

Yoshiko Takahashi • Chadley James

Victimology & Victim Assistance

Advocacy, Intervention, and Restoration



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and Restoration

Yoshiko Takahashi

California State University, Fresno, USA

Chadley James

California State University, Fresno, USA



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FOR INFORMATION:

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Preface

This book is designed as a primary resource for victimology, victim services, and victim advocacy courses. There is growing interest in studying victim assistance by criminal justice and criminology students who intend to pursue careers as service providers in the criminal justice system or community-based agencies. Also, students in other disciplines such as social work and child development would benefit from this text to build on their knowledge of the criminal justice system and victim assistance.

The value and distinctiveness of the text is that it will discuss the criminal justice system and how victims' rights have been recognized in the system. To achieve this, the authors have divided the material into four sections, starting with a general discussion and overview of victimology and victim assistance and moving to more specific areas. The four sections are: Foundations, Understanding the Criminal Justice System and Victim Assistance, Impact of Crime on Victims, and New Directions in Victim Assistance.

The Foundations section is designed to provide students with an overview of victim assistance and assessing the impact on victimization through victimological theories, available data, and the trauma and recovery process. The second section addresses how victim services have been integrated into the main areas of the criminal justice system—law enforcement, the courts, corrections, and the juvenile justice system. Restorative justice is also discussed. The third section discusses effective responses to specific crime victims, including victims of family violence, sexual assault, and cyber-crime. The fourth section discusses challenges for victim assistance, which includes discussions on professionalism in victim services, compassion fatigue, and barriers to services. The final section also covers multicultural competency issues using some examples of the LGBTQ, Asian Pacific Islander, and Native American communities.

The authors build on the growing interest in victimology and victim assistance and provide a context within which to understand the major challenges and possible ethical dilemmas that victim advocates could face, along with discussing the future direction of victim assistance.

Key Features

- Victim assistance programs are highlighted in boxes within the chapters to orient students toward programs that are actively working to support victims.
- Case studies are used throughout the book to provide realistic and factual depictions of victims, humanizing the topics covered and facilitating discussion.
- Coverage of crucial topics like human trafficking, cyber-crime, and trauma-informed care offer students contemporary insights into the field of victim assistance.

Digital Resources

study.sagepub.com/takahashi

The password-protected **Instructor Resource Site** includes the following:

Test banks provide a diverse range of prewritten options as well as the opportunity to edit any question and/or insert personalized questions to effectively assess students' progress and understanding

Editable, chapter-specific **PowerPoint® slides** offer complete flexibility for creating a multimedia presentation for the course

Lecture notes summarize key concepts by chapter to ease preparation for lectures and class discussions

Sample course syllabi for semester and quarter courses provide suggested models for structuring one's course

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Kevin M. Beaver
Florida State University

Elvira White-Lewis, JD/PhD
Associate Professor
Texas A&M University—Commerce

Joy D. Patton, PhD, LMSW, MA
Assistant Professor of Human Services
University of North Texas at Dallas

Keith J. Bell, PhD
West Liberty University

Caron Jacobson
Senior Lecturer
Governors State University

Allyson S. Maida, LCSW
Associate Adjunct
St. John's University

Karen L. Bune
Adjunct Professor
Marymount University

Dr. Mary M. Breaux
College of Criminal Justice and
Criminology
Sam Houston State University

Rachael Gossett
Lindenwood University

Michelle L. Foster
Kent State University

Cheryl A. S. McFarland, PhD
Florida State University

About the Authors



(CCAPW). She is also an elected executive committee member of the World Society of Victimology (WSV).



Chadley James, PhD is an assistant professor in the Department of Criminology at California State University, Fresno. Dr. James has published in international journals and textbooks and has presented papers at international conferences, courses, and seminars in Africa, Asia, Europe, the Middle East, and the United States. He is the organizing codirector of the longest running two-week graduate course in Victimology, Victim Assistance, and Criminal Justice held every year in Dubrovnik, Croatia, at the Inter-University Center. In 2015, the World Society of Victimology (WSV) awarded Dr. James the Benjamin Mendelsohn Young Victimologist Award, and he is also an elected executive committee member of the WSV.

Foundations

Chapter 1 Historical Perspectives of Victimology and
Victim Assistance

Chapter 2 Theories of Victimization

Chapter 3 The Nature and Extent of Victimization

Chapter 4 Trauma and Recovery of Victims

Historical Perspectives of Victimology and Victim Assistance

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 operative within Member States, including those laws proscribing criminal abuse of power” (United Nations General Assembly, 1985)

The old saying of victims being the forgotten actors in the criminal justice system is slowly beginning to no longer apply. This is because much has been done to bring attention to and assist those who have been harmed by crime (Spalek, 2006). The plight of crime **victims** in the United States to be recognized and have access to services following victimization emanates from enormous efforts made by social movements during the mid-to-late 1900s, along with the political will that has recognized the advantage of reintegrating victims into the criminal justice system. Today, there exists an expanding body of victim legislation that affords rights to victims during criminal proceedings, has created and expanded state compensation programs, and provides funding for victim assistance programs (Office for Victims of Crime [OVC], 2016). These developments have significantly influenced the recovery of individuals who have suffered the emotional and psychological trauma, physical injuries, and financial losses of crime.

The framework for the acknowledgment and advancement in services offered to victims has developed from the study of victimology. Victimology, as a scientific discipline, has drawn its knowledge from research from a variety of backgrounds, such as law, social work, nursing, psychology, and medicine (Mawby & Walklate, 1994; Kirchhoff, 2005, 2010; Fattah, 2010). Arguably, however, the most significant influence in the development of victimology has come from criminology. Criminologists have concentrated a large portion of their work on analyzing criminal victimization and ways to prevent it (Spalek, 2006; Moriarty, 2008). This has led some to argue that victimology is a subfield of criminology and not a discipline on its own. Irrespective of this debate, criminology and victimology are complementary areas of study (Fisher, Reyns, & Sloan, 2016). While criminologists focus on studying criminal behavior, which includes the process of making laws, breaking laws, and reacting toward those breaking of laws (Sutherland, Cressey, & Luckenbill, 1992), the focus for victimologists is the opposite. Victimologists are interested in understanding the impact of the victimization on victims and how best they can be restored to their previctimization state; victimologists, too, analyze how the criminal justice system accommodates and assists victims and how society, along with the media and the Internet, react to criminal victimization and victims (Kirchhoff, 2005; Karmen, 2013; Daigle & Muftic, 2016). Victimology, then, is “the scientific study of victims, victimizations, and the social reaction to both of these” (Kirchhoff, 2010, p. 96).

History of Victimology

Victimization is not a new concept; it is in fact as old as humanity itself. However, it was not until after the Second World War that a more scientific approach to studying crime victims emerged (Fattah, 2000, p. 18) and when the term *victimology* was first

coined. Attribution of the term is given to Benjamin Mendelsohn, who first used it in a set of papers presented in Bucharest, Romania, in 1947. Frederick Wertham, however, is argued to be the first to have published the term *victimology*, in his book *The Show of Violence* (1949) (Van Dijk, 1997; Kirchhoff, 2010). Irrespective of when the term *victimology* first appeared, the concepts of victimization and victims have been issues of consideration dating back to ancient cultures and civilizations (Fisher et al., 2016).

History reveals that before written laws existed, when a person or property was harmed, the victim and his or her family were responsible for obtaining justice. Victims typically obtained justice through retaliation. This system of justice was referred to as ***lex talions***, which is the principle of an-eye-for-an-eye. Here criminals would be dealt punishment equal to that of the harm caused. This notion of punishment is like that of retribution. This was a period where crime was viewed as harm against the victim, and not the state, as it is in today's criminal justice system (Daigle & Muftic, 2016). However, to avoid certain forms of retaliation, offenders could return the stolen property or make some form of payment to the injured party, which is referred to as restitution. The principles of retribution and restitution were both acceptable means of obtaining justice for victims.

These principles were included into the earliest written law, Code of *Ur-Nammu* (c. 2100 BCE—2050 BCE), and later, the *Code of Hammurabi* (c. 1792 BCE—1750 BCE). Along with the death penalty and imprisonment, special considerations were made to protect vulnerable groups from the powerful, and restoration of equity between the offender and the victim was emphasized (Kirchhoff, 2010; Daigle & Muftic, 2016). To state that the oldest codes focused solely on the needs of the victims is wrong, but it does reflect a period in history referred to as “The Golden Age of the Victim” (Schafer, 1968, p. 7), where victims played a more central role in legal proceedings.

Writings on the way victimizations were interpreted and the impact it had on people and communities can also be found in religious texts. References about persons intentionally injured or killed (either as a religious sacrifice or for a wrong doing for personal benefit) are found in many of the world's religions, and remain today, significant influences on cultures' and societies' normative guidelines throughout the world (Kirchhoff, 2010; Dussich, 2015, p. 2).

The move away from viewing crime against the victim to crime against the state began in the Middle Ages and was fully in place by the industrial revolution. Once the state began to assume control over criminal matters and public interest, the interests of the victims became secondary, excluding them from formal proceedings of the justice system (Peacock, 2013; Daigle & Muftic, 2016). This did not mean that the struggle for recognition of the oppressed and injured ended. During the Era of Enlightenment, Cesare Beccaria's (1738-1794) and Jeremy Bentham's (1748-1832) work focused on eliminating the tyrannical nature of criminal law—where they advocated on the side of the victim (the powerless)—, from the indifference and ignorance of the rich and powerful (Kirchhoff, 2010). The classical school emphasized the concepts of rationality and free will, where it was assumed that crime victims only wanted revenge. Being unable to pursue revenge, victims needed the state to act on their behalf, highlighting their secondary position in the system while the state pursued justice (Beirne, 1994). The move away from this theoretical approach (classical school) to criminal law began with a new direction in the philosophy of science, and which today is still important for science generally, called

***lex talions*:**
the principle of an-eye-for-an-eye. Here criminals would be dealt punishment equal to that of the harm caused

positivism. The proponents of this new way of approaching science, Cesare Lombroso (1835-1909), and later, Raffaele Garrafalo (1851-1934), and Enrico Ferri (1856-1929) argued that using the scientific method to study human behavior provides a “real understanding of things, far better than the theory that a man is a criminal because he wants to be” (Ferri, 1908, p.75). Positivistic research is broadly reflected in the criminological literature and in policy recommendations for reducing crime (Conklin, 2012). However, just as much as positivists believe that everyone who commits crime is responsible to the state, victims, too, must be indemnified (compensated) by the state because it has not prevented their victimization (Ferri, 1908; Kirchhoff, 2010).

The period following World War II was arguably the most salient for victimology. Compensation provided for the wounded and killed in the Holocaust and by atomic bombs signaled a clear engagement and reemergence of victims. In 1948, Hans von Hentig produced one of the first English-language texts on crime victims in *The Criminal and His Victim*, where he showed that crime was a social process, an interaction between an offender and a victim (Kirchhoff, 2010), where both in some way influenced the criminal act. This led to the first victimological theory of victim precipitation. Benjamin Mendelsohn expanded the parameters of victimology to focus not only on crime victims but also victims of various other factors and circumstances, which he termed *general victimology* (Hoffman, 1992) (the early contributors to victimology and theories will be discussed more in Chapter 2).

Greater awareness for the plight of the victim and the need for governmental schemes to provide compensation and restitution began in the United Kingdom in 1957; however, it was New Zealand that introduced the first compensation legislation in 1963. In the United States, California was the first state to establish a compensation program in 1965; today, they exist in every state (Mawby & Walklate, 1994; Daigle & Muftic, 2016). During this same period in the United States, victimology was being driven forward, by what remains today the most influential social movements affecting the plight of crime victims. In particular, the civil rights movement and the women’s movement in the 1960s and 1970s were instrumental in advocating for greater awareness of the needs of minorities, women, and children and how the criminal justice system reacts to them (Fisher et al., 2016).

It was then in 1973, in Israel, in mutual cooperation and concern for victims that the first international symposium on victimology was held. Six years later, in Germany, at the third international symposium on victimology, the World Society of Victimology (WSV) was founded. The WSV brings together a network of victimologists that encourages the advancement of research and cooperation between “international, national, regional, and local agencies and other groups who are concerned with the problems of victims” (World Society of Victimology, 2016). The WSV continues to host triennially its symposia around the world, along with postgraduate courses on victimology in Croatia, India, and South Africa annually. Further recognition of the victim internationally was established when the United Nations adopted the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* in 1985. The aim of the declaration has been to improve victims’ access to justice, fair treatment, restitution, compensation, and support, as well as taking steps to prevent victimization linked to the abuse of power (Kirchhoff, 2010; Groenhuijsen, 2013; Peacock, 2013). Many of the principles in the declaration have been

implemented into legislation around the world, particularly in the United States, where laws supporting victims' rights continue to expand.

The development and growth of victimology has been meteoric; today there are dedicated journals and textbooks related to the study of victimology, published in many different languages and taught in universities all over the world. Victimology continues to grow and recognize the many "needs of an expanding range of victims in a complex world" (Dussich, 2015, p. 19).

History of Victim Assistance

Victimology's development and recognition of the needs of crime victims was significantly influenced by a rising social consciousness during the 1960s and 1970s. During this period, different social movements were occurring simultaneously. These movements were led and inspired by persons who had personally suffered the effects of victimization and supported by others who showed empathy and provided insight into advancing the plight of these victims (Young & Stein, 2004). The civil rights movement, the women's movement, the children's movement, and the concern about increasing crime all contributed to what is referred to today as the crime victims' movement.

The Civil Rights Movement

The civil rights movement during the 1950s and 1960s was the first in modern American history to use civil disobedience to challenge the discrimination that was taking place in society (Underwood, 2003). The movement concerned itself with ending the lack of political and economic power for African Americans and other American minorities. It took on the issues of inequality in education, housing, employment, and the criminal justice system. The movement's influence on the criminal justice system was of particular significance. During this time, African Americans' relationships with law enforcement officers, who were predominately White and male, were very strained. Because of the tension between the two communities, many crime victims would not report their victimizations to the police, limiting their access to needed assistance and justice (Fisher et al., 2016). For those who did report their victimizations and enter the criminal justice system, the treatment given was notably different to that provided to White people. This led the movement to challenge law enforcement and the criminal justice system to adopt a more compassionate and humane approach to the problems of those fighting for equality (Alexander, 2012). According to Underwood (2003), the movement paved the way for the powerless in society to show that with social action social change is possible.

The Women's Movement

Arguably, the most influential of the movements during the 1960s and 1970s was the women's movement. It was in this period where many brave women who had personally suffered the effects of sexual abuse and domestic violence, along with feminist groups, advocated against the poor treatment they received in society. It was argued that the inequality women experienced in education and in the workplace was the result of a

patriarchal society. Poor recognition and treatment of women was also seen in the criminal justice system. This led early female victim advocates to set up shelters and counselling centers to assist these victims (Young & Stein, 2004; Fisher et al., 2016). The first three victim assistance programs in the United States all began in 1972, of which, two were rape crisis centers in Washington, DC, and in the San Francisco Bay area (Young & Stein, 2004). The women's movement, in addition to advocating and providing direct assistance to female victims of crime, fought to change the social norms in society that led to their unfair treatment. Their advocating, while achieving much more than can be stated here, led to the repeal of marital exemption laws, which meant wives could pursue rape charges against their husbands. Additionally, the women's movement fought for changes in the way the criminal justice system responded to domestic violence. Often law enforcement officers would be hesitant to intervene in domestic disputes, as it was believed that such issues should be resolved in the home behind closed doors, leaving the female victim powerless and in danger (Gosselin, 2014). Today, significant government intervention has taken place in the way law enforcement responds to domestic violence, in large part due to the concerns that the women's movement raised about the problem. The movement's contribution to the development of victimology and the continued recognition and growth of assistance offered to female victims of crime was pivotal and helped to make the home a safer place for women and children (Underwood, 2003).

The Children's Movement

Dovetailing off the women's movement was the children's movement. Like women, children were often ignored in society, despite crimes such as abuse and neglect occurring throughout history (Fisher et al., 2016). Just before the turn of the 20th century, the first high-profile case, of Mary Ellen Wilson, brought attention to the problem of child abuse and that there were no laws to protect children from abuse and cruelty by parents and guardians. Following the case of Miss Wilson, the New York Society for the Prevention of Cruelty to Children (NYSPCC) was created. This society was dedicated entirely to the protection of children. By 1922, there were 300 nongovernmental child protection agencies throughout the United States. These agencies, however, were mainly in the big cities, meaning that often children in rural areas had little to no formal child protective services. In accordance with the spread of these nongovernmental agencies, the first juvenile court was established in Chicago, Illinois, in 1899, eventually spreading across the country. Despite juvenile courts focusing on troublesome youth, they had the jurisdiction to intervene in cases of abuse and neglect. Juvenile courts today remain an important component in the child protection system (Myers, 2008). However, it was not until the 1960s that child abuse was recognized as a social problem. The strength of the women's movement and the recognition of violence within the household helped to expose the fact that children are victimized and in need of assistance, too. It was found that when mothers leave the abusive relationship, children often accompanied the mothers to the shelters (Katz, 2006). Then, in 1962, Dr. Henry Kempe, published his seminal work on "The Battered-Child Syndrome," which highlighted the problem of child abuse. His work additionally pointed out that the medical community is in a position to recognize and report instances of child abuse. Kempe's work, too, provided the evidence for the early victim advocates to push for better legal protection and assistance for children of abuse and neglect (Daigle & Muftic, 2016; Fisher

et al., 2016). The strength and dedication of those who fought to change societies' norms by starting these social movements have been prolific for victims in American society.

Early Programs for Crime Victims

As mentioned earlier in this chapter, one of the first methods designed and used to compensate victims for their losses was crime victims' compensations programs. The activism for compensation programs began in the 1950s in the United Kingdom. Margery Fry was an instrumental figure in the development of these programs. She argued that there were many inadequacies in how the state secured and/or made available compensation for victims of crime (Floyd, 1970). Despite Miss Fry's early proposals to the British Parliament for the development of these programs being denied in 1961, the idea of victim compensation was developing around the world. The first compensation program to be introduced to the United States was in 1965 in California. New York followed in 1966, Hawaii in 1967, and Massachusetts in 1968 (Floyd, 1970; Young & Stein, 2004). It was in 1984 when the Federal Government enacted the Victims of Crime Act (VOCA), and the federal crime victims' fund was established. The VOCA authorizes compensation when federal crimes are committed and provides monetary assistance to state compensation programs. Today, there are compensation programs in every state in the country, with nearly \$500 million paid annually to more than 200,000 people suffering criminal injury, including victims of spousal and child abuse, rape, assault, and drunk driving, as well as families of murder victims (National Association of Crime Victim Compensation Boards, 2016).

Then, victimology was growing in the 1970s and bringing greater attention to the victim being the neglected party in the criminal justice system. The system, too, began to notice that the biggest reason for prosecution failure was the loss of cooperative witnesses—victims—and a system that was indifferent to their most basic needs (Young & Stein, 2004). To counter the problem of prosecution failure, the Federal Law Enforcement Assistance Administration (LEAA) funded and piloted three victim/witness programs in district attorneys' Offices. These programs were designed to provide better notification to victims about dates and processes relating to their cases, along with separate waiting areas in the courts, and to encourage victim participation in the criminal justice system (Young & Stein, 2004). As they succeeded, more victim/witness programs started and began to expand on the services provided to victims. These services included prosecutor-based staff training in crisis intervention (as court appearances can be crisis inducing for victims), social services referrals, assistance with compensation programs, and notifications beyond court dates, that is, bail determinations, continuances, plea bargains, dismissals, sentences, restitution, protective measures, and parole hearings (Young & Stein, 2004; Daigle & Muftic, 2016). These programs continue today offering the same services to crime victims.

Development of Victim Assistance Organizations

The energy and growth the victims' movement ignited into victim assistance during the 1970s was immense. It brought to the surface the criminal violence that was taking place against women and children. These brave victims of rape and domestic violence began to fight back and founded programs and shelters to assist similar victims. However, as these victims were taking back their lives, other victims, too, began to realize they were often neglected

and found that services were not readily available to them. The families and loved ones of homicide victims were an isolated group, as people did not know how to act or how to help them (Young & Stein, 2004; Daigle & Muftic, 2016). Recognizing the needs of this overlooked group of victims, Families and Friends of Missing Persons was established in 1974 to support loved ones of murdered or missing persons. This was followed by the establishment of Parents of Murdered Children in 1978 and Mothers Against Drunk Driving (MADD) in 1980. These organizations sought to provide the necessary assistance to these victims following the loss of their loved ones. They also advocated for changes in laws and policy to bring greater awareness to and hopefully remedy the problem (Young & Stein, 2004; Daigle & Muftic, 2016). It was from the outgrowth of these movements and organizations that the first two national conferences on victim assistance were held in 1975 and 1976, and the National Organization for Victim Assistance (NOVA) was founded (Dussich, 2015). NOVA today promotes the networking between victim assistance organizations, holds national conferences that provide training opportunities to those working with victims, and continues to draft and ensure the passage of various laws to assist crime victims (Young & Stein, 2004; Spalek, 2006). The development of victim assistance organizations and their advocacy opened the door for legislative and policy changes, which began the push for victims' rights.

Legislative and Policy Development of Victims' Rights

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Discussed at the beginning of the chapter was that victimization is not a new concept, but it was not until after the Second World War that greater attention was given to victims (Fattah, 2000). Following the Holocaust and various other atrocities that took place at that time, the United Nations was established in 1945 to confront issues that challenged the peace and security of people around world. The need to protect vulnerable groups and address the plight of crime victims began with the development of international instruments and legislation, eventually leading to the establishment of victims' rights.

United Nations Universal Declaration of Human Rights:

the declaration is a document drafted by representatives with different legal and cultural backgrounds from around the world. Its aim is to set a common standard of achievements of all peoples and all nations to protect their fundamental human rights (United Nations, 2004)

United Nations Universal Declaration of Human Rights

The United Nations (UN) was established in 1945 as an intergovernmental organization committed to promoting peace, security, and strengthening of friendship between nations. The UN began with 50 countries, known as member states, which signed the Charter of the UN detailing the organization's purposes and principles, which include helping solve economic, social, and humanitarian problems (United Nations, 2004). The UN Charter divides the organization into six principal bodies, which are the General Assembly, the Security Council, the International Court of Justice, the Economic and Social Council (ECOSOC), the Trusteeship Council, and the Secretariat. Each body has specific and complementary responsibilities and powers, which help to achieve the goals of the organization. Today there are 193 member states. It was the principal body of ECOSOC that convened the UN Commission on Human Rights in 1946 (replaced in 2006 by the UN Human Rights Council), headed by Eleanor Roosevelt, that developed the **Universal Declaration of Human Rights**. The declaration is a document drafted

by representatives with different legal and cultural backgrounds from around the world. Its aim is to set a common standard of achievements of all peoples and all nations to protect their fundamental human rights (United Nations, 2004). Eleanor Roosevelt wrote,

Every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. (Sears, 2008, p. 4)

The document consists of 30 fundamental rights, which include the right that all humans are born free and (should be) treated equal (with) dignity and rights; have freedom of speech; and have the right to life, liberty, and security of person. The declaration was formally adopted by the United Nations on December 10, 1948. It is arguably the most historic human rights document and forms the basis for a democratic society (Morsink, 1999). The UN has played an important role in preventing the abuse of power and violations of human rights around the world by developing international guidelines that have positioned the victim within the framework of criminal law and procedure (United Nations Office for Drug Control and Crime Prevention [UNODCCP], 1999).

United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 1985

One of the most significant international documents the UN prompted was the Declaration of the Basic Principles of Justice for Victims of Crime and Abuse of Power. The declaration resulted from the reemergence of the victim and the recognition that the criminal justice system needed to evolve and adapt to the increasing need for safety and the well-being of victims. Globally, it was the work of many individuals, organizations, governments, and international bodies that fought to restore the plight of victims into the legal system and improve the quantity and quality of assistance available to victims (UNODCCP, 1999). The idea for the declaration was to create national and international standards for how victims of crime needed to be treated in the criminal justice system. It provides an internationally recognizable definition of “victims,” which is

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 operative within Member States, including those laws proscribing criminal abuse of power. (United Nations General Assembly, 1985)

The declaration also provides recommendations on measures to be taken on behalf of victims to improve access to justice, fair treatment, restitution, compensation, and assistance. It also outlines steps to assist prevention of victimization linked to abuse of power and to provide remedies for the victims (UNODCCP, 1999). After 31 years, the declaration is still a fundamental document and recognized as the “Magna Carta of victims’ rights” (Groenhuijsen, 2009, p. 7). The principles the document contains form the basis of all local and international protocols on victims’ rights (Groenhuijsen, 2009).

U.S. Legislation and Policy

During the same time that the plight of crime victims in the United States was gaining attention through the social justice movements, so was the law and order movement developing in response to rising social unrest and an increasing crime rate. The increase in the public fear of crime heightened by media attention enabled politicians to implement a particular philosophy of crime control. This philosophy emphasized harsher punishment and greater efficiency in seeking justice and the criminal justice process (Fisher et al., 2016). However, the greater focus on punishment revealed that the victim was the neglected party in the criminal justice system. Therefore, coupled with this recognition and the victims' movement, an emphasis was placed on trying to address this issue. In 1965, the President's Commission on Law Enforcement and the Administration of Justice was created. The commission, after surveying the whole criminal justice process, released a report in 1967 making recommendations for addressing the crime problem. The report indicated that the education and training of police officers needed improving and more should be done to compensate victims of crime. This marked a shift toward incorporating victims' rights into criminal justice processes (Fisher et al., 2016).

Further based on the recommendation of the Presidents Commission, Congress created the Law Enforcement Assistance Administration (LEAA). The LEAA's task was to improve the criminal justice system in the United States, and it did this by financing programs with federal funds to improve police, corrections, and courts (Rogovin & Velde, 1969). In particular, it funded the first three victim/witness programs in district attorneys' Offices and funded many other training and education programs for criminal justice professionals dealing with victims of crime (Young & Stein, 2004; Dussich, 2015; Fisher et al., 2016). The funding for the LEAA ended in 1982, which sadly led to the closure of many programs. Despite its ending, the victims' movement was well underway, with public officials encouraged to continue to pursue recognition of victims and improving their treatment within the criminal justice system. This led to Wisconsin becoming the first state to enact a "Victims' Bill of Rights" in 1980. Then, in 1982, in response to an executive order by President Ronald Reagan, the President's Task Force on Victims of Crime was formed. The objective of the task force was to conduct a nationwide study and assess the poor treatment of crime victims in the criminal justice system. The study gathered information from both victims and experts in the field of victim assistance and criminal justice. The findings from the report highlighted that the needs of victims were indeed great and in need of assistance (Hook & Seymour, 2004; Young & Stein, 2004). The report, in light of this information, made 68 recommendations to the federal government on how victims could be treated better, which was a watershed movement for victims' rights. "The final report of the task force provided and continues to provide a workable framework for the development of policy, programs, and protocols to define and protect victims' rights in the 21st century" (Hook & Seymour, 2004, np.).

One of the first federal legislations to be enacted from the task force, was the **Victims' of Crime Act (VOCA)** in 1984. The act established the Crime Victims Fund, which was made up of federal criminal fines, penalties, forfeitures, and special assessments, for state compensation programs and local victim assistance programs. Subsequent revisions to the act expanded victim eligibility to include victims of domestic violence, drunk driving

Victims' of Crime Act (VOCA): the act established the Crime Victims Fund, which was made up of federal criminal fines, penalties, forfeitures, and special assessments, for state compensation programs and local victim assistance programs. Subsequent revisions to the act expanded victim eligibility to include victims of domestic violence, drunk driving accidents, nonresident commuters and visitors, and saw the establishment of the Office for Victims of Crime (Hook & Seymour, 2004; Young & Stein, 2004)

accidents, and nonresident commuters and visitors, and saw the establishment of the Office for Victims of Crime (Hook & Seymour, 2004; Young & Stein, 2004). The VOCA funds help to support victims throughout the country in their recovery efforts after victimization through victim assistance and compensation training and technical assistance for victim support (Fisher et al., 2016).

Another significant piece of legislation is the **Violence Against Women Act (VAWA) of 1994**. The VAWA was enacted as part of the Violent Crime Control and Law Enforcement Act of 1994, acknowledging domestic violence and sexual assault as crimes, along with providing federal resources to encourage community-coordinated responses to combating violence against women. It focused on legal assistance programs for victims and expanded the definition of crime to include dating violence and stalking. The VAWA has been reauthorized and expanded upon three times, in 2000, 2005, and 2013 (National Network to End Domestic Violence [NNEDV], 2016). Some of the expansions to the act include housing protections for victims of domestic violence in federally subsidized housing programs, protection for dating violence on college campuses, better protection for victims of stalking over the Internet, and protections for LGBT victims from discrimination in receiving services. The purpose of many of the changes to the VAWA has been to eliminate discrimination and ensure equal provisions regardless of gender, race, or sexual orientation of the victim (NNEDV, 2016). The VOCA and the VAWA, along with other key federal legislation (see Table 1) have demonstrated the government's recognition of the importance of developing and protecting crime victims' rights.

● **Violence Against Women Act (VAWA) of 1994:** enacted as part of the Violent Crime Control and Law Enforcement Act of 1994, it acknowledges domestic violence and sexual assault as crimes, along with providing federal resources to encourage community-coordinated responses to combating violence against women

Common State Victims' Rights

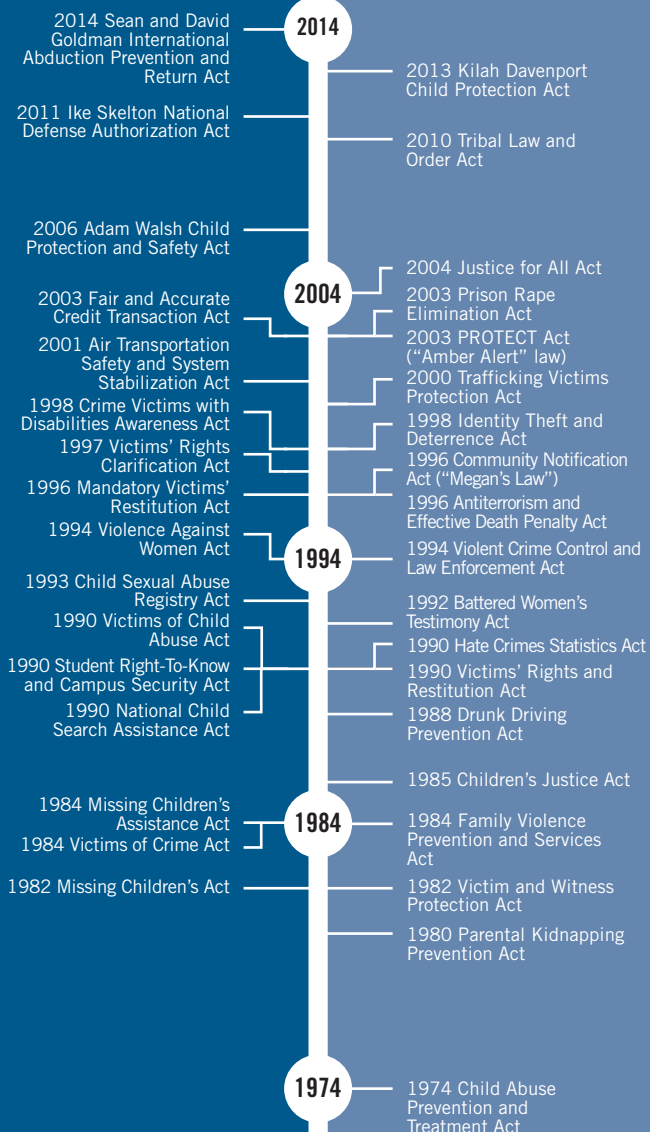
The President's Task Force on Victims of Crime report made 68 recommendations for the better treatment of victims by providing a workable framework for the development of policy, programs, and protocols to define and protect victims' rights. The 68th recommendation was for an amendment to be made to the constitution for the provision and expansion of victims' rights at the federal level (Beloof, 1999). Victims' rights constitutional amendments have been introduced to Congress on several occasions but have yet to be adopted. The latest attempt for such an amendment was in 2012 (National Victims' Constitutional Amendment Passage [NVCAP], 2016). Irrespective of a constitutional amendment to victims' rights not being made at the federal level, all states do provide some legal rights to crime victims as part of their state code. However, 32 states have made amendments to their constitutions to include rights for crime victims (National Center for Victims of Crime, 2012). The purposes of the amendments are as follows:

- Crime victims' rights are protected in the same way that defendants' rights are protected.
- Crime victims' rights are a permanent part of the criminal justice system.
- Courts would have the power to enforce crime victims' rights if they are violated.

(National Center for Victims of Crime, 2012)

Table 1.1

KEY VICTIMS' RIGHTS LEGISLATION



Source: Office for Victims of Crime (2014).

Not all states provide all victims' rights. Common victims' rights provided in all states are the right to notification of rights, notification of court appearances, victim participation at various stages of the criminal justice process, and compensation (Beloof & Pugach, 2014). Then, depending on the state, other common rights may include the right to consult with court officials before plea bargains are entered and or offenders are released from custody, the right to restitution, to protection, and a speedy trial (National Center for Victims of Crime, 2012; Beloof & Pugach, 2014). The criminal justice process can be lengthy and time consuming; therefore, some states offer the right to protection of employment while the victim participates in the criminal justice system (National Center for Victims of Crime, 2012).

Despite the adoption of legislation and amendments to state constitutions for crime victims' rights, there have been problematic issues identified with victims' rights. Arguments have been made that victims' rights create administrative issues (Miers, 1992), and by trying to facilitate these rights it may result in "delays in trials, and add expenses to an already overburdened system" (Johnson & Morgan, 2008 p. 120). Another issue raised is that by providing victims certain rights, it may tip the balance between the rights of the offender and the victim (Johnson & Morgan, 2008). This has been argued with the right the victim has to participate in various stages of the CJS, particularly delivering a victim impact statement at the sentencing phase of a criminal trial. Then, questions have been raised around the enforcement of these rights, that is, what happens when victims' rights are not protected? In many instances there is no protection for victims when a right is violated. It is specifically noted in many states constitutions that if victims' rights are violated, victims cannot

sue civilly a government agency or official (Daigle & Muftic, 2016). Irrespective of the issues raised with these rights, the political will and effort to develop and refine victims' rights instruments have been significant in improving the needs and developing services for those who suffer the consequences of crime.

Types of Victim Services

The progression of victims' rights and legislative policy has prompted an increase in services offered to victims. Following a crime, victims may be in need of assistance to help them and their families recover from the traumatic experiences (Petersen, 2003). Victims are able to access assistance from victim advocates from a variety of different sources.

Victim advocates are persons trained to support victims of crime. They assist victims by providing information, emotional support and resources; filling out paperwork; and accompanying victims to court. Many advocates are paid staff, but there are volunteer advocates, too. Assistance from advocates can be found in different areas of society (National Center for Victims of Crime, 2012). Within the criminal justice system, advocates can be found in police stations, prosecutors' Offices, courts, probation or parole departments, or correctional institutions. Many advocates also work for nonprofit organizations, such as domestic violence shelters and sexual assault crisis centers (Edmunds & Underwood, 2003; National Center for Victims of Crime, 2012). The following text will provide a brief description of the different types of victim services.

Victim advocates: trained professionals who offer victims information, support, and help finding resources and assisting victims with paperwork

Victim Services in the Criminal Justice System

Following a victimization, law enforcement is the first contact crime victims have with the criminal justice system. The initial impression the victim has with the system is argued to be long lasting and to influence his or her further participation within it. Significant improvements have been made to police training that have bettered officers' understanding of victimization and how they interact with victims, along with the direct assistance offered to victims (Underwood, 2003). Today, many police departments offer victim assistance programs through which police may refer the victims to victim services or provide the victims with information about where they can receive additional services. Then, depending on whether an offender is apprehended, the victim may move forward with criminal justice system processes and interact with prosecutors and judges. In order to make these interactions and the court process less intimidating, many prosecutors' Offices have victim/witness assistance programs. These programs offer court orientation, accompaniment to court, information on the progress of the case, and assistance with participation at various stages of the criminal justice process (i.e., creating and delivering victim impact statements) (Underwood, 2003; OVC, 2016).

Victim Services in Human Services

Much of the assistance offered to crime victims is provided through services away from the CJS and in the community. These services offered to victims are provided through nonprofit organizations and community services agencies. They range from

domestic violence shelters, sexual assault crisis centers, group homes and halfway houses, community mental health centers, and youth services agencies, along with programs designed to help people with alcoholism, drug abuse, family violence, and aging (Martin, 2007). Professionals in these services include but are not limited to the following:

- Case Worker
- Family Support Worker
- Youth Worker
- Social Worker
- Alcohol Counselor
- Adult Day Care Worker
- Drug Abuse Counselor
- Life Skills Instructor
- Probation Officer
- Parole Officer
- Child Advocate
- Gerontology Worker
- Juvenile Court Liaison

Victim services in human services have arisen from the desire and recognition that people are sometimes in need of assistance. The assistance crime victims may receive may not always come from social service agencies accustomed to helping victims but also from many different resources in the community (National Organization for Human Services (NOHS), 2016).

Victim Services in the Health Care System

In many instances following victimization, a victim may not report the crime but seek assistance for injuries from doctors, clinics, and or hospitals. The health care system offers services to people impacted by crime to assist them in their recovery with support and information. Many professionals within this system are trained to provide crisis counseling, emotional support, and education and referral information to victims (Palmer & Edmunds, 2003). Additionally, many clinics and hospitals provide forensic examinations for victims of sexual assault, rape, or child abuse. The examinations are performed by Sexual Assault Nurse Examiner's (SANE). The SANE program was developed in the 1970s to train nurses on how to better collect and preserve the evidence from sexual assault victims and, also, to deal with the sensitive nature of the victimization (Campbell et al., 2014). In addition to SANEs, Sexual Assault Response Teams (SARTs) have been initiated to work alongside law enforcement agencies, prosecutors' Offices, and victim assistance organizations. The SARTs, when notified about a sexual assault case, assist victims in receiving medical care, including a forensic medical exam (by a SANE), provide additional information regarding other services, and help to ensure that the victim is treated with dignity and respect by the those working in the CJS (Greeson & Campbell, 2013; OVC, 2016).

The trauma experienced from victimization may, too, require victims to seek mental health care. The counseling services offered by victim assistance organizations may not be enough to assist victims, in which case, they are referred to psychologists and psychiatrists to better assist in the recovery of the victim's mental health.

Victim Services in Religious Organizations

In times of crisis, it is not uncommon for people to call upon religious institutions and their leaders (imams, pastors, priests, and rabbis, etc.) for spiritual guidance, support, and information. Faith-based assistance programs have typically been found in prisons; however, religious institutions have begun to develop programs specifically to serve crime victims and their families (OVC, 2016). Some faith communities have benefited from funding from the Victims of Crime Act to develop their own programs, while others have collaborated with secular victim service programs to develop and train providers and members of the faith community to meet the needs of victims. Faith-based victim service programs have included in the assistance they offer victims transitional housing or housing assistance, financial assistance (rental or utilities payment assistance), transportation, childcare services, counseling, and employment counseling (DeHart, 2010; OVC, 2016).

Other Types of Victim Services

Criminal victimization affects each victim differently. However, the advancement in understanding of the impact of victimization has led to improved treatment programs for victims. For victims of federal crimes, services were introduced in the mid-1980s with the passing of the Victims' Rights and Restitution Act (VRRRA) in 1990. The VRRRA provides guidelines for how and when victims of federal crimes will be assisted by U.S. Attorneys' Offices (Underwood, 2003). The guidelines detail how in federal cases victims' safety must be assured, along with providing the necessary crisis intervention and counseling support. Providing information about case status and financial relief through compensation or restitution is equally important in assisting victims of federal crimes. The U.S. Attorneys' Offices' victim-witness personnel are trained to provide support to particularly vulnerable victims (e.g., children, victims of human trafficking, sexual assault) and will assist in making appropriate service referrals (United States Department of Justice, 2014).

High rates of crime, poverty, and chronic lack of services for crime victims in many American Indian/Alaskan Native communities is compounded by complex jurisdictional issues and cultural diversity amongst tribes (OVC, 2016). To address the needs of criminal victimization on tribal lands, the U.S. Department of Justice has supported justice initiatives for tribal organizations. With funding from the OVC, innovative partnerships have developed and expanded assistance programs that offer services to victims in tribal communities. These services focus on culturally specific training and understanding, bilingual counseling services, and court assistance (Underwood, 2003). In the U.S. Attorneys' Offices, there are 42 victim specialist positions dedicated to American Indian communities, 12 victim specialist positions at the Bureau of Indian Affairs, and the Department of the Interior that provide services to victims in tribes in the West and Southwest of the country (OVC, 2016).

The military justice system is designed to ensure order and discipline within the military, along with protecting the lives and property of members of its community

(Department of Defense, 2016). The U.S. military has its own justice system to deal with offenses involving military personnel. To address the needs of victims, the Department of Defense has established a victim and witness assistance council. The purpose of the council is to facilitate the distribution of information and resources in support of providing assistance to victims and witnesses of crimes on military installations (Department of Defense, 2016). Additionally, the military has a family advocacy program designed to intervene and prevent family violence.

The rich history of victimology and growth of victim assistance has broadened our understanding of victims and the impact support has on their lives. This text will provide an overview of the causes and consequences of victimization, along with discussing the trauma and recovery process for victims. The different types of victim services and the responses to victims at various stages of the criminal justice system will be outlined. Additionally, the text addresses the barriers to services, ethical dilemmas victim advocates may face, and the challenges for victim advocacy.

SUMMARY

Victimization is not a new concept; in fact it is as old as humanity itself. However, the growth of victimology did not begin until the mid-to-late 1900s, where, following World War II, greater awareness for the plight of the victim and the need for governmental schemes were developed. Social movements in the 1960s and 1970s drove victimology and victims' assistance forward. These movements included the civil rights movement, the women's movement, and the children's movement, which is referred to today as the crime victims' movement. The first victim services agencies were developed in the early 1970s. Brave victims of rape and domestic violence, and survivors of homicide established multiple advocacy groups such as Family and Friends of Missing Persons, Parents of Murdered

Children, and Mothers Against Drunk Driving. Important international instruments following World War II, along with the victims' movement, lead the way for legislation to be enacted that has changed the way victims are treated in the criminal justice system and the support offered to them. This, too, has led to state constitutional amendments to incorporate victims' rights. The progression of victims' rights and legislative policy has increased the types of services offered to victims. Today, many victims are able to access assistance from victim advocates from a variety of different sources. Services to victims are offered in the criminal justice system (at both the state and federal level), within the community, the health care system, tribal communities, and the military.

KEY WORDS

<i>lex talions</i>	3	Victim advocate	13	Violence against women act	
United nations		Victims	2	(VAWA)	11
universal declaration of		Victims' of crime act			
human rights	8	(VOCA)	10		

INTERNET RESOURCES

The American Society of Victimology (<http://www.american-society-victimology.us>)

This organization advances the discipline of victimology by promoting evidence-based practices and providing leadership in research and education. The website contains information about victimology and victimologists. This organization looks at advancements in victimology through research, practice, and teaching.

The World Society of Victimology (<http://www.worldsocietyofvictimology.org>)

This is a not-for-profit, nongovernmental organization with Special Category consultative status with the ECOSOC of the United Nations and the Council of Europe. The purpose of the WSV is to advance victimological research and practices around the world; to encourage interdisciplinary and comparative work and research in this field; and to advance cooperation between international, national, regional, and local agencies and other groups who are concerned with the problems of victims.

The National Organization for Victim Assistance (<http://www.trynova.org>)

NOVA is a private, nonprofit, 501(c)(3) charitable organization. Its mission is to champion dignity and compassion for those harmed by crime and crisis. It is the oldest national victim assistance organization of its type in the United States and is the recognized leader in this noble cause. This website contains information about victim assistance.

The Office for Victims of Crime (<http://www.ovc.gov/help/index.html>)

The OVC is committed to enhancing the nation's capacity to assist crime victims and to providing leadership in changing attitudes, policies, and practices to promote justice and healing for all victims of crime. The OVC website offers a list of helplines of national organizations that provide services to crime victims, including the National Domestic Violence Hotline and Disaster Distress Helpline.

CRITICAL THINKING QUESTIONS

1. Explain how the concept of victimization is not new and how World War II and the social movements of the 1960s and 1970s reignited the attention given to victims and victimization.
2. Why is the women's movement arguably one of the most influential in the victims' movement?
3. List two international instruments developed after World War II that have changed the way victims are treated in the criminal justice system.
4. List three victim assistance organizations started in the 1970s, and describe their influence on the growth and development of victim assistance organizations.
5. Compare and contrast the different types of services offered to victims in the criminal justice system and human services.

Theories of Victimization



Theories: the ideas that provide a framework for investigating the cause-and-effect relationship of events

For centuries, people have been attempting to explain why crime happens and also why some people become victims. In this respect, we have organized our concepts and understanding of crime and victims through scientific knowledge, religious beliefs, and the social structures of the time in which they originate (Burgess, Regehr, & Roberts, 2013). Despite the enormous amount of research studies that have been carried out to better our understanding of victimization, we do not have one set of consolidated arguments to explain the complexity of victims and victimization (Rock, 2007). Instead, we have different theoretical positions in which different notions of, and emphasis upon, sociostructural processes and human action influence the ways in which victimization is understood and analyzed and impacts the lives of individuals (Spalek, 2006). **Theories** are the ideas that provide a framework for investigating the cause-and-effect relationship of events. Research is driven by theory. In the social sciences, it is argued that social interactions are not random acts; for example, victimization does not just happen, it is caused. Why it happens and what are its consequences are the questions (Gosselin, 2014). Tracing the development of theories for understanding victimization, it is important to examine the pioneering victimologists whose work focused on expanding the criminological perspective to pay attention not only to the perpetrators of crime but also to the victims, too. Moving forward, the present-day constructions of routine activities and lifestyle-exposure theory, the opportunity model, the differential risk model of criminal victimization, social learning theory, extended low self-control theory, and extended control balance theory will be examined to illustrate how a focus on theory has enhanced our understanding of victimization.

Pioneers in Victimology

Precipitation: the extent to which the victims contributed to the criminal event that harmed them, and it can take two forms, victim facilitation and victim provocation

For most of criminology's history, the focus has been on the causes and consequences of crime. It wasn't until the 1940s that early victimologists began to view criminal activity as an interactive event between the offender and the victim (Kirchhoff, 2005, 2010; Fisher, Reyns, & Sloan, 2016). These early scholars expanded the criminological perspective by exploring the role victims play in their own victimization. This was done by examining victims' actions and reactions that might have provoked, unintentionally triggered, or facilitated their own victimization. Explaining victimization in this way assumes that each party has some responsibility for the crime, which led to the development of the concept of victim precipitation. This concept became the characteristic feature of the pioneering victimologists' work and theories (Fisher et al., 2016). Victim **precipitation** is

CASE STUDY

“Sneaking Out”

Michael recently moved to the United States to live with his aunt and uncle and to complete his senior year of high school, and he was taking some time to adjust to his new academic schedule. Michael was a very talented soccer player and was hoping to attain a scholarship to play soccer at a Division 1 university. Since moving to the United States, Michael's uncle, Paul, had to remind him that while soccer was important to him, he needed to concentrate more on his studies and improving his grades. After practices and matches, Michael would always go and hang out with his friends, often neglecting his homework and other responsibilities. One day, the school contacted Paul, notifying him that Michael was a promising student, but his grades were not where they should be and that they were going to suggest that he not be eligible to play soccer until his grades improved. Paul knew that this would upset Michael but thought this was the motivation he needed to improve his school work. That afternoon, Michael came home very upset at his recent suspension from playing soccer. Paul tried to encourage Michael by saying that it was only until his grades improved and it was all up to him. Michael did not see it that way

and asked if he could use the car to go and see his friends. Paul said no and that he should instead use his time effectively to catch up with his school work. Michael went to his room but later that night snuck out and walked to his friend's house. On the way home, he was attacked by two strangers who roughed him up and took his cell phone and wallet. Stunned and very frightened, he ran the rest of the way home. Once home, he was very shaken up and tried to explain to his aunt and uncle what had happened. They were very upset that he had disobeyed them but were happy that he at least made it home safely.

Questions:

1. What theory would you apply to this case study, and why?
2. Although it may be easy to blame Michael for his victimization, why is it wrong to think this way?
3. Can we compare his victimization to other victims to see how similar he is to them?

defined as the extent to which the victims contributed to the criminal event that harmed them, and it can take two forms, victim facilitation and victim provocation. Fisher et al. (2016) describes that in cases of victim **facilitation**, the victims, often unknowingly, make it easier for offenders to target them or set in motion the events that lead to the victimization. A professor who leaves his laptop in the classroom while he goes to his office to get something and then has it stolen would be a victim who facilitated his own victimization. The professor is not blameworthy, as the offender should not take the professor's property. However, leaving the laptop unattended made him a likely target and the laptop easily available to steal.

Facilitation:

when the victim, often unknowingly, makes it easier for offenders to target him or her or set in motion the events that lead to the victimization

Provocation:
occurs when the
victim overtly acts
to incite another
person to commit
an illegal act
resulting in his or
her victimization

Victim **provocation** occurs when the victim overtly acts to incite another person to commit an illegal act resulting in his or her victimization. For example, if Paul were to attack Mark, and Mark defends himself, and Paul gets more seriously hurt, then Paul in this case is ultimately the victim. However, if Paul did not attack Mark, he would not have been hurt. Daigle and Muftic (2016) argue that the distinctions between these concepts—victim precipitation, victim facilitation, and victim provocation—are not always clear-cut and can be problematic when used to blame the victims without considering the offenders’ roles. The contributions of the pioneering victimologists, including Hans von Hentig, Benjamin Mendelsohn, Stephen Schafer, and Marvin Wolfgang, are discussed below.

Hans von Hentig

Shortly after World War II began, Hans von Hentig immigrated to the United States where he resumed his work as a scholar investigating the causes of criminality. Through his research, von Hentig argued that too much attention was being given to the perpetrators of crime, and not enough attention was being paid to the victims (Spalek, 2006). He wrote that only examining the outcome of a criminal event can blur the lines of who the real victim is and who the real offender is, and it is therefore necessary to examine the dynamics that surround the event to determine whether or not the victim in any way contributed to his or her own victimization (von Hentig, 1940). By viewing the criminal event as a social interaction (Kirchhoff, 2010), von Hentig in his seminal publication, *The Criminal and His Victim* (1948), dedicated a whole chapter to victims, identifying characteristics which he considered to contribute to the likelihood of being victimized. He proposed an extensive list of 13 victim types based on their propensity for victimization and acting as an agent provocateur (Daigle & Muftic, 2016). These victim types included (1) the young; (2) females; (3) the old; (4) mentally defective and deranged; (5) immigrants; (6) minorities; (7) the dull normal; (8) the depressed; (9) the acquisitive; (10) the wanton; (11) the lonesome and heartbroken; (12) the tormentor; and (13) the blocked, exempted, or fighting. Von Hentig (1948) argued that these victim types, because of their characteristics, contribute to the cause of crime. For example, he reasoned that the young, females, and the elderly are likely to lack the physical strength to resist offenders. Because of cultural differences or lack of familiarity, immigrants and minorities may lead themselves into situations in which they are more easily targeted by offenders. The mentally defective victims and those victims who are depressed may not understand what is occurring around them or may not be able to resist criminal advances. The wanton, acquisitive, and the tormentor are those victims who are directly involved in the criminal act or place themselves in situations where there is a high risk of victimization due to promiscuous, greedy, or abusive behavior. In considering von Hentig’s victim types, it is important to be mindful of the fact that they are based on anecdotal observations rather than empirical evidence. Nonetheless, his work highlighted that not only do offenders affect victims, but victims influence offenders, too (Fisher et al., 2016).

Benjamin Mendelsohn

Benjamin Mendelsohn is credited as being the “Father of Victimology” for the enormous amount of energy he expended into the field through his writings and the

promotion of his ideas. Mendelsohn, in his later years, advocated for victimology to be broadened and studied in colleges and universities, for victimological textbooks and journals to be established, and for international conferences to be held, where the focus would be not only on crime victims but also on all forms of victims, including those of disasters, accidents, wars, and discrimination. He called this broader perspective “general victimology” (Hoffman, 1992; Kirchhoff, 2005). However, it is his earlier work for which he is most remembered. Mendelsohn, like von Hentig, became interested in how the victim may have in some way contributed to his or her own victimization. While working as a defense attorney, he conducted an extensive study with his clients before going to trial (Hoffman, 1992). He would ask them to answer a questionnaire from which he established that often there was a strong interpersonal relationship between victims and offenders. He also found in his study that victims precipitated their own victimization to some degree. Mendelsohn, therefore, became interested in establishing to what degree victims were responsible for their victimization (Fattah, 1991) and from this created six categories of victims. Viewing criminal interactions in this way, Mendelsohn reinforced the idea that responsibility assigned to either the offender or the victim is blurred due to the various circumstances surrounding the incident (Fisher et al., 2016). The categories he developed included (1) the completely innocent victim; (2) the victim with minor guilt; (3) the victim as guilty as the offender; (4) the victim that is more guilty than the offender; (5) the most guilty victim; and (6) the imaginary victim. The first category of victim, *the completely innocent victim*, are persons who bear no responsibility for their victimization. He placed children and the unconscious in this category. His second category, *the victim with minor guilt*, are those who are partially responsible. He argued that their actions may be accidental or inadvertent or due to ignorance the danger or harm could have been avoided by planning or awareness. The third category of victim, *the victim as guilty as the offender*, shares equal responsibility with the offender for the victimization. These victims can include people who voluntarily engage in behaviors that knowingly increase their risk of victimization, for example, fighting. *The victim who is more guilty than the offender* is the fourth category of victim. These are people who have provoked the offender to act and in so doing caused their victimization. For example, in an abusive intimate partner relationship, a wife retaliates and injures her abusive husband who in this case is the victim but is more guilty than his wife (the offender and the victim of intimate partner violence). Mendelsohn’s fifth category of victim, *the most guilty victim*, includes people responsible for initiating the victimization in the perpetration of a crime. For example, in the commission of a robbery, the offender is killed or injured by the victim acting in self-defense. The final category of victim is *the imaginary victim*. These are people who are not actually victimized but instead fabricate their victimization. Mendelsohn argues that these persons may have mental health problems that cause them to create false events (Schafer, 1977). While both Mendelsohn and von Hentig provided categorizations of victims, their ideas contrasted each other’s. Von Hentig focused on identifying the risk factors for victimization, whereas Mendelsohn assigned degrees of blame to victims. It is important to take into consideration that while Mendelsohn’s categorizations were an important early set for better understanding criminal victimization, if they are applied broadly, simplistically, and without careful investigation into the facts, the concepts could

be misused. Ferguson and Turvey (2009) argue that before these descriptors can be applied to a specific case, attention must be paid to the details. For example, not every bar fight involves a more guilty or most guilty victim, and not everyone who fails to exhibit provocative behavior prior to an attack is completely innocent. Theoretically, Mendelsohn's categories are interesting, however, when applying them to specific cases, especially they can be problematic, especially when contextual information is not taken into consideration (Ferguson & Turvey, 2009).

Stephan Schafer

Stephen Schafer was the first to author an English book on restitution, titled *Restitution to Victims of Crime*, in 1960 (Dussich, 2015), and he also furthered the interest in understanding the role victims play in criminal victimizations in his book titled *The Victim and His Criminal* (1968). In this play on words on von Hentig's seminal work, Schafer focused on what is called "functional responsibility" (Schafer, 1968, p. 61). **Functional responsibility** refers to the role victims play in not provoking others into victimizing or harming them and indicates that victims should also do everything possible to prevent a victimization from occurring. Similar to von Hentig, Schafer developed seven categories of victims where he emphasized the concepts of precipitation and functional responsibility. These categories are (1) unrelated victims, (2) provocative victims, (3) precipitative victims, (4) biologically weak victims, (5) socially weak victims, (6) self-victimizing victims, (7) and political victims. Schafer's categories of victims differed from von Hentig's in that he was interested in the culpability of the victim, whereas von Hentig placed an emphasis on risk factors. The *unrelated victim* refers to a victim who bears no responsibility and is the unfortunate target of the perpetrator. The *provocative victim* is a person who shares responsibility with the offender, whereby the offender is said to have reacted to an action or behavior of the victim. *Precipitative victims* have some degree of responsibility for the victimization, because they have potentially made themselves vulnerable to offenders either by being in high-risk locations, acting inappropriately, or saying the wrong thing. *Biologically weak victims* have no responsibility for the victimization, as their age, disability, or other physical conditions make them targets for offenders. *Socially weak victims* also have no responsibility. Minorities, immigrants, or persons of the LGBTQ community fall into this category because they are thought to not be adequately integrated into society and are viewed as easy targets. *Self-victimizing victims* bear complete responsibility for their victimization. These are persons who engage in drug use, prostitution, or gambling. The final category of victim is the *political victim*. These victims have no responsibility for their victimization and are instead made victims because of their opposition to those in power.

The attempts to better understand the criminal interaction by the early victimologists certainly sparked a renewed interest in the victims of crime; however, their work did not address the harm and impact the victimization had on the victim. For example, what was not taken into consideration were the psychological, physical, and financial consequences of the crime and the process of recuperation needed to help the victim return to as close to normal as possible (Young, 1982; Kirchhoff, 2005). This trend of seeking to understand the interaction between offender and victim continued when the

Functional responsibility:
the role victims play in not provoking others into victimizing or harming them, and the idea that victims should also do everything possible to prevent a victimization from occurring

first systematic study to provide empirical evidence of victim contribution in the commission of crime was conducted by Marvin Wolfgang.

Marvin Wolfgang

In 1957, Marvin Wolfgang, investigating victim precipitation, analyzed data from all the homicide cases that occurred from 1948 to 1952 in Philadelphia. For a case to be considered victim precipitated, he argued that the “victim had to be the first to show and use a deadly weapon, to strike the first blow in an altercation—in short, [be] the first to commence the interplay or resort to physical violence” (Wolfgang, 1958, p. 252). After examining 558 cases, he found that 26% of the cases were victim precipitated. Moreover, from his analysis, he identified other factors that are typical in homicide cases. These are that often the victim and offender have a prior interpersonal relationship, the most common victims and offenders of homicide are male, that the victim may have a history of violent offending, and that alcohol was a common ingredient in victim-precipitated homicides.

One central concept that emerged from the early victimologists’ exploration into the criminal interaction and has remained true is the link between offending and victimization and offenders and victims. Rather than all victims being thought of as innocent, victims were considered to be at least partially responsible for their victimization (Daigle & Muftic, 2016). However, the concept of victim precipitation has been criticized for having a preoccupation with victim blaming, an issue that society is still struggling to confront. Victim blaming impacts the way information and decisions made about innocence and guilt are evaluated and has been used to justify violent behavior (Zur, 1994).

Theories of Victimization

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During the 1960s and 1970s, a variety of paradigm shifts, along with social and political movements, were occurring, and new sources of information regarding the limitations of data compiled from police reports surfaced (see Chapter 1) (Wilcox, 2010; Saponaro, 2013). Realizing these limitations, a new approach to collecting data on victimization was developed. This approach entailed collecting large amounts of information through large surveys of the public on victimization (van Kesteren & van Dijk, 2010). Thus, surveys such as the National Crime Victim Survey (NCVS), the British Crime Survey (BCS), and the International Crime Victim Survey (ICVS) were developed and conducted on a regular basis (see van Dijk, van Kesteren, & Smit, 2008) (see Chapter 3). In comparison to police reports, these surveys allow researchers to estimate more accurately the incidence and generality of victimization in society. These surveys enabled measuring between reported and unreported incidences of victimization (van Dijk et al., 2008). The abundance of data these surveys collected on victims, along with a change toward a victim-oriented criminal justice system, was an ideal situation for the emergence of various theoretical perspectives on victimization to develop (Wilcox, 2010; Saponaro, 2013). A wide range of causal

influences, from routine daily activities and lifestyles, to interpersonal dynamics, to broad-based social inequalities derived from this data was used to develop theoretical perspectives on victimization (see table below) (Wilcox, 2010).

Table 2.1 Theoretical Perspectives in Victimology

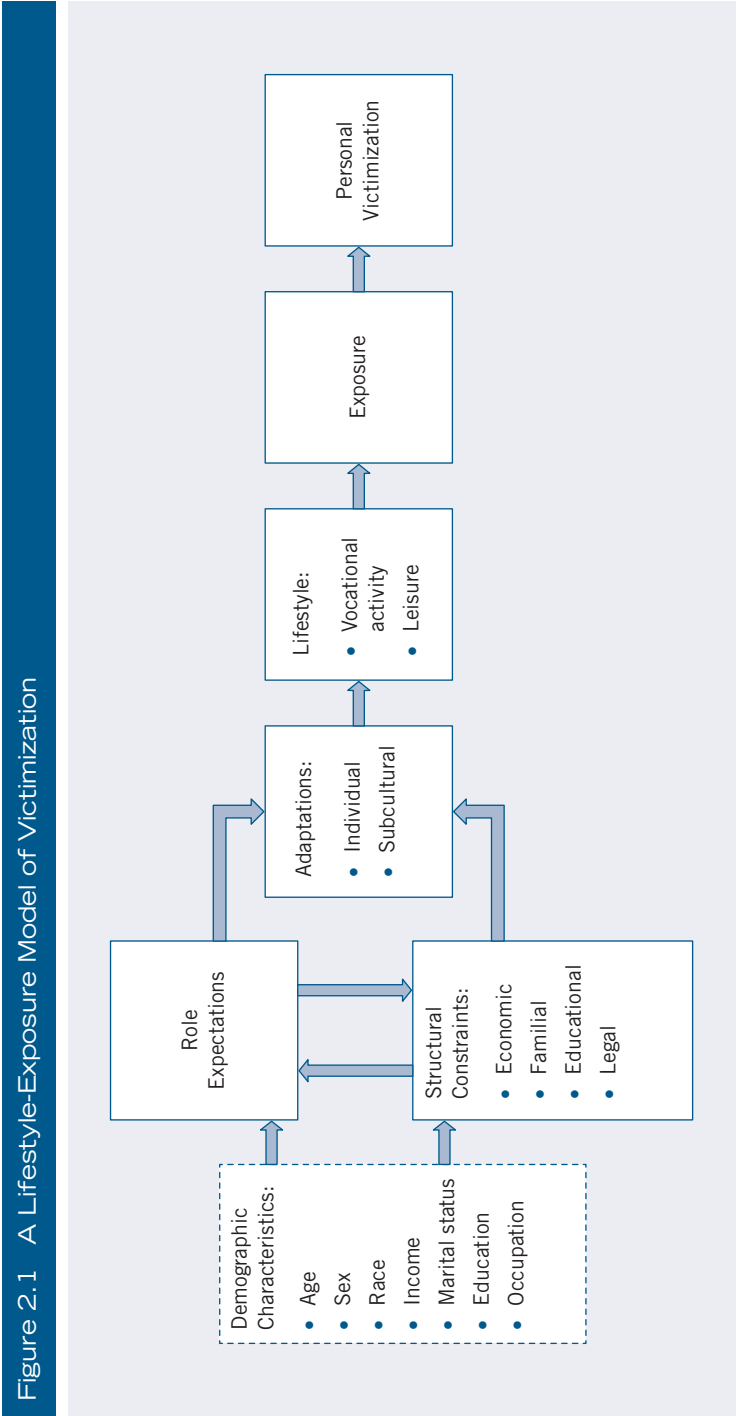
Theory	Author/s
Lifestyle-Exposure Theory	Hindelang, Gottfredson, and Garofalo (1978)
Routine Activity Theory	Cohen and Felson (1979)
The Opportunity Model	Cohen, Kleugel, and Land (1981)
The Differential Risk Model of Criminal Victimization	Fattah (1991)
The Social Learning Theory	Akers (1973)
Extended Low Self-Control Theory	Schreck (1999)
Extended Control Balance Theory	Piquero and Hickman (2003)

Lifestyle-Exposure Theory: refers to “lifestyle” as routine daily activities that include vocational (work, school, keeping house, etc.) and leisure activities (shopping and going to bars etc.). A person comes into contact through his or her lifestyle and/or behaviors with potential offenders. Therefore, a person who participates in activities away from the home, particularly at night, and with nonfamily members is more likely to be victimized

Lifestyle and Routine Activities

The Lifestyle-Exposure Theory (Hindelang, Gottfredson, & Garofalo,1978), Routine Activity Theory (Cohen & Felson, 1979), and Opportunity Model (Cohen, Kleugel, & Land, 1981) are theoretical explanations for understanding the social situations in which victimizations are believed to occur. These theoretical explanations use “testable propositions designed to explain why a person is victimized.” This is done by proposing that a person’s risk of victimization can be best understood by the extent to which his or her daily activities create opportunities for a motivated offender to commit crime (Daigle & Muftic, 2016, p. 26). The theories do not attempt to explain the motivation of offenders but rather the convergence in time and space between the perpetrator and the victim and their influences on victimization (Gottfredson, 1981).

According to Hindelang et al. (1978, p. 241), the **Lifestyle-Exposure Theory** refers to “lifestyle” as routine daily activities that include vocational (work, school, keeping house, etc.) and “leisure” activities (shopping, going to bars, etc.). A person comes into contact through their lifestyles and/or behaviors with potential offenders. Therefore, a person who participates in activities away from the home, particularly at night, and with nonfamily members is more likely to be victimized. Hindelang et al. (1978) pointed out that a person’s lifestyle is structured by social constraints and role expectations; therefore, it is argued that the demographics of age, gender, race, marital status, and income greatly influence the lifestyle of individuals and their ability to engage in particular activities. The variance in lifestyle of the different demographic groups increases the probability of victimization. The demographic factors influence the prospect of an individual being in a certain location, at a particular time, and coming into contact with a potential perpetrator (Hindelang et al., 1978). For example, younger and single persons



Source: Adapted from Hindelang, Gottfredson, and Garofalo (1978).

Routine Activity Theory: this theoretical perspective argues not why certain demographics are susceptible to criminal victimization but rather why daily routine activities create the opportunity for criminal victimization (Cohen & Felson, 1979). The propositions of this theory are that for victimization to take place, there must be three elements: (1) a motivated perpetrator/s, (2) suitable targets (victim), and (3) the absence of a capable guardian at a given place and time (Cohen & Felson, 1979, p. 592).

Opportunity Model: takes from the lifestyle-exposure and routine activity theory and expands on them and identifies further factors that may play an integral role in victimization. These factors are exposure, guardianship, proximity of potential perpetrators, attractiveness of potential targets, and properties of specific offences. The inclusion of these factors relocates the prominence of the theory from the characteristics of the perpetrator to the characteristics of the situation (Saponaro, 2013).

are more likely to spend time away from home engaging in leisure activities that would place them at risk of victimization. Therefore, persons who are older and married are at a lower risk of victimization.

Similar to the lifestyle exposure theory is the **Routine Activity Theory**. This theoretical perspective argues not why certain demographic groups are susceptible to criminal victimization but rather why daily routine activities create the opportunity for criminal victimization (Cohen & Felson, 1979). The propositions of this theory are that for victimization to take place, there must be three elements: (1) motivated perpetrator/s; (2) suitable targets (victim); and (3) the absence of a capable guardian at a given place and time (Cohen & Felson, 1979, p. 592). Cohen and Felson (1979) assert that the absence of any of the three elements is sufficient to result in the failure of the successful completion or the committing of a victimization, particularly direct personal victimization. However, if the latter two elements (a suitable target [victim] and absence of a capable guardian) are combined, it may lead to an increase in victimization, without an increase in the necessary conditions that motivate perpetrators to become involved (Cohen & Felson, 1979, p. 589). Cohen and Felson (1979) postulated that prosperity in society would increase criminal victimization, not reduce it. They argued that with the increase of two-earner households, people would spend more time going to and from work and engage in more leisure activities, increasing their risk of victimization. Moreover, Cohen and Felson (1979) argued that advancement in technology of electronics and durable goods (e.g., televisions, microwaves, and cars) made them easier to steal, reuse, and resell, and become more desirable targets. For Cohen and Felson, victimization was linked to everyday activities rather than to social ills, such as poverty (Daigle & Muftic, 2016).

Similar to both theories is the **Opportunity Model** developed in 1981. Cohen et al. (1981) developed this theory to better expound upon predatory victimization. The Opportunity Model takes from the Lifestyle-Exposure and Routine Activity Theory and expands on them and identifies further factors that may play an integral role in victimization. These factors are exposure, guardianship, proximity of potential perpetrators, attractiveness of potential targets, and properties of specific offences. The inclusion of these factors relocates the prominence of the theory from the characteristics of the perpetrator to the characteristics of the situation (Saponaro, 2013). In reality, this theory is the same as the two already mentioned and does no better in explaining why victimization occurs.

All three of the theories explained have been used to describe the variables that are said to influence the potential probability of victimization (Laub, 1990; Mawby & Walklate, 1994). This is done through examining the structural context of risk across spaces and also understanding what makes a person a more suitable target within such a context. For Zaykowski and Campagna (2014, p. 454), the combination of environment and vulnerability creates “opportunity” for a motivated offender. The theories of lifestyle-exposure, routine activities, and the opportunity model have been the prevailing theories of victimization for more than three decades. This is because researchers have found empirical support when testing for their propositions. For example, it has been shown that individuals’ routine activities and lifestyles impact their risk of being involved in predatory offenses (Sherman, Gartin, & Buerger, 1989). More recent studies have indicated that individuals’ routine activities and lifestyles increase their risk of being carjacked (Davis, 2001), sexually victimized (Fisher, Daigle, & Cullen, 2010),

stalked, being victims of cybercrime (Halder & Jaishankar, 2011, 2016), and street robbery (Groff, 2007). Despite the evidence suggesting that social characteristics correlated with a higher-risk lifestyle make a person more vulnerable to being a victim of crime, the theories do not provide much support for violence that takes place within the family (Zaykowski & Campagna, 2014).

The Differential Risk Model of Criminal Victimization

In an attempt to eradicate the limitations of the Lifestyle and Routine Activities theory, Ezzat Fattah developed the Differential Risk Model of Criminal Victimization in 1991. The intention of this theoretical perspective is to focus on not only the factors of lifestyle or the demographics of victims in criminal victimization but also on all relevant factors. Therefore, Fattah developed “a comprehensive scheme” consisting of 10 categories, which he argued influence the potential of being criminally victimized (Fattah, 2000, pp. 64-66):

1. Opportunities are linked to the characteristics of potential targets (persons, households, businesses) and the activities and behavior of those targets.
2. Risk factors are the sociodemographic characteristics such as age, gender, area of residence, and absence of guardianship.
3. Motivated offender: Perpetrators, even nonprofessional ones, do not choose their victims/targets at random but select them according to specific criteria.
4. Exposure to potential offenders and high-risk situations and environments enhances the risk of criminal victimization.
5. Associations: The homogeneity of the victim and perpetrator populations suggests that differential associations are as important to criminal victimization as they are to crime and delinquency. Therefore, individuals who are in close social and professional contact with potential perpetrators have a greater chance of being victimized than those who are not.
6. Dangerous times and dangerous places: Risks of criminal victimization are not evenly distributed in time and space—there are dangerous times such as evenings, early hours, and weekends. There are also dangerous places, such as places of public entertainment, where the risks of becoming a victim are higher than at work or at home.
7. Dangerous behaviors: Certain behaviors, such as provocation, increase the risk of violent victimization while other behaviors such as negligence and carelessness enhance the chances of property victimization. Other dangerous behaviors place those engaging in them in dangerous situations where the ability to defend and protect themselves against attack is greatly reduced.
8. High-risk activities increase the potential for victimization. Among such activities is the mutual pursuit of fun, as well as deviant and illegal activities.