. The consequences of 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.

The threat of crime and fear of victimization alone are enough to diminish the quality of people's lives. For some, the constant specter of

violent crime can be overwhelming. In an attempt to prevent or avoid victimization, individuals may move, restrict their daily activities, or purchase expensive security measures. Billions of dollars and man-hours are being expended by governments to apprehend and punish offenders, yet we have started only recently to focus our attention on the victims of crime.

Since the early 1970s, there has been growing concern for crime victims, and some observers have begun to speak of the emergence of a "victim movement." The discovery of crime victims in the United States represents the confluence of several broad social movements, including the women's movement, the law-and-order movement, and the civil rights movement (Karmen, 1984). Lying at the heart of the victim movement are desires for the explicit recognition of victims' losses and for more humane treatment of victims by the public and the criminal justice and health systems (Gottfredson, 1989). This new interest in victims of crime has changed general attitudes and policies and spurred federal, state, and local efforts to increase public awareness of victims' rights and needs. At the federal level, for example, President Ronald Reagan proclaimed National Victims of Crime Week in 1981. This has since become an annual event in order to focus attention on victims' problems. Further impetus for improving the plight of crime victims was provided by the President's Task Force on Victims of Crime (1982), which called the neglect of crime victims "a national disgrace" and promoted the expansion of victim assistance efforts (Davis, 1987a; Finn & Lee, 1988). Following on the heels of the Task Force report, legislation was enacted in Congress to secure better treatment for crime victims and protect crime victims from harassment and threat and to implement crime victims' compensation and assistance programs (see also the American Bar Association, 1979).

The 1982 Omnibus Victim and Witness Protection Act was one of the earliest and most sweeping federal legislative actions concerning victims of crime. Among its numerous provisions, the act mandated the use of victim-impact statements at sentences, greater protection of victims from harassment and intimidation, guidelines for the fair treatment of victims and witnesses, and more stringent bail laws. Two years later, the 1984 Federal Victims of Crime Act was passed to establish the Crime Victims Fund, which disburses federal monies to state victim compensation and victim assistance projects throughout the country. The fund draws its revenues from fines, penalty assessments, and bond forfeitures, and had contributed to nearly 1,400 programs as of early

1987 (Finn & Lee, 1988). This act gives funding priority to programs that cater to victims of sexual assault, domestic violence, and child abuse. To supplement federal efforts, several states also have passed comprehensive legislation to protect the rights of crime victims (e.g., McGuire, 1987) and have legislated victim compensation programs that reimburse victims for medical expenses and lost wages.

Support for victims of crime has also been dramatic at the grass-roots level. There are some 5,000 victim service programs providing a variety of services to crime victims, such as emergency care, crisis intervention, counseling, victim compensation and restitution, witness protection and other court-related services, public education, and victim advocacy (Finn & Lee, 1988; Norquay & Weiler, 1981). Many local programs offer several of these services to clients and are housed in police departments or prosecutors' offices.

Crime victims could be key actors in the criminal justice process, but more often they are kept at the periphery (Gottfredson, 1989). Studies have shown that victim cooperation may be highly critical in helping the police to make arrests and prosecutors to secure convictions (e.g., Spelman & Brown, 1981). Despite the value of victims to the system and the location of numerous victim programs in criminal justice and law enforcement settings (Gottfredson, 1989), it is widely recognized that, in its haste to enhance the efficiency of prosecutions and convictions, the system does not always respond sufficiently to the special demands and challenging problems of crime victims (Villmow, 1984; Young, 1988). Moreover, the response of criminal justice personnel often is regarded as having a negative impact on the emotional problems of victims. So prevalent is the tendency of victims to experience difficulties in their encounters with the criminal justice system that Symonds (1980) characterized its effect on victims as the "second wound." Crime victims are the "forgotten persons" of the criminal justice system, valued only for their capacity to report crimes and to appear in court as witnesses. Sales, Rich, and Reich (1984) note that victims are expected to support a criminal justice system that has "treated them with less respect than it has treated the offender" (p. 114). Similarly, Siegal (1983) characterized this inequity in the following manner: "Vulnerable, angry, insecure, selfless, the victim who survives observes a criminal who is fed, housed, given legal, medical, psychological, and psychiatric aid—even education and vocational training. The victim . . . suffers alone" (p. 1271).

In a seminal article, Ash (1972) documented the high cost of victim cooperation in the prosecutorial process:

In the typical situation the witness will several times be ordered to appear at some designated place, usually a courtroom, but sometimes a prosecutor's office or grand jury room. Several times he will be made to wait tedious, unconscionable long intervals of time in dingy courthouse corridors or in other grim surroundings. Several times he will suffer the discomfort of being ignored by busy officials and the bewilderment and painful anxiety of not knowing what is going on around him or what is going to happen to him. . . . In sum, the experience is dreary, time-wasting, depressing, exhausting, confusing, frustrating, numbing, and seemingly endless (p. 390).

Other authors have described the generalized neglect of crime victims by police, prosecutors, and court personnel, citing long waits, loss of wages, poor protection against intimidation, mishandling of property, difficult questioning, unnecessary trips to court, and a variety of other inconveniences (Chelimsky, 1981; Knudten, Meade, Knudten, & Doerner, 1976; Rosenbaum, 1977; Waller, 1982).

Although many of today's most innovative victim programs are built upon research, our knowledge regarding the effects of criminal victimization and victim services programs is limited. For example, research on the psychological consequences of crime has been restricted largely to victims of rape. Much less attention has been paid in the literature to the so-called "forgotten victims" of such other significant crimes as burglary, robbery, and nonsexual assault. In addition, inadequacies in research designs (e.g., failure to include a comparison or control group of nonvictims), measurement procedures (e.g., failure to measure concepts adequately or to include multiple impact variables), and conceptual frameworks (e.g., failure to elaborate or test theoretical models for explaining the reactions to victimization) have sorely limited our understanding of the impact of serious crimes (Lurigio & Davis, 1989; Lurigio & Rosenbaum, in press). According to Chelimsky (1981):

Given the current inadequate state of knowledge about the problems of victims and the effects of victimization, it will be necessary to build a sound research base from which to structure the development of better victim services. In this effort, evaluation and knowledge diffusion research will necessarily play a major role (p. 95).

Even less is known about the effectiveness of victim services programs. Although there have been some studies regarding the needs of victims (Friedman, Bischoff, Davis, & Person, 1982; Maguire & Corbett, 1987; Roberts, 1987), there have been few experiments examining the impact of victim assistance programs (Skogan & Wycoff, 1987). According to a national assessment of victim/witness programs, evaluation designs typically have not been powerful enough to detect program impacts or to answer such fundamental questions as (1) are victims and witnesses better off emotionally or "healthier" in the long run for having received assistance? and (2) are victims and witnesses now receiving better treatment at the hands of local criminal justice and social service agencies as a consequence of project efforts? (Cronin & Bourque, 1981, p. 41).

The American Psychological Association's Task Force on the Victims of Crime and Violence (Kahn, 1984) also lamented the lack of solid data on crime victim programs. The Task Force stated emphatically: "Both those who seek help and those who pay for services deserve interventions for which the efficacy is known or is under systematic study. Little is known about the effectiveness of services currently being offered to victims" (Kahn, p. 100). Davis (1987b) compares the paucity of knowledge in the area of crime victim services to that of other fields where crisis intervention techniques are utilized, e.g., suicide prevention, psychiatric treatment, and acute medical care (see Auerbach & Kilmann, 1978). A series of unresolved issues for investigators to explore in future studies includes (Davis, 1987a):

- Which counseling techniques are most effective for victims?
- How do victims who cope effectively in the aftermath of the crime differ from victims who do not cope effectively?
- Are victim compensation programs assisting victims with the greatest needs?
- Do most victims want the opportunity to submit victim-impact statements?
- Do the elderly and child victims have special needs that are not being addressed?

There are several new directions for practitioners to pursue in the areas of victim services and rights. A number of states, for example, have acted to tip the balance away from offenders' rights in favor of victims. Efforts in this regard include increasing the penalties for victim

intimidation, involving victims in the plea bargaining process, and denying bail to suspects who would be a threat to victims if released. Other proposals are being considered to create new and more ambitious victims' rights. They are aimed at institutionalizing a more definitive role for victim advocates in the criminal justice system and at bringing together victims and offenders in dispute resolution and reconciliation programs (Karmen, 1984).

CONTENTS

Victims of Crime begins with Chapter 2, by John H. Laub, who describes patterns of criminal victimization in the United States. He traces recent trends in crime, describes who is victimized and how, and discusses some of the consequences of crime, including physical injury and financial loss. Laub's chapter underscores the importance of understanding how we *know* about crime, i.e., how we access and document details regarding criminal victimization and its effects. Crime is a furtive event, and most offenders do their best to keep victims and the police from discovering what happened. Also, many crimes are not reported to the police, while others are not recorded officially. The police generally focus their efforts on criminals, and typically there is little in their files concerning information about victims. As a result, official crime statistics need to be supplemented by extensive interviews with victims and offenders to fill fundamental gaps in our knowledge and understanding of crime. Chapter 2 is a synthesis of all these sources of information.

While crime is fairly prevalent overall in the United States, more serious crimes occur less frequently than less serious crimes. Property crime is more common than violent crime, and less serious personal crimes (those involving no injuries and in which no weapons are used) are more likely to occur than more violent personal crimes. Crime victims are disproportionately young; in most offense categories, they are more likely to be male, and blacks and the poor are more likely to be victimized than whites and persons in higher income brackets. National victimization surveys indicate that the crime rate has been stable or even declining (depending upon the crime category) through most of the 1970s and 1980s. Quite the opposite impression is given by police statistics, which have gone up considerably over the same period. Most crimes have relatively trivial consequences for their victims. The

value of stolen goods often is not very high, the biggest losses are more likely to be insured, and in most categories relatively few victims are harmed physically.

Despite the minor physical and financial repercussions of crime for most victims, the adverse emotional effects can be quite devastating. However, there is great variation in the duration and seriousness of psychological impacts (Gottfredson, 1989). Chapter 3, by Arthur J. Lurigio and Patricia A. Resick, examines the antecedents of psychological distress. In their comprehensive review of research, they describe how victim characteristics and prior experiences, features of the crime incident, and postvictimization events influence victim adjustment and recovery.

In their presentation of the findings of research on victim adjustment, Lurigio and Resick report, for example, that men tend to cope better with crime than women and that victims without a history of prior victimization or preexisting emotional problems tend to exhibit fewer symptoms following the event. The authors conclude their chapter by pointing to the usefulness of this research for victim service providers. Knowing which victims are likely to be affected adversely by crime can help practitioners to organize their outreach efforts, to develop special interventions, and to formulate more effective client assessment strategies.

Sexual assault is the first of the special classes of crimes to be discussed in this volume. In Chapter 4, Patricia A. Resick discusses the impact of sexual assault and some of the implications of this research for redressing victims' needs. Estimates of the extent of sexual assault vary widely; Resick reports that a woman's chance of being victimized in her lifetime might be anywhere from between 14 and 44%. The impact of sexual assault can be painful and persistent. Research indicates that rape victims are likely to be depressed, anxious, and fearful, and to feel helpless. They report lower levels of self-esteem, drug and alcohol problems, and difficulties in their relationships with others. These reactions spill over and affect the entire population; it appears that concern about rape accounts for much of the fear and avoidance behavior reported by women in surveys.

Psychological theories that explain reactions to rape provide some guidance for helping victims. Crisis theory, for example, points to the importance of early intervention; getting victims assistance quickly makes a difference. Learning theory helps us understand why the impact of victimization can persist for years; victims can have flashbacks

during which they relive their experience and feel its effects all over again. Finally, cognitive theory helps us understand why some victims blame themselves for their fate and are plagued by recrimination and self-doubt as a consequence.

In Chapter 5, Lucy Friedman and Minna Shulman examine the criminal justice system's response to domestic violence. This is an area in which policy and practice is in tremendous flux. Before the 1970s, police generally were reluctant to treat domestic violence as a crime. They rarely made arrests in those cases, and few abusers ever came to trial. Now there is increased pressure to take domestic violence more seriously, but Friedman and Shulman argue that treating it like any other crime is not likely to protect victims and their families adequately, and that victims of domestic violence actually need special treatment.

Domestic violence cases involve conflict among intimates. The relationship between the parties may be complex (they may, for example, share children) and worth trying salvage. These cases may involve continuous abuse of varying levels of severity, and victims may fear reprisal if they try to summon help. Domestic violence often is not reported to police, who are frequently in a quandary about what to do when they arrive at the scene. Beginning in the 1970s, police were urged to deal with these cases as "crises" and to intervene and mediate between the parties. Critics charged that this only legitimated the continued battering of women and that it blamed victims for their condition. They advocated arrests and pushed for greater police authority to make arrests even when they did not witness the alleged abuse. This criticism was buttressed by a number of significant legal challenges that encouraged changes in how police treated domestic violence. By the 1980s, police were much more likely to view domestic violence as a serious offense, officers were empowered legally to intervene in more effective ways, and many departments had adopted mandatory arrest policies. The courts also were more likely to take domestic violence seriously, and prosecutors were less likely to dismiss domestic violence cases out of hand when faced with a victim's ambivalence about whether to proceed.

Child sexual abuse is another problem that has come to the fore in recent years, and it, too, presents special challenges to the criminal justice system; in Chapter 6, Barbara E. Smith details how police and the courts have responded. Child abuse cases question some time-honored criminal procedures. The victims are young—sometimes very young—and they can find elements of the adversary process like

cross-examination to be confusing and frightening. Offenders are rarely predatory strangers; usually they are family members, relatives, or friends of the family, and it is not clear that they respond in the traditional way to the threat of criminal sanctions. There also are frequently no witnesses to what they have done and little physical evidence of any kind. The media may become acutely interested in these cases, especially if the abuse has ritualistic or sadistic overtones. This puts tremendous pressure on public officials who are responsible for the victims. Charges of abuse fall under the jurisdiction of multiple agencies, including those entrusted with mental health and child protection. Child sexual abuse raises complex medical issues and commands the careful attention of several branches of the criminal justice system. The resulting jurisdictional squabbles can lead to disagreements about how to proceed and may contaminate cases from a legal standpoint. All this can be traumatic for victims, and it is not clear that handling those cases as crimes will do much to help the victimized children.

There is a great deal of interest in devising more appropriate legal procedures for processing child abuse cases. One tack is to assemble interdisciplinary teams of police, prosecutors, and social workers to investigate them. Special techniques have been developed for interviewing children (including using anatomical dolls) and for presenting their testimony (videotape, closed-circuit television, excluding outsiders from courtrooms). However, these may impinge on the constitutional rights of the accused, and courts have approached them with a great deal of caution. The general pattern still seems to be one of nonprosecution, and research reveals that in cases that are pursued, offenders usually are put on probation and typically are directed to counseling or therapy.

Recent research provides suggestive evidence that persons close to crime victims (who can be thought of as "indirect victims") often suffer emotionally during the aftermath of the incident. In Chapter 7, David S. Riggs and Dean Kilpatrick review a number of studies that show that the relatives or intimate partners of crime victims may manifest many of the same symptoms reported by the victims themselves, such as anxiety, depression, intrusive thoughts and memories, and diminished self-esteem. A case in point involves the surviving family members of homicide victims, who not only experience the stress resulting from the loss of a loved one but also have problems with anxiety and other clinical symptoms. It appears that the family's level of dissatisfaction

with the criminal justice system is related to the intensity of these symptoms.

As the authors note, it is not easy to explain the reactions of indirect victims of crime. However, there are some theoretical frameworks that help to shed light on the phenomenon. For example, “attribution” theory suggests that indirect victims may change their basic perception of the world as a predictable and safe place and may believe that they have also become more vulnerable to criminal victimization. “Learned helplessness” theory predicts that indirect victims experience problems because they feel that the crime incident was out of their control, and they feel further out of control in their contacts with the criminal justice system. According to “learning theory,” victims may become anxious and depressed by sharing the experience of the crime vicariously with direct victims. Riggs and Kilpatrick have advice for practitioners in the field of victim services. First and foremost, they should be aware of the difficulties encountered by indirect victims and offer them diagnostic and treatment services. For practitioners in the criminal justice system, the authors recommend providing indirect victims with information about the progress of the case.

When crime occurs, the police are usually the first on the scene. In Chapter 8, Irvin Waller highlights the importance of the police for victims. In addition to their traditional duty to apprehend criminals, police are in a strategic position to assist victims in a number of ways. They can offer practical assistance to victims, including helping them deal with insurance forms and smashed-in doors, advising them on how to prevent future victimization, and protecting them from reprisal if they cooperate with the prosecutor. It is crucial that police remain in continued contact with victims, keep them informed about their case, and help them get into contact with service agencies and compensation programs. The police—who Waller describes as being “first in aid”—need to be trained to help victims deal with the emotional trauma that many of them experience in the hours and days immediately following the crime.

Chapter 8 illustrates these general points by describing victim service programs in several Canadian cities. Police there have organized volunteers to staff crisis intervention units and routinely refer victims to needed social services and have instituted a number of simple procedures designed to make the lives of victims run more smoothly. The chapter concludes with a call for police in the United States to follow Canada’s lead in providing police help for crime victims.