

The Criminal Justice System's Interventions toward Crime Victimization: Aims and Challenges

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Abstract

The crime victim frequently suffers psychological/emotional damages along with physical, financial, and social damages. Understanding the damages victims suffer is essential in complex victim care. Individuals, criminal justice institutions, and victim support organizations attending to a victim post-victimization must be mindful of these damages to assist better and avoid further emotional damage in the form of secondary victimization. We accept the Criminal Justice System (CJS) as a given solution to criminalizable situations in society. There are enough indicators that challenge its effectiveness and use. In fact, our belief in its function is not based on any facts. In this paper, we examine where we fundamentally went wrong in our concepts of the criminal justice system; from crime to punishment and rehabilitation of offenders, from victimization to justice, and victim support. Furthermore, the article identifies some of the challenges that professionals in CJS and victim support face, including a fundamental belief that "victims are revengeful", professional language use, and scientific knowledge limitations.

Keywords: criminal justice system; crime victimization; victim assistance; professional interventions; revengeful victims.

1. Introduction

The victim is the entity that experiences the damage. It can be a natural person – it can be a juridical person. In the language of Victimology, damage experienced by a victim is referred to as Victimization (Kirchoff, 2005). Victimization is a term out of Victimology. It is both the process and the end-product of a victimizing process. Victimization can be raid victimization, short and quick, and with physical contact. It can be a protracted process with physical contact and without physical contact. Critical in both is the damaging result (Kirchoff, 2005).

Victimology is the social science of victims; it centres on victims. An essential and integral part of Victimology is the treatment of victims, i.e., victim support. "Genuine Victimology" is everything that deals directly with victims, their damage, their suffering, their coping with the aversive consequences of the victimization, treatment of post-traumatic disturbances and disorders, crisis intervention, and victim assistance (Sessar, 1994).

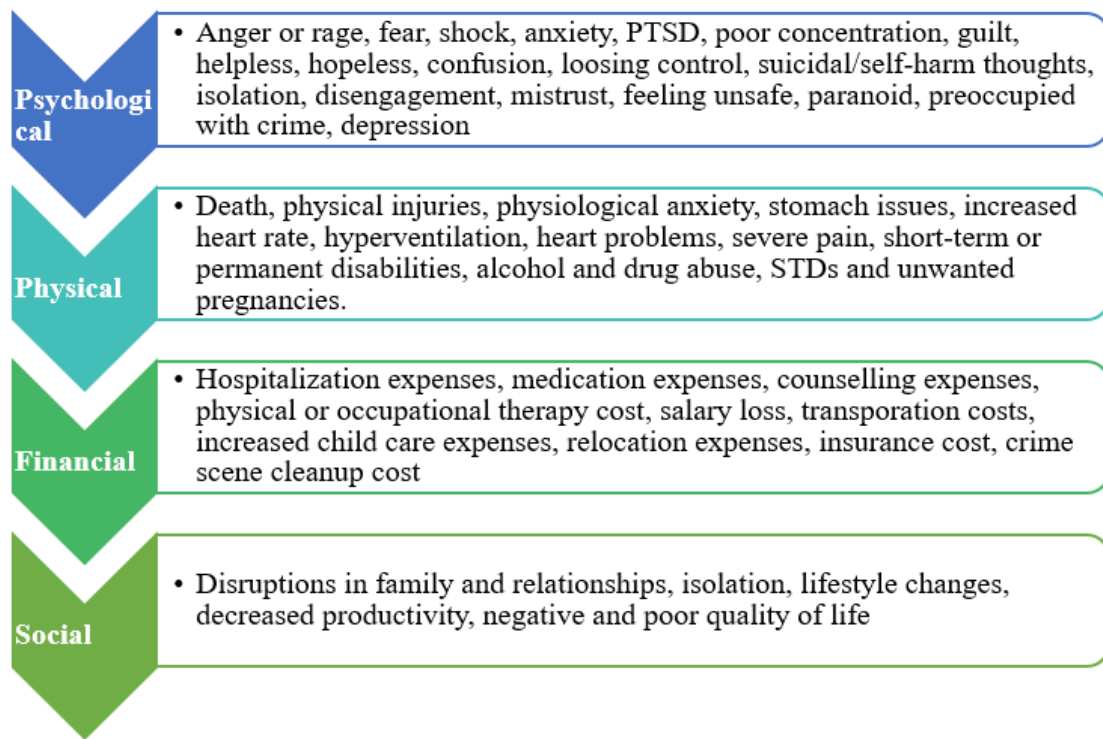
As a coin with two sides, victimization is often described as the other side of the crime. The problem is that it obfuscates; at best, it merely expresses complacency. Victimization is a different currency altogether. There can be a crime but no victimization if the event does not cause suffering (Kirchoff, 2005). Therefore, to help crime victims, it is crucial to understand the consequences of victimization.

2. Discussion

2.1. Effects of Victimization

Kirchhoff (2005 & 2006) explains that victims express victimization differently; they can become disoriented, confused, helpless, and insecure. Often, victims react with bewilderment and anger, anger at the offender, and anger at those who are supposed to help and guide them, such as the police, prosecutor, and court. Moreover, they fear being lost in an emotional whirlpool. Their situation is unfamiliar, one that they cannot get adapted to. The crime victim frequently suffers psychological/emotional damages¹ along with physical, financial, and social damages. These four different types of damage are illustrated in Figure 2.1 below.

Figure 2. 1 Damaging Impact of Crime Victimization



Note. Adapted from Working with Victims of Crime. National Institute of Corrections (2021).
<https://info.nicic.gov/wwvc/node/8>

2.1.1. Psychological/Emotional Damage

Psycho-social scars often remain long after physical wounds have healed in crime victims (Buccioli & Zarri, 2020). Emotional damage takes longer to heal than other damages (Kirchhoff, 2005). There are many emotional reactions associated with crime, including anger, fear, loneliness, low self-esteem, helplessness, and despair (Dinisman & Moroz, 2017; Steele, 2018).

¹ The term 'Psychological damage' is used interchangeably with emotional damage.

As a result of violent crime, victims may also feel insecure, demoralized, and vulnerable, causing them to worry about their safety (Jackson & Gouseti, 2015; Shapland & Hall, 2007).

In addition, many researchers, including Elmore and Crouch (2020), Irish and colleagues (2009), Maniglio (2009), and Riedl and colleagues (2019), have studied the effects of child abuse, rape, and sexual assault on children and found that these children experience many types of mental health issues. There are some victims who suffer from PTSD; others suffer from addiction, suicidal thoughts, depression, and stress. A child's negative experiences of victimization can last for about two and a half years (Norris et al., 1997). The healing process requires the assistance of adults when a child has been physically abused or sexually assaulted. Furthermore, they may not know how to share their experiences with others because they fear re-victimization (Morgan & Zender, 1992). Finkelhor (2008) estimates that 90% of children's educational lives are affected by crime. The situation further affects three-quarters of children's families, who require outside assistance. Crimes undermine a child's sense of power in the world and cause a sense of injustice and betrayal (Finkelhor, 2008). Hence, emotional damages are more likely in violent crimes, hard to recover from, and may take years of psychotherapy and counselling to recover. The second important damage that is associated with crime victimization is physical damage.

2.1.2. Physical Damage

Victims are likely to experience a range of physical reactions either at the time of the incident or after they realize they have been victimized (Dignan, 2004; Dinisman & Moroz, 2017; Sommers et al., 2012; Stanko & Hobdell, 1993). Crime can cause physical injuries ranging from mild (bruises, scrapes) to severe and significant (stab wounds, gunshot wounds) (Sommers et al., 2012). Physical symptoms of the impact of crime may include insomnia, disturbed appetite, lethargy, migraines, muscular tension, vomiting, reduced libido (Dinisman & Moroz, 2017), difficulty breathing, stomach discomfort, lumps on their throats, and chest pain (Stanko & Hobdell, 1993). Some victims may have long-term adverse effects, including stomach pain and temper tantrums (Stanko & Hobdell, 1993). Moreover, victims may be permanently disfigured or disabled due to the crime or crimes committed against them, and some victims can never return to work (Dignan, 2004).

Nevertheless, it is evident that victims of violent crimes were significantly more affected by the crime when compared to petty crimes (Dinisman & Moroz, 2017; Green & Pomeroy, 2007; Schreck et al., 2012). The average number of victims negatively affected by violent crimes is 92.6%, compared to 76.8% of all other victims (Dinisman & Moroz, 2017). Violence significantly increased the risk of poor health effects for those who had experienced it. Property crimes affect individuals differently. Of all victims, property crime victims were more likely to be only financially impacted (68.4%) than all other victims (50.5%). Therefore, they were less likely to be psychologically, physically, or socially affected (Dinisman & Moroz, 2017). The next section deals with the financial damages of crime victimization.

2.1.3. Financial Damage

Similar to emotional and physical damages, in financial damages, too, the intent of the damage depends on the severity of the crime endured (Heeks et al., 2018). Researchers studying the financial impact on domestic violence victims have revealed that a victim of domestic violence suffers a significant impact on their financial security (Conner, 2013; Oliver et al., 2019; Walby, 2004). The act of controlling the economic well-being of their victims by denying them access to their financial accounts or restricting their access to money is considered financial abuse (Conlon, 2013). Financial abuse could significantly impact a victim's financial status, and early aftereffects of leaving an abusive relationship. The abuser won't provide essentials such as food, clothing, and hygiene products to the family, regardless of the family's total wage and savings (Conlon, 2013). Another well-known financial impact of leaving an abusive relationship is the relocation costs (Walby, 2004). Other additional expenses incurred by victims include expenses due to police involvement and the involvement of the CJS (Siegel, 2010). In addition to reporting it to the police, cooperating with the investigation, and appearing in court, victims typically need to take time away from their jobs to complete these tasks (Jackson & Gouseti, 2015; Shapland & Hall, 2007). The overall financial impact of crime puts a heavy burden on society, and crime, in general, damages the social fabric of society (Cox, 1992). The section below examines the extent of social damage of crime victimization.

2.1.4. Social Damage

Many victims suffer a great deal from primary victimization in itself (Bajpai, 2006). Even so, the victims are most often subjected to secondary victimization by the individuals and organizations responding to their plight after being victimized (Bajpai, 2006; Kirchhoff, 2005; Niriella, 2021). Secondary victimization may be caused by processes and procedures in some organizations, including victim assistance programs, criminal justice systems, victim compensation practices, and mental health facilities (Canadian Resource Centre for Victims of Crime, 2005). Furthermore, social exclusion also affects crime victims (Bajpai, 2006). Victimization leads to emotional harm as well as social exclusion, which is exacerbated by a lack of cooperation with neighbours, family, and social structures, thus creating a "double wound" for the victims (Davis et al., 1999). Victims' closest family members may be devastated by the incident, thus not understanding and supporting the victim. According to Davis and authors (1999), intimate family members and friends of victims of sexual assault may distance themselves from the victims and blame them.

Understanding the damages suffered by victims is an essential element in complex victim care. Individuals and institutions attending to a victim post-victimization must be mindful of these damages to be able to assist better and also to avoid further emotional damage in the form of secondary victimization. Let us now understand the objectives of the professionals and institutions that claim to care for the victims and how misplaced they are in the name of 'victim care', and the factors that contribute to this complexity. But one needs a considerate approach

when being critical of professional interventions. In order to be able to understand fully, we need to begin by stating the aims of the involved professionals and their institutions.

2.2. Criminal Justice System's Professional Interventions

Professionals involved in the framework of this paper are personnel within the CJS or victim assistance personnel working within the institutional framework of CJS. It includes the medical field and forensic science professionals, as well. The CJS and victim assistance always operate within the context of victimization with certain objectives in mind. Some may not necessarily be victim-centred. In the section below, we examine the objectives of criminal justice institutions and victim support organizations' interventions toward their response to crime victimization.

2.2.1. Aims of Professionals Involved

The first step in making the world safer is to address the criminalizable behaviour and ensure the victims of such behaviour are taken into account. In other words, it's how the system's functioning is presented to us. Louk Hulsman's (1982) quote can help understand this complex reality: "Each time I investigated systems, using my own experience, my disbelief proved to be more accurate than I expected."

Criminal justice systems (CJS) are designed to deal with behaviours considered unacceptable by society – either damaging to citizens or the state – or infringing on a moral code. It is offender-centred. Law enforcement aims to address anyone displaying crime-inducing behaviour in the following ways:

- *Punish/inflict pain (retribution)*
- *Deterrence*
- *Incapacitation*
- *Rehabilitation*
- *restoration*

On the contrary, the aim of victim support personnel within the institutional framework of CJS is to assist the victim of a crime in criminal proceedings and ensure that the victims' rights are protected at all times. Victim support organizations aim to provide post-victimization assistance to the victim and aid in recovery. The approach here is victim-centred.

2.2.2. Challenges of Professionals Involved

As humans, professionals make mistakes as well. Since human professionals staff institutions like the CJS and victim assistance, mistakes are inevitable. Academics and professionals assume that fundamental concepts of the CJS and the victim's role within it are all defined by their perceptions of justice. So, if we assume that justice is part of the CJS, and assistance and insurance of victims' rights are a part of victim assistance, we should be prepared to accept that mistakes will be made. The basic concepts of CJS have gone wrong in many ways, from crime to punishment, victimization to victim justice, rehabilitation of offenders, and victim support. There are several reasons for the challenges professionals in CJS

and victim support face, including; the belief that victims are revengeful, the language they use, and the limitations of scientific knowledge.

2.2.2.1. *Revengeful Victims*

Do victims seek revenge? The CJS, and its institutions, appear to operate firmly on the belief that victims seek revenge. Additionally, they take responsibility for punishing the offender for providing justice for victims. Rather than relying on speculation to answer this question, it should be based on inquiry. There is empirical evidence to support this claim. Most crimes go unreported to authorities. In their recent study, McDowell and colleagues (2017) found that the rate of sexual victimization in high schools in the US is high. The evidence suggests that typical criminal law mechanisms no longer apply in our era. Criminal justice responses are exceptional reactions, not normal ones. Eventually, we came to accept that crime is a catalyst for action by the police, prosecutors, courts, and corrections systems. Justice of this kind is a “social construction” (McDowell et al., 2017). Victims are not part of this constructed reality; they have not been asked. Offenders are also not asked “naturally” because we have socialized them into a system that does not ask them. The CJS’s response is actually an exception compared to the norm. If this is considered the ‘normal’ response, then it’s no wonder many victims expect less (Kirchhoff, 2017).

What then led societies to develop punishment systems? Historically, the criminal justice systems in the western context emerged from the idea that punishment of crimes that were initially considered acts against feudal sovereignty endangered everyone under the law (Foucault, 2012; Rousseau & May, 2002). During the mid-seventeenth Century, in England, 200 crimes were punishable by death. It was natural for even the powerful to protect themselves against abuses of power by the more powerful nobility. Clearly, reactions to crime were not centered on the interests of victims. In modern times, why do victims go to the police after being victimized? It is important to think about this deeply. The reason is not that they want the offender punished. Victims’ desire for revenge is mere propaganda (Kirchhoff, 2017).

The victim’s only wish is to end the victimization, so they can feel safe again. Contemporary analyses of the reasons for contacting the criminal justice system indicate that victims are not interested in punishment. Clearly, this is evident in domestic violence cases, stalking, and all other cases of persistent duress. The victims want to put an end to victimization (Kirchhoff, 1999). It is for this reason that 95% of victims approach the police. Only in a very small number of cases do victims want compensation for their losses.

Most victims are not revengeful, which is surprising to most people. They are, in fact, quite practical. It is important to them that the state restores order and safety. It is an action aimed at the future; they are seeking restitution. It is true that there are victims who seek revenge. There are, however, only a few of them, and arguably not enough to demand harsh punishment (Pemberton et al., 2007). It serves only the interests of those who make their living from criminal justice to call for harsh punishment. A small group’s strident demands of such will only fill prison cells. Fines and prison terms do not benefit victims (Pemberton et al., 2007). The fundamental idea of punishing offenders in the name of victim justice needs to be

challenged. Professionals are trained to think and act in certain ways, some of which result in incorrect learning. It is important for them to rethink and unlearn some of those what they have learned. Professional language and scientific knowledge limitations pose other challenges for professionals working in CJS and victim support.

2.2.2.2. Professional Language

Language is a very powerful tool. Institutional or professional language tends to exclude persons that are not part of that institution, organization, or profession. It is necessary to define some concepts that form a vital part of another form of communication, about what, in the setting of Victimology, almost all the time, seems to be indicated as 'crime'.

Why not call 'crime' 'a problematic situation'?

The word 'crime' is covering up; whatever behavior is meant to be addressed. Many of us use the word 'crime' without having any clue of the behavior we are talking about, the reasons for that behavior, and the condition of the so-called perpetrator. It is supposed to tell us that there was a serious infringement according to criminal legal codes that address that behavior with punishment, in a particular place, at a particular time. We should be aware that the word 'criminal' addresses Jesus, Gandhi, and Nelson Mandela since all these role models at a certain time were, according to the laws of those territorial states, legitimately convicted as criminals.

We should also be aware that in our time still, seven countries² in the world enforce their legitimate death penalty on homosexuality. It is very arbitrary what is in which context considered 'criminal'. We also know very well that a vast amount of damaging behavior is not criminalized. We know that certain groups in our societies do not have equal opportunities to survive and lead humane life. The criminal justice system often targets those groups in forms of legislation and enforcement that worsens their already vulnerable position. Donald Black (1976), a sociologist, as well as more recent Wayne Morrison (2013), a criminologist, explain those phenomena as social constructions.

Rather than referring to unwanted, undesirable, or damaging behaviour in society with the word 'crime,' not knowing what behaviour you are referring to (in the case of Victimology, we should be aware that it may very well involve victimless offenses such as public order offenses, drug use offenses, most traffic offenses, etc.), Louk Hulsman (1986) suggested the term *problematic situation* instead. It is a better word. Be aware that in Victimology, often the word 'offender' is used when the setting is such that someone is still a suspect and is not yet convicted. In Victimology, it seems to be easy to forget how many people were unjustly criminally charged and unjustly convicted, thereby ignoring these victims of the criminal justice system. By already assuming guilt by using the word offender, one might very well victimize a

² Legitimate death penalty on homosexuality is in effect in Iran, Saudi Arabia, Yemen, United Arab Emirates, Sudan, Nigeria and Mauretania

person that is unjustly involved and convicted in a procedure, which will always leave a form of harm and damage that cannot be compensated.

2.2.2.3. *The Limitations of the Scientific Knowledge*

As Louk Hulsman has written, scientific knowledge is a very limited part of knowing because it only addresses a very small part of it (Hulsman, 1988). There is the danger of relying on data because of biased research and the tendency to only quote results that suit our aims. Not all researchers are that conscientious, and not all funders of research are happy with conscientious research because the outcome might not be fitting with their needs. This might explain why so many scientifically proven 'facts' at sometimes now are proven to be false.

Like the way some medical surgical procedures based on medical science, at that moment in the time leading, dealt with pain in children, by operating without pain relief but under physical restraint (Unruh & McGarth, 2014). Like how the disease of Leprosy or Hansen's disease was at one time in Japan considered to be hereditary, leading to compulsory exclusion from the society of families without assistance and help (Kirchhoff, 2013). Victimology is at least a multidisciplinary science, which gives those involved in it a better chance to get a more realistic view of an actual addressed situation and its complexity.

If one looks at the balance between healing and restoring the social fabric of societies, there are no easy and quick solutions. Healing hurts all those involved. The past needs to be addressed to be able to continue. Many cases are known of states that have abused their power and killed individual citizens that called out for rights or justice and have committed genocide for political, cultural, and/or religious reasons. Mistakes are made mainly regarding vulnerable people in institutional settings because we are human. Because people do not have a fondness for weakness. Because we do not provide for our errors within complex systems like the CJS and, within that, the already marginalized position of victim assistance or victim support.

3. Conclusion

So how do we deal with that as professionals? Professionals in the CJS and victim support must understand the victims' reactions and the damages during and post victimization to assist the victims adequately and aid their healing. We dance between needing a secure job, following the 'party line', and our conscience. If we consider ourselves compassionate, we should care not to victimize the people we work for by covering up mistakes for colleagues' sake. A robust and powerful tool in all the layers of those systems should be implemented to provide transparently visibility and reparation of professional mistakes, to be able to learn from those mistakes and improve. We should walk the extra mile to get results for the victims instead of trying to prevent becoming liable if we deviate from models and regulations. The best way to do our work as professionals is to be passionate and professional, precise, doubting our possible prejudgments, and, if in any way possible, have that degree of integrity to admit our own mistakes and not accept the cover-up of mistakes of our colleagues at the expense of victims.

Funding

The author(s) received no financial assistance towards this article's research, authorship and/or publication.

Conflict of Interest

The authors declare that they have no conflict of interest.

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