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Responses to Criminal Victimization

Ruth Gdalevitch

A Thesis

in

The Department

of

Sociology

Presented in Partial Fulfillment of the Requirements  
for the Degree of Master of Arts at  
Concordia University  
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March 1988

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## ABSTRACT

### Responses to Criminal Victimization

Ruth Gdalevitch

The extent to which citizens report offences, either against themselves or against others, is a good indicator of the trust and confidence people have in the system and its ability to assist them. Data reveals large proportions of unreported crime. For many victims the criminal justice system is too complex, confusing and demanding. They find the prospect of becoming involved in it intimidating, costly in time and money, and generally inconvenient.

This thesis explores both the sources and consequences of unreported crime. It considers the factors involved in the decision to report or not report. It also looks at methods outside the criminal justice system that have evolved to deal with criminal victimization, and the factors involved in the choice of these options. These are discussed within the framework of a model that outlines responses to criminal victimization.

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## INTRODUCTION



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## INTRODUCTION

Since the inception of criminology, the data on the nature and extent of criminal activity has stimulated debate over the adequacy of crime indicators. The first systematic study of levels and patterns of criminal activity in Europe (Quetelet 1835:82) recognized that crime statistics "will be of no utility whatever, unless we admit without question that there is a ratio nearly invariably the same, between known and tried offenses and the unknown sum total of crimes committed". Although Quetelet overstated his case, the fact that he was concerned about the adequacy of the data is clear. Since then, statisticians of crime have worked to improve police and court statistics and to increase the ratio that Quetelet identified, in order to reduce the potential for bias in the data. This "dark-figure" of crime - the total that Quetelet (1835:82) suggested "will probably ever remain unknown" - is what researchers have wanted to probe in greater depth than official measures permit.

The concern with the "dark figure" led eventually to another important question: what are the attitudes and reasoning processes that affect the decision to report or not report. The present paper is concerned with the decision to call the criminal justice system into action. If an individual is a victim of a crime, how does he decide whether or not to notify the police? It is the thesis of this paper that this decision is not made automatically. It

is believed that the victim's decision to notify the police about a crime is based upon his calculations of the benefits to be derived and the costs incurred. It has been assumed that victims of crime will make a decision following their victimization, to minimize the cost of crime and its aftermath to themselves and their families. There are several types of costs and benefits which may go into the victim's decision and calculation, including economic costs, social costs, revenge, and altruism (reporting for the good of society and not for personal gain), and the calculus may vary by type of crime, victim, and situation.

The thesis is organized in the following manner. Chapter I traces the development of the study of victimology. The role of the victim in the occurrence of criminal acts marked the early stages of study in this area. These inquiries produced much scholarly work, but no efforts toward how victims are treated. Recent work is more action-oriented and is characterized by a greater regard for how the criminal justice system treats victims.

Chapter II looks more carefully at the "dark figure" of crime. The chapter begins with a discussion of the consequences of non-reporting. It describes efforts to get at the incidence of unreported crime. More specifically, the Canadian Urban Victimization Survey (C.U.V.S) and some of its main findings are highlighted.

Chapter III deals with the question of victim alienation. The issue the chapter addresses is: what are the

sources of the victim's alienation from the criminal justice system, both historical and current?

Chapter IV deals generally with responses to victimization. It begins by looking at the factors that seem to be associated with the invoking of the criminal justice system. But it goes beyond this to look at both other victim's responses, namely personal vengeance and loss evasion. It also looks at recent alternative system responses, including restitution and mediation.

Chapter V presents a discussion of responses to victimization in the context of a model. The original model was developed by Birch and Veroff in 1966. The version described here is a refinement based on recent developments and observations made in chapter IV. More specifically, it incorporates recent changes that aim to make the criminal justice system more sensitive to victims' needs. It also incorporates alternative system responses such as restitution and mediation.

The conclusion summarizes the thesis and includes final remarks about the field's achievements and drawbacks. The paper treats only adult offenders and does not include youth offenders.

CHAPTER I

AN OVERVIEW OF THE STUDY OF VICTIMS

## AN OVERVIEW OF THE STUDY OF VICTIMS

### Phase I - Victim Contribution to Crime.

After centuries of neglect, the victim of crime is being rediscovered. With rediscovery, crime victims have become the object of attention for public policy makers, social service providers, and researchers. Over the past few years, these individuals have been forging a new discipline - victimology - the study of victims. Victimology is still a new field. Benjamin Mendelson and Hans Von Hentig are usually credited with its founding. Mendelson earned the title of founding father by proposing the term "victimology"; Von Hentig published the first extensive and the most influential work on the subject of the criminal-victim relationship. Henri Ellenberger, another "pioneer", introduced the notions of "latent victim", "vulnerability" and "differential risk", and showed how the study of victims could contribute to the elaboration of preventive measures.

In the philosophy of criminal law, criminals and victims refer to two distinct categories. However, Von Hentig (1948:383) states: "experience tells us that this is not true at all, that the relationships between perpetrator and victim are much more intricate than the rough distinctions of criminal law". Von Hentig introduced one of the most influential and interesting discussions about the role of

the victim in the causation of crime and the reasons for the study of victims. He wrote:

"In a sociological and psychological quality the situation may be completely different. It may happen that the two distinct categories merge. There are cases in which they are reversed and in the long chain of causative forces the victim assumes the role of a determinant (Von Hentig, 1948: 383:384)."

Von Hentig considered the many ways in which the victim may contribute to the occurrence of the crime. He also remarked that: "in a sense the victim shapes and moulds the criminal", giving as an example the fact that "the poor and the ignorant immigrant has bred a peculiar kind of fraud." This illustrates how his analysis distinguishes a dynamic element of mutual influence, whereby the responsibility for a given outcome must be shared by the actors, and a static element where individual characteristics predispose certain persons to become victims. Von Hentig also developed victim typologies, consisting mostly of lists of predisposing biological, psychological and social features: the young, female, old, mentally defective etc. Von Hentig's work was a major contribution to the study of crime. Most later work, extended rather than refuted his arguments.

Like a number of other writers, Mendelson (1963) seized on one aspect of Von Hentig's discussions and proposed his own typology of victims. Mendelson distinguished six victim types based mainly on degrees of guilt, from the "completely innocent victim" (children) to the "most guilty victim" (a person who responds aggressively in self-

defence). Other writers, such as Fattah (1967), continued to produce typologies. But it would serve no useful purpose to enumerate them here since they seldom involved more than speculative guesswork.

The confusing subject of victims' responsibility is beginning to receive more careful attention even from researchers such as Mendelson, who among others, previously attributed the term "guilt" to victims. The trend towards blaming almost reached a point where the role of the criminal was downplayed and the victim was blamed for his precipitative behavior. Clark and Lewis (1977:96), in explaining this phenomenon, wrote:

"In the social sciences, victim blaming is becoming an increasingly popular rationalization for criminal and deviant behavior... over the past few years, victim blaming has become institutionalized within the academic world under the guise of victimology(...). The male researcher finds his escape in victimology. He seeks the problem's cause in the behavior of its victim, and goes on to persuade himself and the public at large by changing that behavior, the problem can be controlled. In this way, the study of victimology becomes the art of victim blaming".

As the study of victims widened, another type of victim was identified. Walter Reckless (1961) introduced the concepts "reporting" and "non-reporting" victim. Here the victim is unwilling to report because of fear of social or monetary consequences. The issue of this "dark figure" of unreported crime will be discussed later.



## Phase II - Testing the Assumption of the Victim's Role.

The next main theoretical advance in the study of victims of crime was made by M. Wolfgang. In his book, Patterns in Criminal Homicide (1958), Wolfgang devoted considerable attention to the victims of homicide and their relationships with offenders. He found that a substantial proportion of homicide cases in Philadelphia - about two thirds - involved killings within primary relationships, while only 15 per cent involved killings by strangers. Wolfgang went on to consider what he called victim-precipitated criminal homicide, and suggested that "homicide is particularly amenable to an analysis of the victim's contribution" (p. 246). He then defined victim-precipitated homicide as those in which:

"The victim is a direct positive precipitator in the crime. The role of the victim is characterized by his having been the first in the homicide drama to use physical force directed against his subsequent slayer. The victim-precipitated cases are those in which the victim was the first to... commence the interplay of resort to physical force (p. 252)."

Wolfgang concluded that his data supported Von Hentig's contention that there are cases in which the "victim assumes the role of a determinant." He noted that stereotyped views of the victim as a "weak and passive individual, seeking to withdraw from an associative situation, and of an offender as a brutal, strong and overly aggressive person seeking out his victim, are not always correct" (p. 265).

Several subsequent researchers have applied Wolfgang's concept of victim-precipitation in studies of police-recorded homicide and other crimes involving interpersonal violence. In one such study, Hepburn and Voss (1970) analysed all the criminal homicide case filed in Chicago in 1965. Despite the fact that homicide rates in Chicago were much higher than those in Philadelphia, they found patterns of homicide similar to those in Wolfgang's study.

Somewhat different definitions of victim-precipitation are required for other crimes such as robbery and rape. Normandeau (1968), in a study of robbery, defined victim-precipitation in terms of "unreasonable self-protective behaviour in handling money or goods. Some victims are careless and imprudent and create temptation-opportunity situations" (Normandeau 1968:11). Using this concept he found that about 11 percent of the robberies that he studied could be described as victim-precipitated.

Even more acute definitional problems arise in the case of forcible rape. In a study of rape, Amir (1971) defined victim-precipitation to include cases where "the victim agreed to sexual relations but retracted before the actual act, or where she clearly invited sexual relations through language, gestures or the like". Using this definition, Amir (1971) judged that 19 percent of his cases could be described as victim-precipitated. It should be noted though, that Amir defined victim-precipitation only on the basis of police reports, not on the basis of actual

interviews with victims.

"Victim-Vulnerability" and "Victim-Culpability"

As we mentioned earlier, the study of victim-offender relationships has been one of the central issues in victimology, and one of the initial concerns of the discipline's pioneers.

Victim typologies were developed before any empirical data was gathered (Von Hentig, 1948, Fattah, 1967). In a general manner, victim typologies were classified into two categories. The first category is "victim vulnerability", which lumps together permanent factors such as personal characteristics with temporary situations; and the second category, "victim culpability", which is devoted to the unveiling of the victim's personality.

As Schafer (1968:45), and others have pointed out, many "victim typologies" have actually classified social and/or psychological situations, rather than the characteristics of persons who become victims of crime. There is nothing wrong with this. A victim's involvement in crime may be a function of personal attributes, situations and places in which he finds himself, or what he does in those situations and places. The accounts discussed so far, share the belief that it is necessary to mention something about victims in order to satisfactorily answer the question "Why do crimes of 'Type X' take place"? But they also imply that certain persons, groups, places, or situations have associated with

them a higher than average proneness to victimization or a higher than average probability of involvement in crime associated with them. What follows therefore, is a listing of the types of cases where victims of crime may in one way or another contribute to their own victimization. Reflection on these may provide clues to observed differences in victimization rates, as well as to observed patterns of crimes and other incidents.

### "Victim-Vulnerability"

Victim vulnerability refers to the susceptibility of certain groups of people to victimization, through no fault of their own, based on demographic or other characteristics. The question when studying victim vulnerability is to determine if victimization is experienced more heavily by some groups than by others. For example, are the elderly or individuals who live in certain neighbourhoods more vulnerable than other groups?

The analysis of vulnerability serves at least two useful functions. First, identification of population groups that may be particularly susceptible to victimization may assist in directing crime prevention efforts to the most vulnerable groups. Second, such an analysis may help dispel common myths and allow a more precise focus on the nature of the crime victimization problem. For example, evidence that most assaultive crimes were intraracial, has helped dispel the stereotype of black offenders victimizing white victims, and has permitted a more realistic assessment

of the problems of violent crime. Furthermore, the available evidence shows that the aged are actually victimized with less frequency than younger population groups. But the aged, as a group, are more fearful of crime than other population groups (C.U.V.S., 1985). This suggests that the problem for the aged is more one of fear of crime than actual victimization, and that more attention needs to be paid to ways of alleviating these fears.

#### "Victim-Culpability"

Victim-culpability refers to actions on the part of the victim that may either invite or precipitate victimization. Under some circumstances victims may be partially responsible for their own victimization. For example, is the motorist who leaves keys in the ignition of an automobile not partially responsible if the vehicle is stolen? Studying victim culpability invokes efforts to measure the extent to which culpability may occur for selected types of victimization.

One of the classic studies of victim-precipitation was done by Wolfgang (1958). His definition of victim-precipitation in relation to homicide was: "... those criminal homicides in which the victim is a direct, positive precipitator in the crime". However, one of the main limitations in the definition of victim precipitation, is that it has no theoretical framework to rely on, and varies from study to study. In some instances it includes no more

than "having done nothing to prevent the offence", "passivity", or "resistance". Such broad and vague definitions are not likely to enhance our knowledge and understanding.

The concept of victim culpability, in either its careless or precipitative aspects, raises perplexing problems. Although there is evidence that some victims may be partially responsible for their victimization, (Wolfgang, 1958; Amir, 1971) there is also danger of fueling the widespread phenomenon of blaming the victims. Kahlil Gibran expressed this problem poetically:

"One nightfall a man travelling on horseback toward the sea reached an inn by the roadside. He dismounted, and confident in man and night like all riders toward the sea, he tied his horse to a tree beside the door and entered into the inn. At midnight when all were asleep, a thief came and stole the traveller's horse. In the morning the man awoke and discovered that his horse was stolen. And he grieved for his horse... Then his fellow lodgers came and stood around him and began to talk. And the first man said: "How foolish of you to tie your horse outside the stable." And the second man said: "still more foolish, without even hobbling the horse!" And the third man said: it is stupid at best to travel to sea on horseback." And the fourth said: "only the indolent and the slow of foot own horses." Then the traveller was much astonished. At last he cried, "my friends, because my horse is stolen, you have hastened one and all to tell my faults and my shortcomings. But strange, not one word of reproach have you uttered about the man who stole my horse." (1963:33-34).

Blaming the rape victim has become a common phenomenon. Recent crisis work with crime victims has indicated that many victims tend to blame themselves as a result of the unfavorable reaction that they get from society and the

justice system. It has also revealed that close friends tend to blame the victim rather than the perpetrator for their victimization (Bard, Morton and Sangrey, 1979).

The study of the victim's contribution to the criminal act has been marred by loose definitions and weak argumentation. The concept of guilt, responsibility, precipitation and cause are treated as if they were synonymous. The subject of victim-precipitation sometimes contains dangerous moral judgement. Brownmiller (1975:353) points out:

"Victim precipitation is a new concept in criminology. It does not hold the victim responsible, but it seeks to define contributory behavior. Victim precipitation says, in effect, an unlawful act has been committed but had the victim behaved in a different fashion, the crime in question might have been avoided. Part a priori guesswork and part armchair detective fun and games, the study of victim precipitation is the least exact of sociological methods, for it rests in final analysis on a set of arbitrary standards."

The dilemma facing the field of victimology is to continue both conceptual and empirical exploration of victim-culpability, and to discover ways to use this work without engaging in widespread victim-blaming.

The concept of victim-culpability also illustrates the importance of clearly distinguishing between the presence of a phenomenon and its use in decision-making. Establishing the presence of victim-culpability does not clearly indicate how the knowledge should be used. Should knowledge of victim-culpability, for example, have any bearing on

determining offender's innocence or guilt? Should victim-culpability be considered at all in determining a victim's eligibility for services or compensation? These are all public policy questions whose resolution will determine how knowledge about victim's culpability will be used.

### Phase III - Victimization Research.

Victimization surveys were the next major step forward in this field. Victimization surveys focus on systematic collection and use of information from victims. Since 1967, victimization surveys have been conducted in several countries, particularly in the U.S. Although the surveys differ with regards to the populations they survey and the type of information they elicit, they all provide rough estimates of victimization rates. These estimates are more accurate than those available from police statistics because many crimes are not reported to the police.

The fact that both reported and unreported crime can be estimated from victimization surveys has proven to be particularly useful for evaluating the effectiveness of crime prevention programs. Police crime statistics paradoxically, are of limited value for this purpose. Studies (Blackmore, 1979 24:33) have demonstrated that programs designed to prevent crime may affect the official crime rates because of increased detection by police, or because of increased reporting by victims (e.g. by making citizens more aware of crime). As a consequence, official



crime statistics may not reveal any reduction in crime and may show an increase, even though the actual level of crime has decreased.

In addition to victimization rates, victimization surveys also provide data that can be used to plan and evaluate a wide range of criminal justice system policies and programs. This includes data on the factors associated with the risk of being victimized; the impact of crime, in terms of both physical injury and financial loss; the fear of victimization and its harmful effects; and feed-back information on the performance of various sectors of the criminal justice system. Furthermore, this data can be used to establish better services to meet the needs of victims.

One of the most important victimization surveys was the National Crime Survey (NCS 1972 U.S.). The NCS was a multi-stage cluster panel design in which a representative sample of the population, was drawn. People were interviewed every six months, and were asked about their personal characteristics and the details of any personal victimization occurring to them during the previous six months.

The NCS findings are complex because of the variety of crimes, respondents, and incident characteristics involved. Nevertheless, the survey did begin to scratch the surface. Moreover, it has stimulated similar surveys in other countries including Canada, England, Sweden, Norway, Denmark, Finland, and Germany. Typically, these surveys

have included a broader range of crimes (e.g., vandalism, blackmail), but have employed NCS instruments in their measurements.

### Methodological Problems

The value of these early surveys lies more in the methodological questions they raise than in the substantive answers they provide. Questions regarding the validity of the basic instruments and the extent of telescoping and memory decay arose immediately, as did the issue of the optimum length of the reference period. The use of the household respondents, and the merits of mail and telephone surveys were also considered.

One of the fundamental methodological problems in the victimization research is that surveys of the general population are not very "productive" in the sense that crime is a relatively rare event, especially serious personal crime, and it requires samples of considerable size to yield enough victimization incidents of any particular type to permit detailed and meaningful study.

Another fundamental methodological problem with surveys of victims is that researchers often attempt to develop explanatory or predictive models. The designation of certain variables as independent or dependent may be arbitrary and the true direction of causality impossible to ascertain. This is a particularly acute problem for studies in which victimization is the dependent variable

and the respondent's attitudes or behavior are used as explanatory variables. The behaviors and attitudes are measured at the current point in time, whereas the victimization occurred prior to the interview day. When victimization experiences are the independent variables, however, the problem is more tractable, and easier to control.

A third problem concerns the amount of variance in the victimization variable that is "true" variance and the amount that is "error". Whether the error is produced by a lack of reliability or by lack of validity is not particularly important. What is important is that measurement error can influence the conclusions drawn from research studies.

In addition, there is a variety of more general problems. Victimization surveys do not contain all types of crimes (i.e., blackmail); victimless crimes such as vandalism or fraud are excluded. Populations that are at high risk (i.e., children and prison inmates) are omitted. Alternative methods of sampling, for example, using victim assistance programs of same type may be more efficient ways of generating victims. But these methods have their own problems. In particular, these samples contain only known victims, those who reported their victimization to the authorities or make use of assistance programs. The problem of the representativeness of such victims vis-a-vis the general population of victims, is exacerbated by difficulties in locating them for the purpose of conducting survey

interviews. Research results based on these samples may not be generalizable to the total population of victims. The recognition of these methodological problems, however, and the continued effort to overcome them, will result in better studies in the future.

#### Phase IV - The New Era For Victims of Crime

There has been a change in focus in research in victimology away from victim responsibility towards the victim's role in the criminal justice system and the needs of victims. This shift has been influenced by increased research in the criminal justice system and the feminist movement. The use of the concept of precipitation is becoming limited. This is not to say that the concept is being rejected. But researchers now realize that it needs to be treated more carefully. The criminal's perception or interpretation of his victim's behavior no longer justifies blaming the victim nor special consideration in sentencing. These factors are increasingly being looked at only as facts that may explain the circumstances of the crime.

Fattah (1981) concedes that victims may share some kind of responsibility, but not necessarily guilt. Guilt he says, is better attributed to the criminal rather than his victim. Criminology should strive for the explanation, not justification for the crime. It should understand criminal behavior rationally, not justify it legally.

There has also been a change in the way the justice

system treats victims. In Canada, the victim has tended to be the "forgotten person" of the criminal justice system. The police, courts and correction services focus almost exclusively on the offender. For example, most of the energy, time, and financial resources in a murder case are expended on the apprehension, sentencing and rehabilitation of the offender, while the family of the victim receives little attention. A similar situation often exists with less serious crimes such as theft, where the offender is either sent to prison or ordered to pay a fine that goes to the state rather than to the victim who suffered the loss. There has been a tendency to assume that "justice" has been done if an offender has been arrested, convicted, and sentenced. However, as the Law Reform Commission of Canada (1974) noted, the victim generally gets nothing for his loss.

Furthermore, criminal victimization exposes the victim to a host of direct and indirect problems. Victims lose money, time from work, sustain physical and/or mental stress, incur property damage and medical bills, and suffer other inconveniences as a direct result of the criminal episode (Knudten et al, 1976). Those who enter the criminal justice system encounter further problems and inconveniences. They lose work, time, and income, incur travel costs and suffer feelings of uncertainty. They are doubly victimized: once by the offender, and once by the criminal justice system.

The Canadian Urban Victimization Survey (1982), and

other victimization studies have identified the needs of crime victims and the nature of their encounters with the criminal justice system. It is the view of victims of crime that they need more assistance in dealing with their losses and suffering. In addition, they believe that they should be compensated adequately for any loss or suffering which they have endured. Finally, many feel that they need to be more active in the justice process.

These findings have resulted in a new-found concern for the victim that rests partly on a humanitarian regard for the victim's loss or suffering, partly on the sense that the state has an obligation to the victim, and partly on the recognition that the success of any criminal justice system depends on the co-operation of victims and witnesses of crime. The reluctance of some victims to report crimes, and of witnesses to co-operate with agents of the justice system, are now regarded as serious issues.

In 1964, New Zealand established various forms of state compensation for victims of crime. Countries in both North America and Europe have followed its example. Some jurisdictions have delineated the rights of victims of crime and encompassed these in legislation; some have enacted statutes which ensure, wherever possible, that restitution is made to the victim; others have passed legislation which legitimizes the victim's interest as an active participant in the criminal justice process. In addition, services such as financial aid and victim-witness assistance have been developed to meet what are considered to be the legitimate

needs of victims. We will examine these services and compensation programs in Chapter IV, which deals with the system's response to criminal victimization.

France, South Australia, and the United States have enacted legislation to establish services and procedures aimed at enhancing the role of the victim in the process. In Canada, the victims of violent crime and their families will finally get an opportunity to present a "victim impact statement" to the judge before sentencing. The statement will allow them to spell out the effects of the crime on their lives. Victims' advocates say that the victim impact statements are not enough and that real change will come only with changes in federal and provincial statutes that give victims a constitutional place in the legal system. But these efforts should not be downplayed. Without a doubt, they signal a new era for victims of crime.

### Summary

The field of victimology has been outlined as having two major concerns: (1) the relationship between offender and victim in terms of explaining crime and (2) characteristics of the victim.

Recently however, new concerns have surfaced, including the impact of victimization on the victim, and the role of the victim in the administration of criminal justice. The result has been the beginning of much needed practical change in the way victims are treated, and the clarification and advancement of criminological theory in this area.

CHAPTER II

THE "DARK FIGURE" OF CRIME.



## THE "DARK FIGURE" OF CRIME.

### Dimensions of the "Dark Figure" of Unreported Crime

A great deal of the criminal activity that goes on in Canada evades the attention of monitoring systems devised to measure its volume and distribution and to record the identity of its victims. The CUVS (1982) estimates such activity to be as high as 58 percent. The problem is well known: an activity which is defined by the Criminal Code as a crime, may occur without being registered in the systems devised to count it, thus reducing the accuracy of inferences made on the basis of the data. This elusive subtotal has been dubbed the "the dark figure of crime" (Biderman 1967: 1-15). The recognition of the threat to valid inference posed by this pool of unmeasured events has stimulated the development of new procedures for probing its dimensions, and for greater care on the part of users of official crime data.

Since the primary responsibility for crime detection falls on the citizen rather than the police, the major unit of modern police departments is geared to respond to citizen calls for help. Apart from traffic violations, patrol officers detect comparatively little crime through their own initiative. This is all the more true of legally serious crime. Thus crime detection may be understood as a largely reactive process from the stand point of the police as a control system. It is far less a proactive process.

Proactive operations aimed at the discovery of criminal behavior predominate in the smaller specialized units of the large police departments, particularly in the vice or moral division (Black, 1970).

While scholars (McClintoch, 1968; Black 1970), have long insisted that court statistics (which "correct" police errors in constructing events and making arrests) were the best measure of the true distribution of crime, observational studies of charging decisions, preliminary hearings, and plea bargaining, have laid that argument to rest. Field studies of patrol performance indicate the enormous impact of police organization and tactics upon arrest totals and even on the decision that a crime has occurred.

The information about the volume and distribution of criminal incidents plays an important role in shaping the response of private agencies and the state to crime. Events which do not register on social indicators - events which are not "officially known" - will evade attempt to redress their dysfunctional consequences.

#### The Consequences of the "Dark Figure" of Crime

The existence of this reservoir of unrecorded crime has a number of vexatious consequences. First, it limits the deterrent capability of the criminal justice system by shielding offenders from police action. Failing to register criminal acts with the authorities virtually assures their perpetrators immunity from the attention of the police.

While they may be harassed on general grounds or in response

to other suspicions, those who prey upon individuals who will not or cannot relate their experiences to the police enjoy considerable advantages. This is well understood by criminals who victimize youths, homosexuals, minorities, or their fellow felons, and it redoubles the burden of the social and economic disadvantages that those victims already bear.

Second, it contributes to the misallocation of resources and leads to the understatement of protection due to certain victims under "equal crime coverage" policies. Those whose victimization does not enter the system receive less routine protection in return. Increasingly, big-city police departments allocate manpower and equipment in response to the distribution of demand for their services. These are measured primarily by crimes known to the police, usually weighted to reflect their "seriousness" or the probability that a swift response will produce an arrest. Victimization which are not reported to the police can attract neither future deterrent effort in the neighborhood nor event-specific responses from the criminal justice system, i.e., reactive response from the police.

Third, reporting practices may shape the police mandate. The self-image of the police is that of a "crime fighter". Police officers see themselves as strong masculine protectors of the weak against criminal predators (Niederloffer, 1967). In reality, a great deal of their time is spent resolving or suppressing conflicts and social

matters which have little to do with this role model: assaults in bars; husbands beating their wives; and disputes between neighbors over land or property. A large number of behaviorally "illegal" activities take place between persons who know, live with, or are related to each other. There is growing recognition in police circles that traditional forms of police intervention in such cases may be unproductive, and that new styles are required (Parnas, 1971: 539-65). Police officers and police unions, on the other hand, have tended to resist the grafting of "social work" onto their role, and have struggled to define their mission in ways more congruent with their preferred self-image. There are signs that this resistance may be dissipating. Police today are responding more positively to the "social worker" aspect of their work.

A problematic aspect of this role conflict is the extent to which differences in reporting rates reinforce one task definition over another. Reporting practices in part set the agenda for police work. If problems brought to the police reflect the universe of problems only selectively, this will have some impact upon police operations. A pool of reported crimes that consist mainly of crimes perpetrated by anonymous assailants will favor the perpetuation of the traditional police role. On the other hand, changes in reporting practices that bring previously unreported events to light may demonstrate the need for different kinds of skills, thus making new demands upon police departments.

Fourth, nonreporting may affect the distribution of

ameliorative public and private programs designed to confer financial benefits, psychological support, or special protection for the victims of crime. Special tactical units cannot provide protection for unknown victims or apprehend offenders who prey upon frequently victimized nonreporting establishments.

Finally, the pool of unreported crimes shapes the "socialized" cost of crime: private insurance premiums are affected by the number and character of events that remain hidden from view.

#### Reporting Crimes - Its Implication for Criminal Justice.

The "dark figure" of crime is also important because it influences what is known about crimes and criminals, which in turn, affects how the criminal justice system operates. For that reason the forces governing the implementation of criminal law are relevant to theories of criminogenesis and of formal social control. Studies of the factors associated with the probability of arrest, bail, prosecution and sentencing suggest how the criminal law gets used, by whom, against whom, and with what apparent effect (Gottfredson & Gottfredson, 1980). Much of the theory in this area has directed attention to status and stratification indicators, both with respect to law as a source of the production of criminality (Quinney, 1970), and as the principal determinants in the application of law (Block, 1976). Because most sociologists regard the law in action as more interesting than the law enacted, research has focused

on the discretionary decisions of the functionaries of the criminal justice system - its police, prosecutors and judges, and how these decisions are related to characteristics of the persons and situations that come to their attention.

Such research finds that ordinary citizens affect the application of criminal law: (a) by preferring charges, which increases the probability of an alleged violator's arrest and (b) by appearing in court, both as victims and as witnesses. Citizens decide whether or not to invoke the law in the first instance, i.e., whether or not to call the police when they believe they have been criminally victimized. This basic decision, more than any other in the criminal justice process, has the potential to radically affect crime rates and to determine who will be subject to arrest, prosecution, and imprisonment. Gottfredson indicated that a study of this decision can tell us much about the validity and significance of any sociological theories of law and crime (Gottfredson & Hindelang, 1981). The best available data for the systematic study of this most important juncture in the application of criminal law are victimization surveys.

The C.U.V.S. sheds some light on the problem of unreported crimes. As mentioned previously, an estimated 58 percent of all crimes are never brought to the attention of the police. The most frequently reported crime was motor vehicle theft (70%). The high reporting rate may be due to the fact that reporting is mandatory for insurance purposes. The crime least likely to be reported was theft of personal property

(29%). The survey data indicate that females have a higher reporting rate than males for sexual assault, robbery and assault, and that those 65 years of age and over are more likely than younger victims to report incidents.

Predictably, the majority of unreported crimes can be classified as less serious involving no injury and little material loss. Nevertheless, a significant amount of serious crime, even incidents which resulted in physical injury, goes unreported. For example, two thirds of the women who had been sexually assaulted did not report the assault to the police. Here, victims raised the concern about the attitudes of those within the criminal justice system as the major inhibiting factor. Similarly, women assaulted, particularly by intimates, are likely to report fear of revenge as a reason for failure to report.

Victims are most likely to report crimes which result in insignificant financial loss, rather than those which result in pain, injury and fear. However, for many, reporting crimes is less an act of justice than an act seeking redress, recompense or recovery.

The C.U.V.S., as well as previous victimization surveys in the U.S., England, and France, reveals that reasons for not calling the police have much more to do with the nature of the crime than with the characteristics of the victim. The exception, not unexpectedly, is that the victim-offender relationship, to some extent, conditions reasons for failing to report. Persons victimized by acquaintances rather than

strangers are more likely to view the matter as private (Hindelang, 1976).

When the characteristics of incidents, victims and offenders are studied in an effort to infer why certain victimizations are reported and others are not, it is clear that what matters most is the gravity of the harm suffered by the victim (Sparks et al. 1977). Among those interpersonal situations classified by the victimization surveys as criminal, the police are notified more frequently as the harm to the citizen increases. This holds true regardless of legalistic classifications; elements of offenses, i.e., attempted versus completed; injury versus no injury; or common attitudinal measures (Selling and Wolfgang, 1964). Victims, like police and judges, are most likely to invoke the criminal law against conduct deemed most harmful.

A large body of data has been compiled from these victimization surveys, and analysts cannot keep up with the pace of the surveying. As a result, the surveys have only begun to have an impact on theory. Their results should ultimately prove very valuable to the study of crime and law. The surveys may help us to study the consequences of invoking the law. Since victimization surveys are collected independently of the criminal justice system and are therefore not subject to manipulation by agents of that system, they may help us to assess the impact of variations in criminal justice policy (Schneider, 1976). They may allow us to



distinguish changes in citizen reporting behavior from changes in the official crime rate, both of which may result from policy changes, as Schneider's (1977) study suggests.

### Summary

Victimization surveys have demonstrated a large segment of unreported crimes. These unreported crimes have been shown to have significant consequences. Thus, it has become important for investigators to find ways to tap this information. This led to victimization surveys, and although these victimization surveys still have many problems, they begin to explore the issue of the "dark figure" of crime.

In the meantime empirical research on the relationship between the victim and the system has provided some interesting clues as to why individuals fail to report crimes. Both victims' personal accounts and observers' comments describe the encounter between the victim and the system as a second victimization. This is the issue we explore in the next chapter.

CHAPTER III

VICTIM'S ALIENATION

## VICTIM'S ALIENATION

### Understanding Victim's Alienation

Studies have suggested that an important deterrent in victims' participation in legal proceedings is their alienation from the system. It becomes important, therefore, to try to understand the sources of this alienation.

In criminal proceedings, the victim has no standing as an advocate of his own interests. He may appear as a witness at a trial, but must otherwise defer to the prosecutor. It is not always the case that the prosecutor promotes the victim's interests. There is no institutionalized way for the victim to contribute to decisions regarding the prosecution or disposition of the case. This kind of alienation, along with some of the direct cost involved in any encounter with the justice system, has been referred to as the "double victimization" of victims (Knudten et al., 1976).

In the course of the development of state political institutions, there came a point where the state asserted its responsibility for the enforcement and prosecution of wrongs which formerly were the responsibility of local legal institutions. Wrongs that were previously defined as disputes between private parties were redefined as wrongs against the state. Settlement processes that were formerly restitutive in character were replaced by legal proceedings under state authority that were increasingly

punitive. The proportion of payments defined as fines belonging to the state grew as payments to the victim and his kin diminished and eventually disappeared. The state with also sought to enforce laws, such as those having to do taxation, which private citizens did not experience as personal wrongs. These laws made it necessary for the state to employ agents to initiate prosecutions, since private citizens did not have the sense of victimization as an incentive for action. First in the realm of serious conduct, and eventually over a broad range of minor offenses, a prosecutor employed by the state was introduced to present the case against an accused offender in court.

Whereas legal representatives began as aides to parties involved in a dispute, they gradually became indispensable to the pursuit or protection of interests by legal means. The prosecutor entered the case as an advocate, but his principal client was the state, not the direct victim of crime. The victim's status as a party to the case was weakened and his influence on the course of the proceeding waned. The victim could seek restitution through other procedures, but the introduction of the state diminished the effectiveness of such recourse. With the state now acting against the offender, the offender had to be ensured certain rights. To ensure these rights were protected, lawyers for the offender were introduced into the system. The presence of these legal professionals in the capacity of attorneys, judges, and scholars has resulted in the creation of legal

forms and proceedings that are increasingly complex and less accessible to the layman. The knowledge required to participate effectively in legal proceedings has become even more specialized (Nonet and Carlin, 1968).

### The Victim and the Justice System.

With the establishment of the prosecutor, the conditions for the general alienation of the victim from the legal process further increased. The victim was deprived of his ability to determine the course of a case and to gain restitution from the proceedings. Under such conditions the incentives to report crime and to cooperate with the prosecution diminished. As the importance of the prosecution increased, the role of the victim was transformed from principal actor to a resource to be used at the prosecutor's discretion. The principal form of power left to the victim was the negative one of not reporting the crime or not cooperating in its prosecution. The importance of the prosecutor has increased as more and more courts are staffed by legal professionals and are subjected to statewide standards of procedure.

Recent analyses of the social organization of prosecutors' offices have revealed other sources of disjuncture between prosecutorial and victim interests. Besides representing the state in prosecution, the prosecutor has developed other goals and priorities that have supplanted those of victims. Prosecutors, like judges and defense attorneys, work in a setting where the disposition

of cases is accomplished in a manner that accommodates ongoing relationships with the other regular actors in the criminal justice system (Cole, 1970: 313-343; Feeley, 1973: 407-426). Decisions as to when to dismiss, when to plea bargain, or when to go to trial and seek harsh penalties are made according to criteria that only occasionally involve the victim of the crime. The victim, to an even greater extent than the offender, is an outsider in the criminal justice system. The incentives for the prosecutor to be highly responsive to the victim's point of view are minimal, beyond assuring his cooperation when necessary.

The prospect for victims who report a crime is such that many feel unmotivated to make the effort required to have a case prosecuted. Victimization studies demonstrate that a majority of the victims of even serious crimes do not report their victimization to the police (Ennis, 1967: Canadian Victimization Survey, 1982). Even among those who do, many will decide that the requirements of multiple appearances in court, with little hope of influencing what transpires, is too heavy a price to pay. A study by Knudten (1976) of victims who were serving as witnesses at different stages of criminal proceedings, found that the more experience a person had with the courts, the greater the reluctance expressed about getting involved again (Knudten et al, 1976; "Canadian Task Force Report", 1983). Most victim witnesses objected to the slowness, inefficiency, and leniency of the courts. Police witnesses tend to be more

cooperative and effective than private citizens, but they are subjected to many of the same limitations and frustrations ("Institute for Law and Social Research", 1975)..

The division between civil law and criminal law is another source of confusion and alienation. The origin of this development is of some interest. In the early days of English law, there was little distinction between a civil and a criminal wrong. If a person or his property were injured, either that person or his family could seek redress. In this sense, all wrongs were considered to be civil wrongs. Consequently, blood feuds between families were not infrequent, although the community might attempt to encourage the victim to accept compensation in the form of money.

The Canadian justice system specifies two approaches through which victims of crime may obtain satisfaction for their losses: the victim may seek civil redress for the damages or costs that are borne as a result of the behavior of another, or the state may become involved through the criminal law. The distinction between civil and criminal law is not absolute. The two are not mutually exclusive, and it is possible to seek reparation for the consequences of a crime through either or both processes. However, the rights and responsibilities of the victim differ from one type of law to another. Essentially, the division of responsibility is such that the criminal law regulates public order and the response of society to offenders against that

order, whereas the civil law provides redress for the wrong done to the individual victim.

But the state's interest in controlling crime and punishing the offender is regarded supreme, and the importance of the victim's interest in retribution and reparation for the harm done is downplayed. Crime has become a public relationship between an offender and the state, instead of a private relationship between an offender and a victim. Crime and criminal law are viewed as public concerns based on the belief that society is impossible without trust, and that crime is a menace to that trust. The maintenance of collective peace and security, especially in highly differentiated and stratified societies, is seen as justifying the formal response of the state against behavior which is culpable, seriously harmful, and deserving of punishment.

The division between civil law and criminal law has recently been confused with the introduction of new legislation. The courts can order convicted criminals to pay their victims back for property damage or bodily injury. The new law makes it mandatory for judges to consider any property damage or expenses incurred by the victim as a result of bodily injury, including loss of income or medical costs. If necessary, the money can be paid in instalments, or payments can be delayed until the convict gets out of jail. If the offender is judged able to pay and refuses to do so, the court can impose a jail sentence of up to two years in addition to the term imposed for the crime itself.



### Summary

The evidence regarding victim alienation as a deterrent to reporting raises the interesting question of whether the problem of non-reporting is a cause or a consequence of how the justice system operates. Whatever the direction of the relationship, efforts clearly need to be made to bring the victims' interests back into the process in a meaningful way and to reduce their sense of alienation and frustration with the criminal justice system. The new legislation may have this effect. So too, might some of the innovative responses to victimization that the state has recently developed. These are discussed in the next chapter.

CHAPTER IV

RESPONSES TO CRIMINAL VICTIMIZATION

## RESPONSES TO CRIMINAL VICTIMIZATION

Thus far, the focus of this thesis has been on victims and the criminal justice system, and what the empirical data reveal about decisions to report or not report. However, these same empirical studies have disclosed that individual responses to criminal victimization are not confined to utilization of criminal justice agencies. There are other ways in which victims can respond to their victimization, just as there are alternative ways for the system to respond. To understand criminal victimization, therefore, it becomes important to consider the wide array of responses. In this chapter we discuss tentative descriptive categories which encompass what little is known about such responses. The categories are divided into those that relate to the responses of victims to their victimization, and those that derive from the system. Victim responses, apart from invoking the criminal justice system include: personal retribution; efforts to secure vengeance individually through punishment of the wrongdoer; and loss-evasion efforts to secure protection from the offender and/or to minimize investments of time and energy required to participate in legal proceedings against the offender. System responses include compensation, efforts to restore the victim's enjoyment of benefits lost through criminal action, and restoration, a new approach which views justice as making things right again for the victim, the offender,

and the broader society. Restoration emphasizes compensation, restitution, and reconciliation, and is less oriented toward pain or punishment.

### The Victim's Response to Criminal Victimization

#### Reporting Personal Crimes and Property Crimes

One of the several responses open to victims of crime is reporting the incident to the police. This is usually a prerequisite to further involvement of the justice system. Criminal justice agencies are dependent on victims of crime and witnesses to such events for further information respecting criminal behavior. Without information about criminal behavior, it is impossible for criminal justice agencies to take action against those who engage in behavior which is proscribed by law. Individual victims may depend on such agencies for protection from criminal behavior and from retaliation, when and if criminals are processed by the agencies. What appears to be a mutually supportive relationship, however, is not substantiated by the volume or quality of interaction among victims of crime and criminal justice agencies. Canadians appear to invoke criminal justice agencies in a highly selective manner, (C.U.V.S., 1982) that seems related to attributes of the crime, the degree of confidence that victims have in criminal justice agencies and the attributes of victims themselves.

The C.U.V.S. indicate that the tendency to report crimes involving property appears to be most closely related

to the dollar value of the property itself. The higher the dollar value of the property, the more likely the crime is to be reported. The reporting rate for motor vehicle theft is 70%, break and enter 64%, robbery 45% and household theft 45% was very high, which indicates dollar value loss (Table 1). The degree to which victims have confidence in the capabilities of the police, and the degree to which they identify with the community in which they live, becomes important only in cases of property crimes of lesser dollar value (Schneider, 1976). Even then, it is difficult to discover the victim's reasons for reporting high value property crime to the police. Victims may report the crime because they wish to collect the insured value of the property. This behavior was reported by Ennis (1976:41), who disclosed that most victims' decisions to involve the law enforcement apparatus are based upon hopes of monetary recovery from insurance companies for stolen property, especially automobiles. This incentive may not be present for reporting crimes involving property of comparatively lower value, or the incentive may be lessened by lack of confidence in the effectiveness of the police to recover the property.

The severity of personal crimes also appears to be linked to the willingness of victims to report the crime to the police (Ennis, 1967). Yet, except in a very provisional sense, it is difficult to rank the seriousness of personal crimes because of victim differences in perception of

criminal acts and the consequences of such acts. For example, we can see a difference in the reporting rate in the C.U.V.S. (Figure 3) between violent offences where no weapons were used, those where weapons were used, and those where guns were used. It seems that the highest rate of reporting was in those cases where guns were involved. However, the seriousness of homicide and felonious assault, rape and so on, cannot be measured by their dollar value. Measurement by severity of punishment, stipulated by the state, reflects the norms of society, not the incentive to report a crime which may be operative for individual victims. These considerations may explain Schneider's findings (1975) that understanding local issues is a slightly better predictor of the tendency of victims to report personal crimes than a rating of the seriousness of the crime. Additionally, the social context of most personal crimes may increase the salience of confidence in criminal justice agencies to arrest and punish the offender. If victims do not expect such tasks to be executed successfully, there would be little reason to involve criminal justice agencies. They might decide to seek indirect gains, such as recovery of the value of insured property, through other organizations.

#### Personal Vengeance

Personal vengeance refers to the victim's efforts or the efforts of his agents to punish those who are believed

to have harmed the victim. Generally, such acts are contrary to law, and if victims are involved, they themselves become subject to punishment. Personal vengeance provides no anticipated returns for the victim other than whatever satisfaction can be gained from acts of revenge. Such acts are designed to reduce whatever benefits are enjoyed by the perpetrator without necessarily restoring the victim's enjoyment of such benefits. Personal vengeance may be attempted when the wrongdoer's action entails harm to the victim that cannot be rectified (e.g., permanent physical harm) or when there is little confidence that criminal justice agencies are willing or able to extract vengeance.

Very little research has dealt directly with personal vengeance due to the reluctance of individuals involved to provide information which implicates them in criminal acts. Interpretation of the fragmentary information that exists suggests that personal vengeance is present in a substantial percentage of homicides known to the police. Wolfgang (1957) found that in 62% of his sample of homicide cases, the persons killed had a criminal history of victimizing others. Apparently the necessary precautions were not taken to make others accept their tormentors' behavior or to make the behavior of others ineffective. The death of such persons is a logical consequence of a series of interactions previously established, although in these cases the victim and the offender exchange roles. Even then, Wolfgang reports that the persons killed had been engaged in criminal behavior

similar to that of the persons who initiated unprovoked violence. Whether vengeance was foremost in the mind of the persons who have killed or injured their tormentors is not known, but it is clear that their behavior was in response to behavior generally considered to be to one's detriment, and that such interaction had a long history of repetition.

De Porte and Parkhurst (1935) published their study of victim-offender relationships over fifty years ago, noting that in homicide cases, the victims and offenders are generally of the same racial or ethnic group, reside in areas geographically contiguous, and have had previous personal dealings with each other. Recent studies (Ennis, 1976) have found similar patterns. Physical proximity contributes to the availability of the wrong-doer as a target for personal retribution among lower-income groups, since theft of property or money is likely to be executed by lower-income persons unknown to the high income victim (Ennis, 1967).

### Loss-Evasion

Loss-evasion responses to criminal victimization are designed to prevent further costs to the victim, with anticipation that whatever benefits were enjoyed previously cannot be restored. The victim attempts to avoid further losses, such as retaliation by the offender, extended results of the offender's initial behavior, or more indirectly, payment of medical bills or loss of time



from work. Loss-evasion may take the form of actual relocation to another physical or social setting in an effort to avoid the disruptive feature of the offender's behavior.

Loss-evasion appears to be a default response, resulting from low expectations that any other response will redress the wrongs endured, and high expectations of suffering further deprivations. Therefore, loss-evasion behavior is based on the assumption that it is best to minimize losses when no gains are appropriate, or to reduce losses when there is low expectancy that gains will be forthcoming. In such cases, victims may fear indirect losses from participation in proceedings against wrongdoers in the criminal justice organizations or from retaliation by the offender.

According to C.U.V.S (Canadian Urban Victimization Survey, 1982) 36% of all victims who did not report to police, indicated that the costs of reporting were thought to outweigh the benefits. The specific reasons, given ranged from simple "inconvenience" (24%) to "fear of revenge by the offender" (4%) and concern with the attitude of police or courts (8%, Table 2). The data does not disclose the percentage of persons who are intimidated by offenders. Intimidation may account for a far greater percentage of persons who fail to report the incident when crime involves personal violence. Some victims are accessible to intimidation from relatives and acquaintances, and youth gangs, sim-

ply because of physical proximity and inability to restrain the behavior of others. The same factors that make victims vulnerable to crime also make them vulnerable to intimidation, and force them to cut their losses by adopting evasive responses.

Evasion of the possible vengeance of perpetrators of crime can be combined with evasion of the scrutiny of criminal justice organizations themselves. Since it is difficult to differentiate victim from criminal in some instances, the ~~victim~~ may fear that the current differentiation will not persist under close examination or that previous experience as offenders will expose them. Thus, they are not likely to be enthusiastic about involvement with the courts or the police. A study of victims of aggravated assault, (Johnson et al. 1973:73) disclosed that 75% of the male victims had a police record, 34% had several jail sentences, and 19% had a prison record. The crimes most frequently engaged in were assault and burglary. The assault charges appear to have been made during sessions of drunkenness and fighting. For some victims, there may be good reason for the police to question the circumstances under which the criminal act took place.

Participation in proceedings against the offender are also costly in terms of lost time from work and the uncertain time delay before the victim-witness is called to testify. Also medical costs, cost for replacement of property stolen or damaged, higher insurance rates, and possibly

lawyer's fees, may contribute to the belief that the best way to avoid such unsolicited costs is not to initiate responses which entail involvement with criminal justice organizations. Even in cases where the crime is a serious one and the victim's desire for justice could be expected to be very strong, it appears that some victims choose evasion tactics rather than risk recrimination by the offender or incur the costs of participation in the criminal justice system. According to the C.U.V.S., the percentage of unreported crimes, when the victim perceived no benefits, was very high (66%, Table 2).

Loss-evasion responses may have strong appeal for the victim because of their apparent availability. Evasion such as change of residence or job and, in some cases, change of documentary identity, appears to be more within the immediate control of the victim than of the criminal justice proceedings against the offender. Change of residence is more easily accomplished and appears to have greater protective potential than reliance on the criminal justice system to identify, apprehend, try, convict, sentence, and imprison the offender. Individual attempts to identify and punish the perpetrator may involve even more danger to the victim, and with not substantively greater probability of success. Much the same can be said about change of lifestyle. Lifestyle was found to be an important component in the overall risk of victimization. A change in lifestyle can be looked at as another form of loss-evasion.

For example, one measure of lifestyle which is strongly related to risk is number of evening activities outside the home each month. There is a strong relationship, according to the C.U.V.S. (1982), between number of activities outside the house and rates of assault, robbery and theft of personal property. The degree to which victims successfully achieve personal vengeance is unknown, but, if the victim could easily reverse roles with the perpetrator, it is not likely that he would have been victimized initially. Therefore, loss-evasion may be comparatively more attractive than personal vengeance.

Because of limits on the victim's ability to control the environment, it may not be possible to become less vulnerable to intimidation by the offender or escape indirect costs through loss-evasion responses. For example, a change of residence or job most likely will not entail a change in the behavior of those with whom they interact. This apparent solution to victimization applies only to a particular event, while the long-run problem persists. Additionally, persons appear to vary greatly in their ability to utilize loss-evasion. Members of families and older people are less mobile and more vulnerable than young unmarried persons. They may not be able to relocate even though the incentive to do so is substantial. Very little is known about their loss-evasion response to criminal victimization. Perhaps, most important, is the fact that it is characterized by increasing mistrust of persons in general,

and public institutions in particular, and concurrently contributes to the decline of the criminal justice system's credibility and effectiveness.

### The System's Response to Criminal Victimization

#### Compensation

Compensation involves behavior concerned with minimizing or balancing whatever losses the victim may have suffered by giving him benefits to equal such losses. It entails the utilization of the services of other organizations for the purposes of reconstituting the victim's enjoyment of benefits in a manner which reflects the situation before the acts of the perpetrator occurred. Objects and real property can be restored or replaced, or their value can be transferred to the victim through monetary awards. Personal injury and death involve conditions which are not restorable or not easily restored. Compensation can be achieved from three sources: (1) insurance, (2) the state, and (3) the offender (under the new legislation).

In countries such as France, compensation is an integral part of general social insurance programs which compensate victims of crime in a manner which is similar to compensation of other citizens who are injured or killed as a result of industrial accidents, automobile accidents, etc. In Western European nations and North America, control of social conditions tends to be less centralized,

and a multiplicity of institutions are involved in victim compensation.

Crime victim compensation programs in Canada as well as in the United States, are characterized by strict eligibility requirements. Most programs are limited to monetary compensation for needs arising from violent crimes, but additional requirements greatly reduce the number of persons eligible for compensation.

The requirement that there be no personal relationship between the offender and the victim in some places, disqualifies large numbers of persons who are victims of violent crimes. Since a relatively large portion of all violent crimes involves members of the same family, it is difficult to understand the rationale for such a provision, if serving the needs of victims is the actual objective of the program.

All crime-victim compensation programs in the United States, also contain provisions which exclude from compensation those claimants who are believed to have precipitated the crime. Exactly what behavior or circumstances constitutes provocation is unclear. Several of Von Hentig's (1948) victim categories include persons whose actions precipitate others to commit crimes against them, including tormentors, blackmailers, etc.. Such persons engage in behavior which, in itself, is unlawful and evokes an unlawful response. Others, however, become victims because of physical or mental deficiency, which allows criminal acts to be taken against them. Among this group

would be persons who are addicted to drugs or alcohol. Von Hentig (1948) found that 67% of the male homicide victims in his studies were alcoholics. Wolfgang (1957) found that 48% of both victims and criminals had been drinking. Johnson et al, (1973) found that 34% of the assault victims in their study had histories of alcoholism. In a sense, addiction and use of drugs and alcohol may contribute to the unlawful behavior of others. Therefore, such persons are not technically innocent victims. Schafer's (1968) view is that the victim's first responsibility is to do nothing which would contribute to the likelihood of victimization, and apparently this viewpoint is incorporated into many of the victim compensation programs. What appears to be overlooked, however, is that the use of drugs and alcohol, as well as the use of violence for exploitation or retribution, is characteristic of those social groups (the lower socio-economic groups) which victim compensation programs are supposed to serve. Use of drugs and alcohol can be conceived of as intrapunitive to control social conditions, while violence is an extrapunitive manifestation of efforts to gain control of social conditions.

Most crime victim compensation programs require that the crime be reported to the police within a reasonable time after its occurrence. There is a tendency to make compensation contingent upon the degree to which victims accept and support the law enforcement organization's definition of the incident and treatment of the offender.

If the police do not interpret the incident as a crime, there can be no compensation, and if the victim favors remedies other than arrest and possible imprisonment of the offender, the crime is not likely to be reported. For example, the victim might be offered a financial incentive for not reporting the crime. Such circumstances are not difficult to imagine, since the police do not verify that a crime had been committed in 25% of the cases where incidents have been reported (Ennis 1967:49). Furthermore, the prospects of compensation for physical injuries resulting from the crime are not likely to outweigh the prospects for sustaining further injuries if retaliation is threatened by the offender. Edelhertz and Gils (1974:201) conclude that "there is no evidence, only speculation, that victims will be motivated to cooperate with criminal justice agencies because their compensation is at stake."

Perhaps the most disconcerting aspect of existing victim compensation programs is that many of the social conditions that contribute to individual vulnerability to the unlawful acts of others also tend to prevent victims from gaining an award from compensation programs.

Victims from the lower class of the social scale who live with constant problems of poverty, drug abuse, alcoholism, lack of adequate education, child abuse etc., are more vulnerable to criminal acts. However, these same conditions prevent them from getting the help they need because of the lack of knowledge, literacy, or even apathy. Von Hentig



claims that one group of victims, immigrants for example, is vulnerable because of a lack of knowledge of their rights and duties within a particular culture (e.g., non-English-speaking immigrants in an English environment). Others are, incapable of learning or executing such rights and responsibilities due to physical or mental deficiency. Yet, almost all the victim compensation programs require elaborate documentation of claims, and the responsibility for such documentation is placed upon the victim or the victim's survivors.

Regardless of bureaucratic difficulties, it is important to have services and compensatory schemes for victims. In Quebec, all victims of crime can benefit from the provisions of the Crime Victim Compensation Act. The Commission de la Santé et de la Sécurité du Travail du Québec is responsible for applying the Act. One of its services, commonly known as IVAC (Indemnisation des victimes d'actes criminels) is responsible for its administration. Crime victims, or if they are deceased, their dependants, receive the same benefits as those provided in the Workmen's Compensation Act, and in some cases other benefits as well.

It is difficult to avoid the conclusion that compensation programs for victims of crime are administered in a manner which ignores the attributes of the population they are intended to serve. Features of programs appear to have been incorporated to exclude sizable portions of the victim population in the interest of maintaining low costs

to the state. Such a response has the effect of supporting victim behavior which is basically quiescent (the tendency not to engage in extrapunitive measures), or involves victims in personal forms of retribution.

### Restoration

Restoration involves the victim, the offender and the criminal justice system in making things right. Beside compensation it could include mediation. In recent years face-to-face mediation has come to play an increasingly important role in the justice systems of Canada and the United States. Pre-trial programs for settling minor disputes, and post-trial programs geared toward restitution or victim-offender reconciliation, both rely heavily upon personal meetings between the parties of the dispute. Restoration however, can also be achieved without personal meetings between the parties. In this case, lawyers act as mediators. In fact, their activities in this less formal role may take up much more of their time than their actions as trial lawyers. While mediation and bargaining have long been an informal but essential part of the judicial process, efforts to create programs which promote mediation represent a new emphasis.

The court systems in North America handle disputes in an adversary process. Disputants are usually represented by lawyers who aggressively advance their client's positions and try to nullify the arguments of the opposing side. This emphasis on differences is especially unfortunate for

disputants such as neighbors who have no choice but to deal with each other in the future. The court process has disputants treat each other as strangers, even if they are, or were, closely associated. In reality, many of the cases submitted to the courts are not disputes between strangers, but occur within continuing relationships, family friends, neighbors, etc.

Restoration has also taken the form of programs that have been established to assist victims of crime, by providing various services to them. These include programs such as rape crisis centers, services for the elderly, and transition houses for women who are victims of crime. Victim-witness aid programs are too new to have been formally evaluated. We suggest, however, that what is missing from programs such as those described above, is a conception of the victim as a person deprived of an ability to influence the outcome of the legal proceedings, other than by providing the information requested by the prosecution and the police. The unmet needs of the victim are defined as a lack of understanding of criminal proceedings, and of services to deal with the out-of-court consequences of his or her victimization. Programs seek to increase the victim's involvement by ameliorating their worst grievances and making them feel more committed, but without giving them more of an opportunity to influence the way the case is handled or the sentencing imposed.

Restoration, reconciliation, and mediation are the

new methods that aim to remove some obstacles such as the ones that were discussed above. Mediation is also found useful in cases involving young offenders. The efforts to solve problems and rehabilitate the young offender are probably a better way than prison term, that sometimes only worsens the situation.

Mediation is a viable method of dispute settlement at both the pre-trial and post-trial levels. Through mediation both, the offender and the victim are not denied the chance to somehow reconcile themselves with each other.

#### Summary

The preceding chapter discussed the victim's alienation from the criminal justice system. It emphasized how the state's interest in controlling crime became supreme and how the victim's role was downplayed. This chapter shows how this picture of victim impotence may be changing and also looks at the options that exist in terms of responding to victimization. Canada has introduced amendments to its Criminal Code so that the criminal trial and the sentencing process will be more responsive and sensitive to the needs of victims.

Loss-evasion and personal vengeance seem to occur where the victim has little confidence that criminal justice agencies are willing or able to restore justice. More recently, apart from the question of time and money, dissatisfaction has arisen from concerns about the

effectiveness of the court process. While the court is restricted to addressing the specific legal issue, the people in fact need help in dealing with the whole range of issues, both legal and interpersonal, that have brought them to court. In response to the above issue, mediation has been advocated as an alternative way to settle disputes. In the legal system, informal negotiation and mediation play an important role; however, there are numerous places in the legal system where formal mediation can also be used effectively. As a result, we might see less loss-evasion and personal vengeance as responses to criminal victimization.

CHAPTER V

THEORETICAL MODEL OF VICTIM BEHAVIOR

## THEORETICAL MODEL OF VICTIM BEHAVIOR

### The Model: Responses to Criminal Victimization

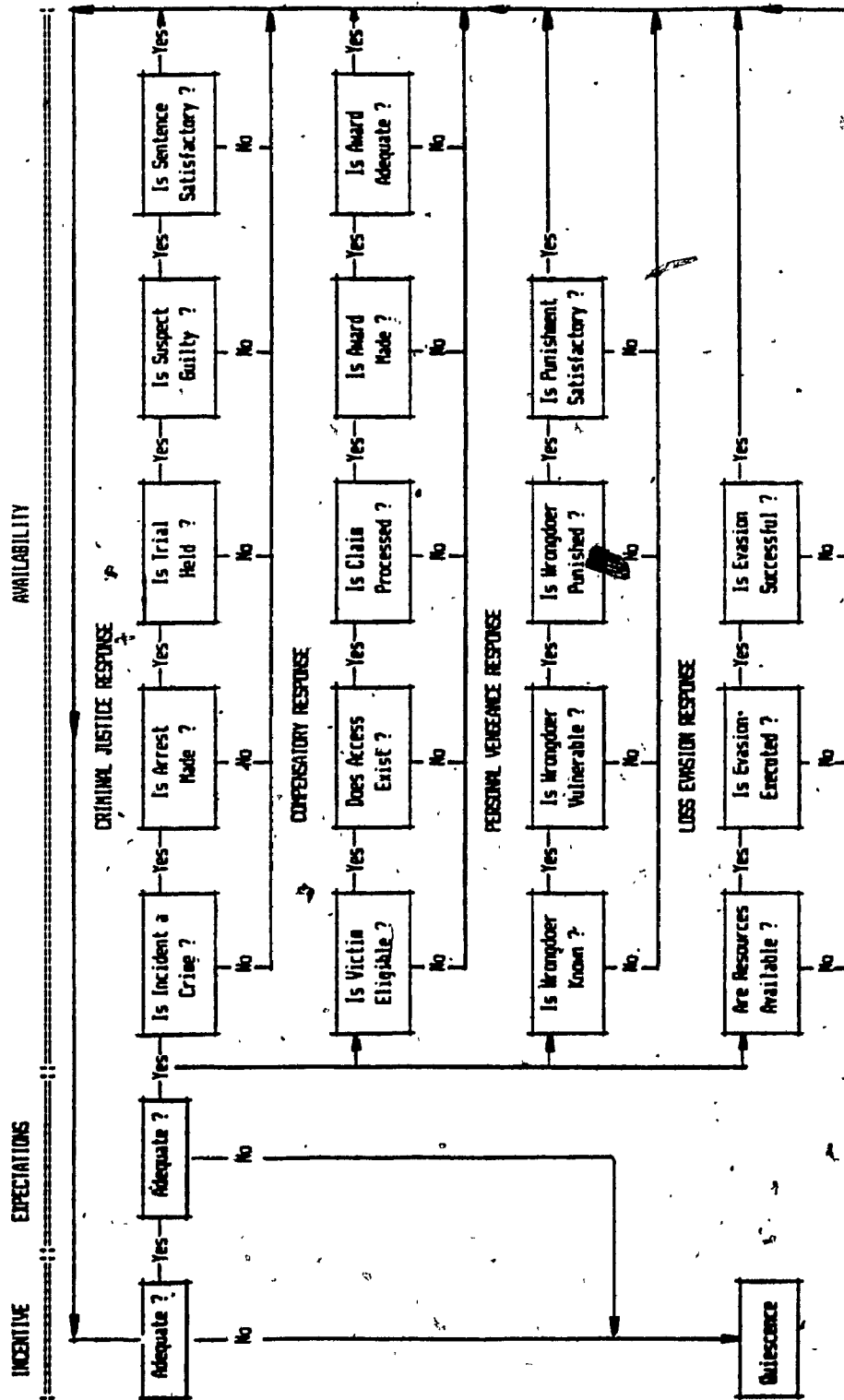
A model that attempts to assess the different responses to criminal victimization has been developed by Birch and Veroff (1966). In this chapter, the model is described first in its original form. Then a revised version of the model, based on the observations made in chapter IV, is presented.

The Birch and Veroff model (see Figure 4) is drawn from motivation theory. It suggests that the victim's decision to take one action over another is not made automatically. It is based partly upon the availability of certain courses of action, and is affected by both situational and historical factors. For example, if the wrongdoer is not known, personal vengeance is not available as a response, no matter how strong the motive to use it may be.

Another important component of the model is expectancy. Expectancy refers to "the expectancy that engaging in an activity will lead to a particular goal." For example, if a victim of crime expects the criminal justice system to deal with his case satisfactorily, he is more likely to choose the system as a response to his victimization. However, expectancy does not guarantee availability.

Expectancy, like availability is a determinant whose strength depends, at least partially, on past associations. Expectancies may also occur either as a result of a direct and immediate perception of relationships, or as a result of

FIGURE 4. RESPONSES TO CRIMINAL VICTIMIZATION



Source : Birch, D. and Veroff, J. ( 1966 )



complicated inferences. Whatever its source, expectancy functions to link an activity with its consequence. For example, if the victim does not expect the suspect to be arrested, he will probably not choose the criminal justice response (to report) as a way of coping with his victimization.

An anticipated consequence increases the likelihood of a particular action by acting as an incentive. The incentive value of a consequence is an important determinant of the strength of a goal-directed tendency. If the value is positive, the tendency to choose a compensation response for example, is positive. If the value is negative, the tendency is negative. From the standpoint of motivation theory, good insurance, high monetary return etc., are goals thought to have positive incentive value. Bureaucratic annoyance and obstacles, and inadequate reward can be listed as events that generally have negative incentive value. Availability is important here too. If the victim does not have insurance, for example, he is denied this course of action.

Incentives alone do not determine attraction to a goal. Attraction to the consequences of given action also depends on the individual's experience with the more general class of incentives that the particular consequences may represent. Victims are said to have high motive to report if their loss was high, or, if the crime was very serious. Alternately, victims may be said to be low in their motive to report, if

their loss was low, or if they were not eligible to receive compensation. Motives are modifiers of incentives, that is, if the incentive value of a given consequence is of a certain absolute strength, it will be more attractive to a person with high motive for that consequence, and less attractive to a person with low motive for that consequence.

### A Framework for the Analysis of Victim Behavior

Why some responses to criminal victimization are selected by victims rather than others, and why certain responses persist while others do not, will be an area of continuing investigation by social scientists for many years. As in the case of all other areas of the social sciences, data of varying validity and reliability abound, but schemes for their organization and assesement most often are provisional and incomplete. The theoretical scheme offered here is not an exception, although it may establish a line of inquiry which can be pursued beneficially.

In the preceding description of victim behavior, emphasis was placed on the goal-directedness of efforts to cope with criminal victimization. Goal-directed activities are intended to manipulate the conditions with which the victim is confronted as a result of criminal behavior. The responses chosen are most likely a function of both the victim's past experience and the various options present or absent in the enviornment with which the

victim must deal. For example, previous satisfactory or unsatisfactory dealings with the police constitute part of the individual's memory of relevant events which contribute to or detract from the tendency to invoke the criminal justice system as a response to criminal victimization. However, no matter how satisfying past experiences were, if the police do not respond to reports of crime, positive inclinations contribute little to the tendency to invoke the criminal justice system. Birch and Veroff (1966:5-10) suggest that motive, incentive, expectancy, and availability constitute the sources of tendencies to select one response or activity rather than another.

Their suggestion was based on the principle of action, an idea very similar to the psychological hedonism espoused by Helvetius, Locke, Bentham, and other social philosophers. They felt that an individual has a set of choices at a moment in time, he scans these ideas to find the one that maximizes pleasure or profits and minimizes pain or losses, and then selects the choice that yields the best return.

The principle that operates in theories of motivation from the 18th century through the 20th century is basically that a person maximizes gains and minimizes losses. Complicated theories have been constructed, indicating whether maximization of gains or minimization of losses is to be stressed.

Motive refers to what Birch and Veroff (1966:8) call modifiers of incentives. Motives reflect the individual's

previous experience with consequences of actions of a general class. For example, theft of insured property through criminal action may stimulate incentive to report the crime to the police and to contact the insurance company to recover the loss sustained. A victim who previously has had many unsatisfactory responses from bureaucratic organizations, such as the police and insurance companies, may decide to accept the loss. Others, who have had satisfactory dealings with bureaucracies, would be more likely to report the theft of property to the police and the insurance company.

Incentive is concerned with the way in which consequences of behavior add to the strength of the tendency to become involved in particular activities. Consequences or outcomes have varying incentive values for human beings, and each has a degree of attraction or repulsion for whatever activities are in question. According to Birch and Veroff (1966:7), "if an organism consistently approaches or consistently escapes certain consequences when free to do so, those consequences are said to have incentive value." The hapless assault and robbery victim may expect that, if he reports the crime, the police and the criminal justice system will act effectively in the apprehension and conviction of the perpetrator. Yet the victim also may know that investigation of the crime could disclose information that he had been involved in criminal activities himself at one time. In this case, incentive to

report the crime would be mixed.

Expectancy is the tendency to believe that selection of particular responses will actually achieve certain goals. The hypothetical victim of assault and robbery may not contact the police to report the crime because he believes that the police will not respond to his call or consider the incident a crime, or be able to apprehend the perpetrator. Expectancy varies substantially in strength, depending upon the relative success that the individual has had utilizing various means to attain objectives in the past. Repeated failure of the criminal justice system to respond to the victim's expectations contributes to the eventual selection of other responses to victimization. If the police fail to respond to the victim's report of an incident, or if the police decide that the incident is not a crime, or if the perpetrator remains unidentified or is not apprehended, it is clear that other responses must be pursued in accord with the strength of the incentive generated. The inability or unwillingness of law enforcement agencies to respond to a victim's reports of crime may impose limits on an individual's range of responses, and the victim's memory of such failures may determine the level of his expectancy that criminal justice agencies will act effectively. Where there are past experiences regarding a particular mode of action, responses of this variety are more likely to be applied to the present situation. For example, if the police recover an assault and robbery victim's property and return it to

him promptly, and if the perpetrator is apprehended, tried and convicted, the victim is more likely in the future to invoke the criminal justice system as a means of recovering property and attaining retribution.

An individual's past history or memory with respect to availability can also suggest objectives or goals, as well as means to obtain goals. For example, an assault-and-robbery victim may recall the persistent theme of personal revenge as it is portrayed in popular literature and electronic media. Recovery of stolen goods may decline as an objective, compared to what is believed to be the high degree of personal satisfaction resulting from administering punishment to the wrongdoer without the interference of the cumbersome and possibly ineffectual criminal justice bureaucracy.

These basic concepts drawn from motivation theory can be employed to construct a paradigm of victim response, such as that represented in Figure 4. The value of the paradigm is that it suggests the interrelated nature of responses to criminal victimization, the sources of responses to criminal victimization, and the sources of psychological effects which contribute to particular responses. Incentive and its modifier, motive, must be adequate for the victim before the sequence of tendencies is initiated. If incentive to act is inadequate, or if its strength is severely reduced by motive, the victim becomes quiescent. Quiescence refers to the tendency not to engage in

extrapunitive measures (i.e., those which result in action against others). It may involve acceptance of the losses or harm sustained or intrapunitive measures, such as withdrawal or suicide. Failure of any element of any response category contributes to lessening the probability that the response will be attempted again, although incentive to act remains high. For example, initially, the victim's incentive may be adequate and his expectation may be high that his objectives can be obtained through utilization of criminal justice services, but if the suspect is not arrested, even though the incident is judged as a crime by the police, the victim is apt henceforth to have lower expectations that criminal justice transactions will contribute to his desired objectives. The attainment of an objective or the failure to attain an objective has a cumulative effect on the probability that the responses will or will not be initiated again. The failure of all responses or the exclusion of those responses in which expectancy is inadequate, also contribute to the probability of quiescence. Concurrently, failure to attain an objective, so long as incentive is high, contributes to the expectancy that some other response is appropriate. For example, unsuccessful utilization of criminal justice organizations contributes to expectations that such behavior is not instrumental to securing the victim's objectives and will increase the expectation that other transactions are appropriate.

### The Revised Model

The Birch and Veroff model omits recent significant developments in the criminal justice system and its response to criminal victimization. These changes need to be incorporated into the model if it is to serve as an adequate and comprehensive scheme for analyzing responses to victimization. In Figure 5, we present a revised version of the model.

The revised model includes restitution as a form of compensation. Although its utilization in criminal justice is new, restitution as a response is itself not new. In the past, it was a common way for ~~offenders~~ to repay the victim for their misdeeds. However, settlement processes that were restitutive in character, were gradually replaced by legal proceedings under state authority and were increasingly punitive. The payments, defined as fines to the state, increased and payments to the victim and his kin diminished and eventually disappeared. Restitution is now finding its way back into the system.

Restitution refers to the contribution made by the offender towards the satisfaction of his victim. It moves from the offender to the victim and is personal. Restitution is a strategy of adapting the sentencing process to require the offender to recognize the losses of the victim, and to attempt to restore these losses. Restitution and compensation are not synonyms, therefore, represent two different, but complementary strategies for repairing and

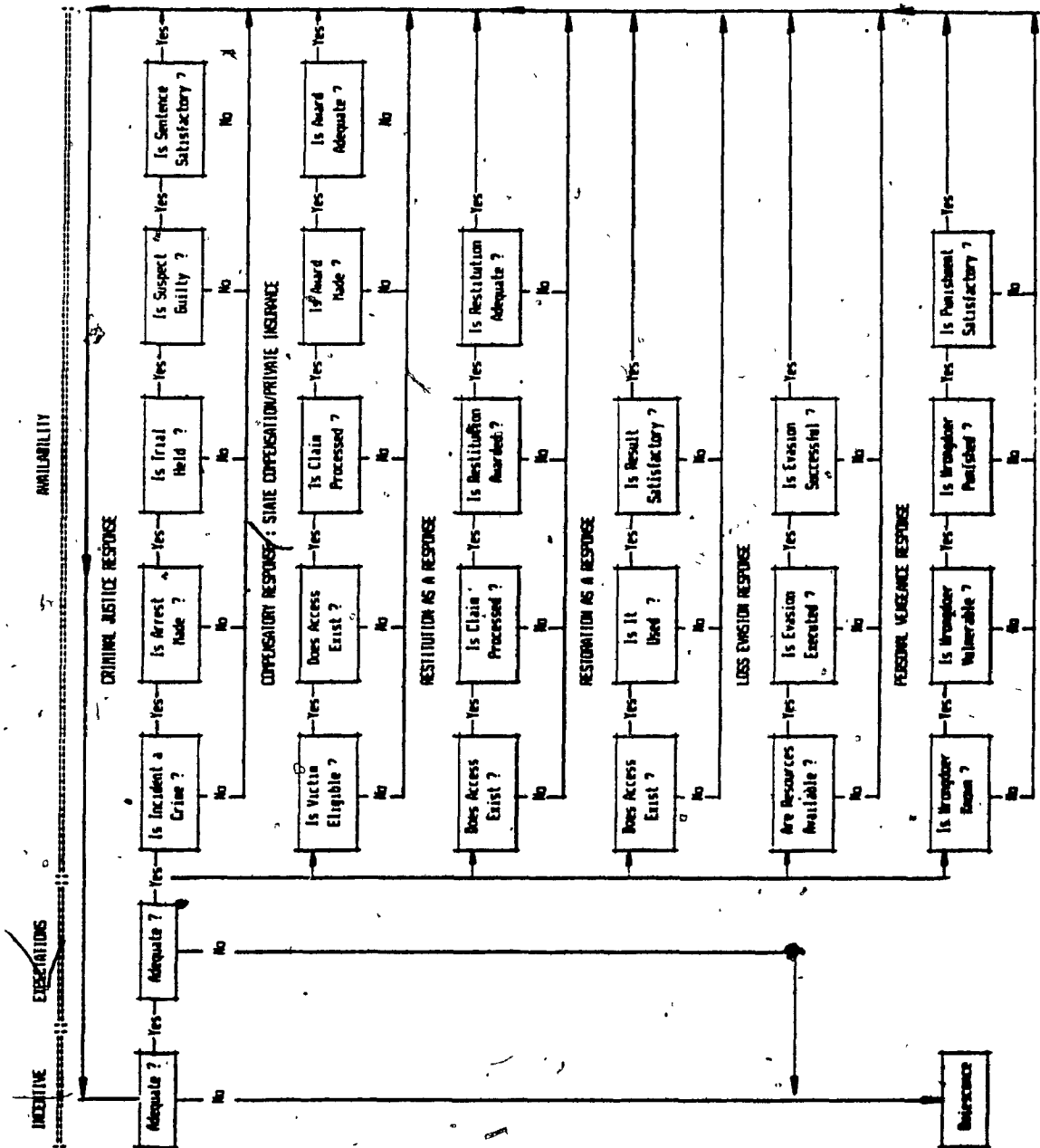


restoring the losses of victims of crime. Compensation refers to a contribution or payment by the state to the victim, based on the recognition of the limits of restitution as a solution to the costs of crime.

Restitution is applied in three different ways. Firstly, restitution can be ordered as a sentence through civil proceedings. Civil proceedings are sometimes used by victims in combination with prosecution of the accused by the state. Restitution can be also ordered in addition to a sentence, in order to compensate the victim and punish the offender at the same time. However, there are problems when restitution is ordered by the court in civil proceedings. In 45% of all assaults (C.U.V.S. 1982) the offenders are unknown, and the number of criminals having attachable assets is generally very small. In addition, few victims are capable of paying the costs to initiate civil proceeding. The third way to achieve restitution is through the restoration process, when both sides agree to reconcile upon certain amount of money for damages incurred. The use of restitution as a response is possible today under new legislation that allows the courts to require convicted offenders to compensate their victims for property damage or bodily injury.

It is important to distinguish between state compensation and private compensation. Restitution refers to the state's effort to seek compensation for the victim, and

FIGURE 5. RESPONSES TO CRIMINAL VICTIMIZATION ( THE REVISED MODEL )



the sense of responsibility and concern on the state's part that it represents. There may still be bureaucratic difficulties in obtaining state compensation, but with more funding and research the system will improve.

Another major change in the model is the addition of restoration as a possible response. "Restorative" justice, a term unheard of only a few years ago, is being used with increasing frequency in Canadian criminal justice circles.

The court used to emphasize retributive justice, insisting that all it needs is fine tuning to make it work. Despite some refinements, research indicates that what we are left with is a model that does not work for the victims, the offenders, the community, nor the state.

In contrast to this view, the restorative approach views justice as making things right again for the victim, the offender and the broader society. It emphasizes compensation, restitution, and reconciliation, while minimizing the use of pain or punishment.

In the current justice system, we define justice as the establishment of blame and the imposition of pain to punish and deter. The primary flaw in the model, however, may be hidden, closer to its core: our legal system defines crime as an offense against the state. If the authority of the state has been violated, then it falls to the state through its professional proxy, to respond, to file, to charge, and to prove the guilt of the offender against the victimized state.

It is no accident then, that the crime victim, the person who has been victimized, is so left out of this process. He or she is not even part of the equation, not part of the definition of the offense.

The new concepts of mediation and reconciliation, as means of resolving disputes, imply negotiation and eventual agreement between individuals involved in a close relationship, or even strangers. The value of mediation between individuals in a close relationship is clear. However, it was found also valuable in cases where the offender and the victim were total strangers. In rape cases for example, women were beginning to view the offenders not as "monsters" or "rapists", but as human beings, men who, like themselves, had spouses and families, men who felt hurt, who had problems and used their sexual acting out as a way of overcoming or coping with overwhelming stress (Sharp, 1987). In follow-up discussions, Sharp reported many women saying that for the first time in years they were able not only to gain perspective on what had happened to them, but also to regain that sense of power and control over their lives that had been stripped from them during the rape. The sexual offender reported gaining a fuller understanding of how their crimes had affected the lives of their victims and so many others, such as the victim's spouse, children and parents. It had been critically important for them to see the victim's pain and to see the devastating and damaging effects of sexual abuse.

Thus, reconciliation proves to be a valuable experience for the principals to meet face to face, and that both will be empowered by the meeting; the victim to gain control of his or her life, and the offender to take responsibility for his or her actions.

This new idea of restorative justice suggests, that if the victim knows the wrongdoer, or the wrongdoer is caught, then both parties, particularly the victim, have to agree to settle their dispute in mediation. The victims are open to mediation usually because it is more important to reconcile and/or deal with the fact that they would still have to interact on a continuing basis. Sometimes, victims will agree because they might think that the accused is unlikely to receive a sufficient punishment anyway.

Victims can seek mediation at a variety of points in the legal process. Mediation can occur before the criminal justice system is involved in the case or after the case has been processed within the criminal justice system, and a conviction or finding of guilt has been established. Police referrals are another source. The police may have been called to investigate a domestic quarrel or a dispute between neighbors, and may decide not to lay charges but instead, to recommend mediation to the parties as a way to resolve the matter. Another point at which pre-trial mediation occurs is after court proceedings have been initiated by the laying of charges, but before the trial takes place. In such instance, one or both the disputants have

been charged, but before the case proceeds the prosecutor decides to refer it to mediation.

Naturally, reconciliation and mediation are not always appropriate. But this option should be extended to the individuals concerned, and their decision should be based upon their own needs, rather than upon the professional's discomfort or biases about victim-offender meetings.

### Summary

Victimization can dramatically affect attitudes and behavior. It will often impose considerable financial and physical costs on individuals. Many will resort to various degrees of personal protection which results in costs and behavioral changes. Victimization produces guilt, and psychological pain of one sort or another, and can stimulate personal accommodations. We can also expect official responses to change in order to improve the situation for victims. The changes signal an attempt to promote the interests of victims in legal proceedings.

## CONCLUSION

## CONCLUSION

Victimization influences people in different ways. For some, it is no more than a minor inconvenience. For others it entails serious financial, emotional, psychological, medical and practical costs. It might also generate concern about victimization in the future.

A variety of programs and services have been developed to respond to victims' needs: medical and mental services, crisis intervention; victim reimbursement schemes such as compensation, restitution, civil actions and insurance; criminal justice reforms, victim-witness assistance programs; victims' rights; and crime reduction strategies such as victimization avoidance and community crime control. Recently, efforts have also been made in the areas of mediation and restoration.

We need to continue to analyze victimization, its impact, victims' responses to it, and its implications for both our theoretical understanding of victimization and public policy. More specifically, there are several avenues for future research.

The most obvious questions are those with respect to the linkages between psychological and sociological concepts and elements of victim behavior represented in the original (Figure 4) and revised (Figure 5) models of responses to criminal victimization. The models presume that victims, criminals, criminal justice professionals, and various other members of society interact, and that such interaction



has consequences for the individual as well as society. Yet very little attention has been paid to the process aspects of criminal victimization. The major surveys on victims of crime have focused on the social characteristics of victims who report or do not report crimes to the police, rather than on the process by which such decisions are made. Without a clear sense of the process involved in criminal victimization, it is difficult to respond to those areas of victim behavior that are considered problematic. For example, the C.U.V.S survey results indicate that the reporting rate increased with age of the victim from 34% when victims were under 25, to 55% when victims were 40 or older. These results fail to indicate, however, what aspects of victim behavior are open to change, what options victims consider attractive, and what consequences these options have for others. Special purpose data-gathering techniques, in combination with new conceptions of the process of criminal victimization, are required in order to provide guidelines for program development and to increase our knowledge about the phenomenon of criminal victimization.

The relationship between responses to crime and their outcome also needs to be explored. Rational-cognitive theories of human behavior assume that man's fate is malleable, and that by making choices and taking actions we can, within significant constraints, reshape our condition. Research should include identifying those who have profited from efforts to reduce their risks, and the nature and magnitude

of those constraints, which often are race and class-based. Policy makers need to know what programs to promote, and some estimates of their costs and benefits. And all these parties should be concerned with an additional issue, that of the individual and collective consequences of actions.

Another area of interest is the development of the idea of restorative justice and the attempt to bring the victim back into the criminal justice system in a way that satisfies the needs of the victim, the offender, and society alike. This development is an effort to come to grips with some of the shortcomings of the system. But it also represents a significant shift in our approach to justice, one that tries to restore and build instead of punishing and destroying. The viability of a restorative system in contemporary society remains to be seen. What is clear is that this approach is receiving increasingly serious consideration in Canada, and it is fast winning credibility among theorists and practitioners internationally. To what extent will the restorative justice model become an established form?

Finally, there is the question of future directions that victimology can take. Thus far, the science of victimology has made an important contribution to criminology. It has addressed long unanswered questions about the victim and has forced us to understand crime and victimization as inexorably linked in the dynamics of victim-offender interactions. At the same time, it has been criticized for its methodological and theoretical

shortcomings. In particular, its excessive empiricism and preoccupation with victim-precipitation have drawn fire. Moreover, it has restricted itself almost exclusively to criminal victimization.

There is clearly room for a broadened scope that would include both the traditional concerns of victimology, as well as such matters as governmental victimology, and social sources of victimization and victim-producing cultures. This would inevitably lead us to consider actions of other kinds of victims, victimizers, and victimization.

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APPENDICES

**Table 1**

**Estimated Incidents in Seven Cities**

Type of Crime	Estimated Incidents <sup>(1)</sup>	Per Cent Reported
Sexual Assault	17,300	38
Robbery	49,200	45
Assault	285,700	34
Break & Enter	227,300	64
Motor Vehicle Theft	40,600	70
Household Theft	417,200	44
Personal Theft	349,800	29
Vandalism	213,000	35
<b>TOTAL</b>	<b>1 600,100</b>	<b>42</b>

<sup>(1)</sup> Please note that since the release of Bulletin Number 1, editing of the data tape has lead to minor alterations in some estimated numbers. Incident rates have not been affected by these changes.

**Table 2**

**Reasons Given by Victims for Failure to Report Incidents to the Police**

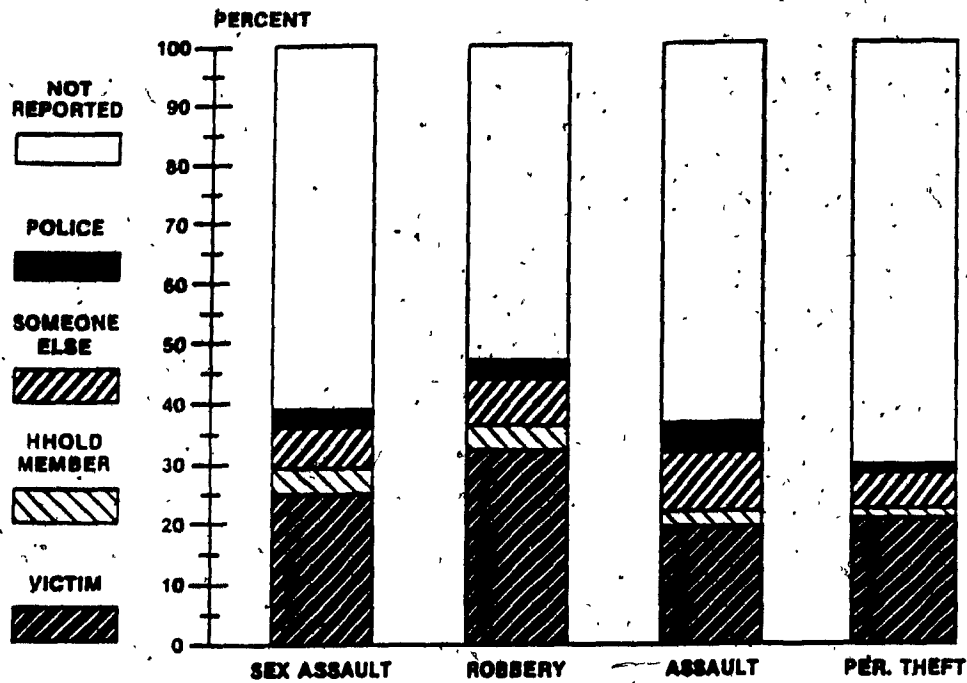
Reasons	Per Cent of All Unreported Incidents
<i>No Perceived Benefit</i>	
Too Minor	68
Police Couldn't Do Anything	61
Nothing Taken / Items Recovered	19
<i>Costs Outweigh Benefits</i>	
Inconvenience	24
Fear of Revenge	4
Concern with Attitude of Police or Courts	8
<i>Personal Reasons</i>	
Protect Offender	6
Personal Matter	13
<i>Reported to Another Official</i>	12
<b>Overall % Unreported</b>	<b>58</b>

Percentages do not add to 100 % since respondents could indicate more than one reason for failure to report any one incident

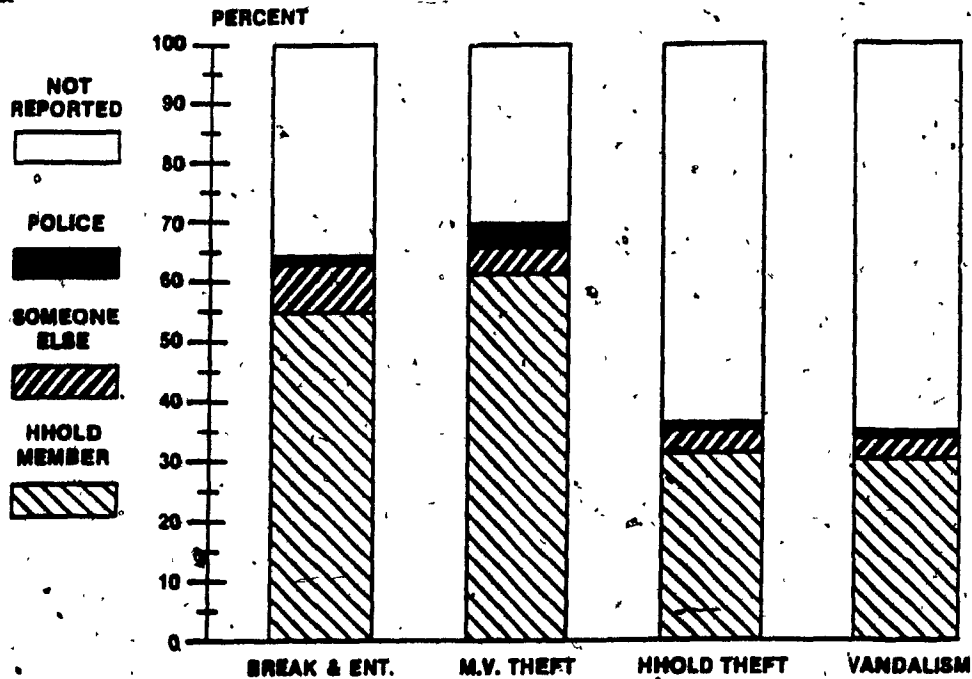
Source : Canadian Urban Victimization Survey ( 1982 )

**FIGURE 1**

**REPORTED & UNREPORTED PERSONAL OFFENCES**



**REPORTED & UNREPORTED HOUSEHOLD OFFENCES**

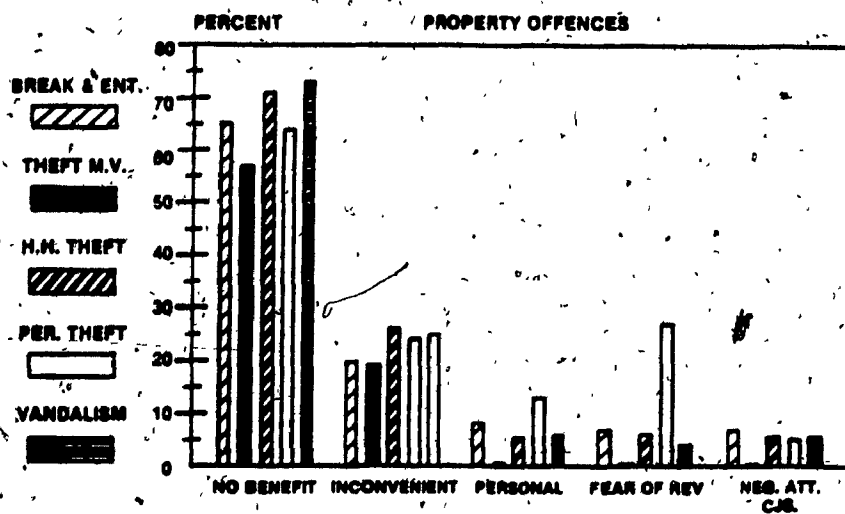
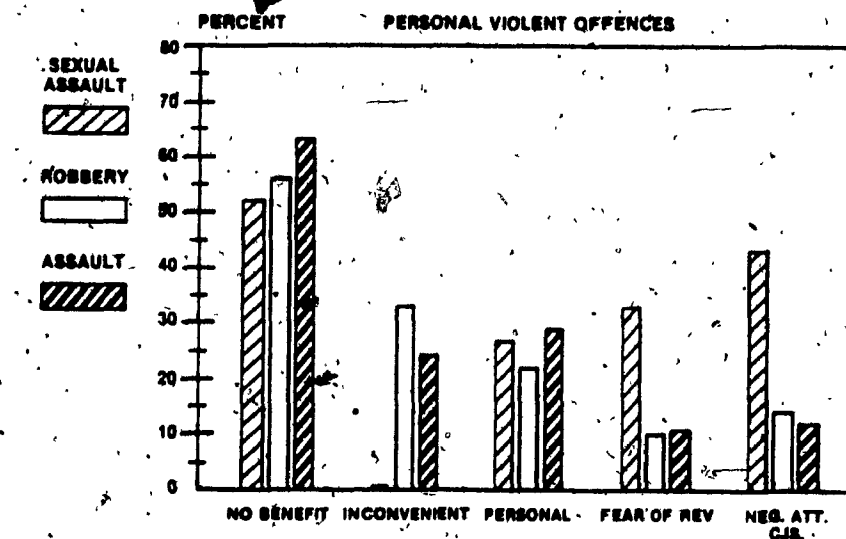


Source : Canadian Urban Victimization Survey ( 1982 )



**FIGURE 2**

**GROUPED REASONS FOR FAILURE TO REPORT**



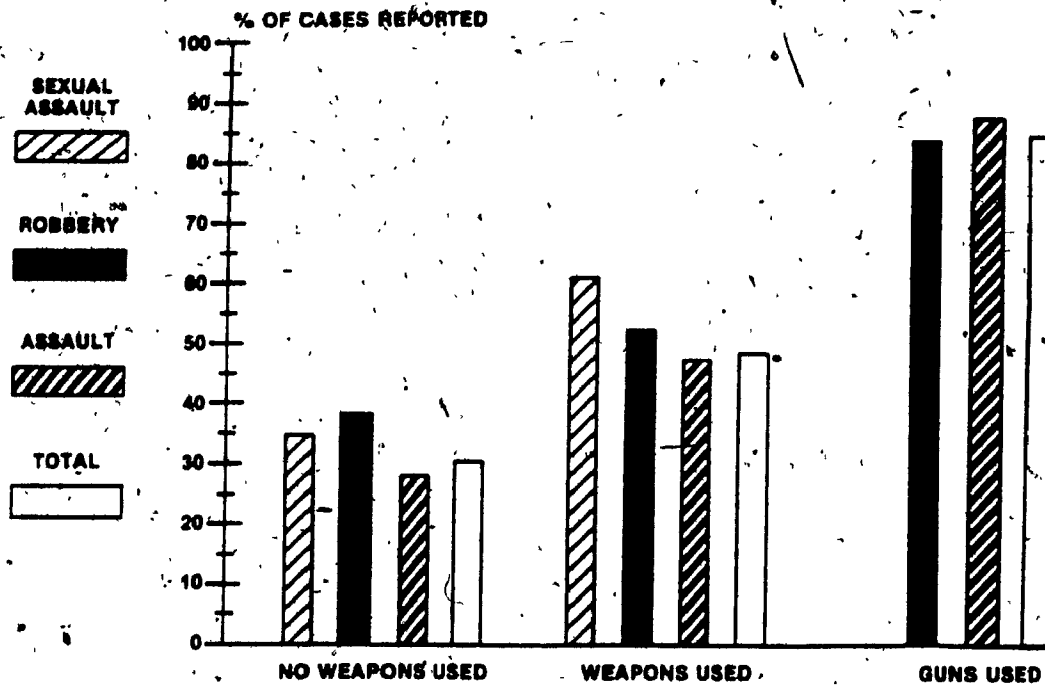
No Perceived Benefit includes: "Nothing taken or items recovered"; "Police couldn't do anything"; and "Too minor".

Personal reasons include: "Protect offender"; and "Personal matter".

Source : Canadian Urban Victimization Survey (1982)

**FIGURE 3**

**PROPORTION OF VIOLENT OFFENCES  
REPORTED BY USE OF WEAPONS**



Source: Canadian Urban Victimization Survey (1982)