

## CHAPTER ONE

### 1. INTRODUCTION TO VICTIMOLOGY

#### 1.1. Introduction

Benjamin Mendelsohn, often referred to as the father of victimology, describes the field as “the science of victims and victimity. By victimity, we mean the general concept the specific common phenomenon which characterizes all categories of victims, whatever the cause of their situation” (1976, p. 9). In other words, Mendelsohn continues, “it [victimology] must take into account all phenomena which *causes* victims, to the extent that society takes an interest in them” (1976, p. 9; emphasis added). Taking into account these statements, victimology is the study of victimization that includes the analysis of the victim-offender relationship as well as the victim’s experiences with the criminal justice system during the administration of justice (Mendelsohn, 1976; van Dijk, 1999; Viano, 1983). Ultimately, the field of victimology includes two overarching goals: (1) to prevent victimization from happening in the first place and (2) to minimize the harm post-victimization as well as prevent repeat victimizations (Mendelsohn, 1976).

The following quote from Frederick Wertham’s (1949) text entitled *The Show of Violence* underscores the importance of victimology in the overall understanding of crime: “One cannot understand the psychology of the murderer if one does not understand the sociology of the victim. What we need is a science of victimology” (as cited in Fattah, 1989). While this holistic understanding of crime has steadily progressed since the 1970s, most studies prior to the 20th century placed little emphasis on crime victims (Mendelsohn, 1976; Schneider, 2001; van Dijk, 1999; Viano, 1983, 1976). Interestingly, as Fattah (2000) notes, some of the earliest works examining crime victims were outside academia and are found in literature and poetry. To understand the state of victimology then, it is important to revisit this history, including the work of its pioneers, and learn how the field progressed.

#### 1.2. The History and Early Pioneers of Victimology

An overview of early criminological works, particularly before the 20th century, shows a notable dearth of information on victims of crime (Fattah, 2000; Viano, 1976). This is not to state that there was a complete *absence* of discussion about crime victims (Viano, 1983), but rather that scholarly activity focused on perpetrators of crime. A review of early criminological works reveals some

discussion of crime victims as seen through the writings of Beccaria (1764) and Lombroso (1876) (as cited in Dussich, 2006; Schafer, 1977), but, again, many criminology studies during this time focused on understanding the origins of crime through examining only the actions of the offender (Schneider, 2001). However, interest in the suffering of victims accelerated in the aftermath of World War II, and victimology began emerging from the broader field of criminology (Fattah, 2000).

**Table 1.1** Mendelsohn's (1956) *Victim Culpability Spectrum with Examples*

<i>Level of Victim Culpability</i>	<i>Examples</i>
<i>Completely Innocent</i>	An individual killed while sleeping at home
<i>Victim With Minor Guilt</i>	An individual robbed after displaying money
<i>Victim as Guilty as Offender</i>	An individual killed during a drug transaction
<i>Victim More Guilty than Offender</i>	An individual killed after initiating a physical altercation
<i>Most Guilty Victim</i>	An individual killed while committing a robbery
<i>Imaginary Victim</i>	An individual who pretends that he/she was victimized

Several early pioneers in victimology made lasting impacts on the field, and, interestingly, many began their careers in the legal profession. For example, Benjamin Mendelsohn (1900–1998) was an Israeli criminal law scholar (van Dijk, 1999) who coined the term victimology in a paper presentation in Bucharest, Romania, in 1947 and used it in a paper entitled “A New Branch of Bio-Psycho-Social Science: Victimology” in 1946 (Mendelsohn, 1963; *The Victimologist*, 1998). As a criminal defense lawyer, Mendelsohn, like many victimologists of the day, was interested in understanding how victims' actions contributed to criminal activity (van Dijk, 1999; Viano, 1976). Although there is some disagreement about whether he was the first to use the term or whether it was an American psychiatrist named Frederick Wertham in 1949 (Fattah, 2000), Mendelsohn continued to shape the field with his writings until his death in January 1998 (*The Victimologist*, 1998). Indeed, one of his lasting contributions to the field was the creation of a typology (see Table

1.1) delineating the responsibility of the victim versus the offender in criminal events, which ranged from completely innocent to completely guilty.

Although Mendelsohn was a pivotal member of the victimology field, the contributions made by Hans von Hentig, whom Mendelsohn himself cites (1963), were equally as important. Unlike many victimologists, Hans von Hentig (1887–1974) began his career as an academic and scholar with a keen focus on the role of victims in criminal activity (Viano, 1976). In his pursuit to understand the etiology of victimization, von Hentig was especially concerned about the interaction between victims and offenders and the exchanges that led to criminal events (Mendelsohn, 1963). Von Hentig's interest resulted in one of the most influential works in the field, *The Criminal and His Victim* (1948), in which he identified several victim risk factors that were important for understanding the genesis of crime (see Table 1.2). His seminal work, along with similar works of other victimologists of the period (e.g., Fattah, Mendelsohn), also contributed to later debates surrounding whether victims were responsible, in whole or in part, for their own victimization (van Dijk, 1999).

**Table 1.2** *Von Hentig's Victim Risk Factors*

<b>Victim Characteristics</b>	<b>Proneness to Crime Stems From</b>
<b>1. The Young</b>	Emotional and Physical Vulnerability
<b>2. Females</b>	Physical Vulnerability
<b>3. The Old</b>	Mental and Physical Vulnerability; Access to Wealth
<b>4. The Mentally Defective or Deranged</b>	Vulnerability from Defect or Through Substance Use
<b>5. Immigrants</b>	Challenges in Assimilation into a New Culture
<b>6. Minorities</b>	Discrimination and Prejudice from Inequality
<b>7. Dull Normal</b>	Lack of Awareness and General Naïvete
<b>8. The Depressed</b>	Failing to Exercise Due Care

<b>9. The Acquisitive</b>	Greed and Recklessness
<b>10. The Wanton</b>	Lack of Appropriate Sensibilities
<b>11. The Lonesome and Heartbroken</b>	Desire for Companionship and Recklessness
<b>12. Tormentor</b>	An Abusive Environment That Often Spans Years
<b>13. The Blocked, Exempted, Fighting</b>	The Inability to Defend Against Attacks

Similar to Mendelsohn, Ezzat A. Fattah (b. 1929) began his career as a lawyer. In that capacity he witnessed the inhumane treatment of incarcerated offenders (Viano, 1976). It was through this position, and the reading of notable works like von Hentig's *The Criminal and His Victim*, that Fattah realized that systemic change in terms of crime prevention would occur only after researchers developed a holistic understanding of the origins of criminal activity (Viano, 1976). This holistic understanding required the consideration of the interactions and relationships between offenders and victims as well as the contributions of each to the criminal event itself (Viano, 1976). In pursuit of this goal, Fattah studied homicides committed during robberies in order to understand what contributed to the criminal event—including the victim's own actions (Viano, 1976). He, like many other eminent victimologists, also attempted to construct a way of understanding victimization risks along a type of continuum (see Table below).

**Table 1.3** *Fattah's Victim Classification Scheme*

<b>Victim Classes</b>	<b>Characterized By</b>
<b>Non-Participating Victims</b>	A lack of contribution or participation in the crime
<b>Latent or Predisposed Victims</b>	Presence of risk factors that increase the likelihood of crime
<b>Provocative Victims</b>	Engaging in actions that lead to the genesis of a crime

**Participating Victims**

Engaging in actions that facilitate the genesis of a crime

**False Victims**

The lack of actual victimization perpetrated by another Individual

Sara Margery Fry (1874–1958) was particularly progressive for the period in which she lived. Similar to Fattah, her passion stemmed from witnessing the inhumane treatment of incarcerated offenders, and she worked throughout her life to improve the criminal justice system for both offenders and victims (Viano, 1976). Perhaps most importantly, Fry advocated for improved treatment of offenders without de-emphasizing the harm victims experienced in the aftermath of crime (Viano, 1976). After experiencing a crime, herself, Fry worked tirelessly in England to encourage the establishment of a compensation fund for crime victims, which ultimately occurred in 1964 (Dussich, 2006; Viano, 1976). Additionally, her efforts led to the development of similar programs around the world—including in the United States (Viano, 1983).

As these profiles illustrate, awareness of victims as important components of criminal events was occurring across the globe. This interest eventually led to the founding of the Institute for Victimology at Keio University (Tokyo, Japan) in 1969, which was largely the result of efforts by Koichi Miyazawa (b. 1930) (Viano, 1976).

Miyazawa's interest in victimology originated during his early studies in criminology, when he realized that the role of victims in the genesis of criminal events was an under researched area ripe for investigation (Viano, 1976). However, at that time, many of the works by early victimologists were not accessible to Japanese scholars (Viano, 1976). Therefore, Miyazawa's text *Basic Problems and Concepts in Victimology*, in which he synthesized the essential and important victimological works of the time in Japanese, was particularly significant (Viano, 1976). Aside from creating this accessibility, Miyazawa's *Basic Problems* also presented a theoretical framework for understanding victimization (Viano, 1976).

Stephen Schafer (1911–1976) also began his career as a lawyer and pivoted toward academia after escaping persecution during World War II (Viano, 1976). His interest in victimology first arose during late adolescence, when he noticed that victims were largely overlooked in the administration

of justice despite the harm these individuals experienced (Viano, 1976). Years later, he spent considerable time parsing out the “functional responsibility” victims had in criminal events (Viano, 1976, p. 224). Indeed, in his seminal work, *Victimology: The Victim and His Criminal*, Schafer (1977) criticized victimization studies for the lack of attention placed on the criminal-victim relationship, which he emphasized should be a central line of inquiry in the field.

Aside from calling attention to the perceived misdirection in the field, Schafer (1977) also proposed a typology that sought to overcome some of the challenges associated with previous frameworks that he noted were largely “speculative guesswork” (p. 45). In contrast to previous frameworks, Schafer’s (1977) typology (see Table 1.4) accounted for both behavioral and social characteristics that contributed to the genesis of crime. Moreover, he sought to ensure that his framework was applicable and transferable to various types of crimes (Schafer, 1977). According to Schafer (1977), his ultimate goal in constructing this typology was to provide an instrument by which the responsibility of both the offender and the victim could be assessed in the criminal-victim relationship.

**Table 1.4** *Schafer’s Victim Responsibility Typology*

<i>Type</i>	<i>Responsibility Determination</i>
<i>Unrelated Victims</i>	Criminal is solely responsible; there is no relationship to the victim
<i>Provocative Victims</i>	Shared responsibility between criminal and victim because of victim’s provocation
<i>Precipitative Victims</i>	Shared responsibility between criminal and victim because of victim’s carelessness
<i>Biologically Weak Victims</i>	Shared responsibility between criminal and larger society, which failed to protect the victim despite his/her inherent vulnerabilities
<i>Socially Weak Victims</i>	Shared responsibility between criminal and larger society, which failed to protect the

*Self-victimizing Victims*

victim despite his/her socially vulnerable position

The victim is completely responsible and is considered a criminal-victim

*Political Victims*

Victim is not responsible, because of his/her lack of socio-political capital

Although the previously noted scholars contributed to the rapid evolution of victimology, over time their work has drawn substantial criticism and debate given the victim-blaming nature of their typologies. In order to understand the origin of this debate and how these discussions continue to shape the field today, the next section of this chapter discusses the different areas of victimological thought beyond any particular scholar's work. In this discussion, we also explain and explore important concepts regarding the victim's role in criminal events (e.g., victim-precipitation, victim-provocation, and victim-facilitation) that largely developed because of these scholars' works.

### **1.3. Areas of Victimological Thought**

#### ***1.3.1. Penal Victimology***

The focus on the understanding of victims as dynamic components of crime with varying degrees of responsibility dominated many early works in victimology, and, because of the nature of these studies, these lines of inquiry are referred to as penal victimology (van Dijk, 1999). Penal victimology, sometimes also known as interactionist victimology (van Dijk, 1999), broadly describes studies that focus on the interaction and relationship between offenders and victims within the confines of criminal law (van Dijk, 1999). In addition to these terms, some have referred to this field as positivist victimology given these scholars' heavy utilization of crime surveys in early studies (Walklate, 1990). Although the chief criticism of penal victimology has been the victim-blaming nature of the research, van Dijk (1999) notes that early works in this area were important attempts to improve crime prevention efforts through the greater understanding of criminal events. Moreover, studies in this area of victimology led to the development of three important concepts meant to provide an understanding of the victim's role in criminal events: victim-precipitation, victim-facilitation, and victim-provocation.

Marvin Wolfgang was the first scholar to empirically evaluate the concept of *victim-precipitation* in his study of homicides (1957). Although he focused his investigation on homicide, Wolfgang's (1957) description of victim-precipitation is easily applicable to all crimes: "The term *victim-precipitated* is applied to those criminal homicides in which the victim is a *direct, positive precipitator* in the crime" (p. 2; emphasis added). In other words, victim-precipitation broadly refers to a victim's actions or behaviors that prompted the crime itself (Meier & Miethe, 1993). Ultimately, Wolfgang (1957) found that out of 588 criminal homicide cases, 26% were victim-precipitated. Aside from this finding, Wolfgang (1957) also identified several characteristics that were important in the comparison of victim-precipitated homicides to non-victim-precipitated homicides: biological sex, race, relationship status, substance use. Victim-provocation is similar to victim-precipitation, but the former arguably carries the most culpability in terms of assessing victim-responsibility. The greater culpability stems from the victim engaging in some *provocation* that leads to the onset of crime (Daigle & Muftic, 2015). For example, a patron at a bar becomes enraged and extremely hostile toward the establishment's management at closing time. In the course of the exchange, the patron grabs a knife and charges at one of the managers.

The manager responds by shooting the patron. Victimologists would likely agree that this case illustrates victim-provocation, because the patron would have left unharmed if it were not for his own actions. In terms of gauging responsibility, victim-facilitation is associated with the least amount of culpability compared to victim-precipitation or victim-provocation. Victim-facilitation describes situations in which a crime occurs because of victim carelessness in safeguarding themselves or their property (Daigle & Muftic, 2015). For example, a home that is burglarized after the homeowner neglects to lock the front door certainly does not excuse the offender, but the crime was easier for the perpetrator to commit given the lack of security.

The previous categories, largely derived from early works in penal victimology, continue to provide ways of understanding the victim's role in the genesis of crime. However, distinctions between these categories are far from absolute and can be difficult to parse out. Moreover, each of these concepts entails assigning some level of responsibility to the victim for his/her own victimization, which is widely referred to as victim-blaming. Perhaps the most infamous penal victimological study, one that spurred great debate regarding the appropriateness of assigning responsibility for victimization to victims themselves, was Menachem Amir's (1967) study titled *Victim Precipitated Forcible Rape*.



Amir, a student of Wolfgang, essentially followed his mentor's prior work, but focused on victim-precipitated forcible rape instead of on victim-precipitated homicide. To conduct his study, he also looked at data from the Philadelphia Police Department comprising 646 forcible rapes (Amir, 1967). He defined victim-precipitation as "those rape situations in which the victim actually, or so it was deemed, agreed to sexual relations but retracted before the actual act or did not react strongly enough when suggestion was made by the offender" (1967, p. 495). He ultimately found that 122 cases of forcible rape were victim-precipitated (Amir, 1967). In terms of differences between victim-precipitated forcible rape and non-victim-precipitated forcible rape, Amir (1967) noted a greater proportion of victim-precipitated forcible rapes involved the use of alcohol and victims with "bad reputations" among other characteristics.

Amir's (1967) overall study, as well as some of the specific risk factors he reports on (i.e., "bad reputation"), was immediately attacked both in and outside academia as a flawed and ill-conceived study (Meier & Miethe, 1993; van Dijk, 1999). To understand this response to Amir's study, it is important that readers are familiar with the socio-political climate of that day. During the 1970s, the women's rights movement (see Chapter 3) was advocating for an end to systemic forms of gender oppression as well as greater recognition of crimes against women in the criminal justice system. In this movement, feminists, or individuals who advocated for gender equality, both in and outside of academia, were also increasingly calling attention to the idea that crimes against women (e.g., domestic abuse, rape, and other forms of sexual violence) were a result of systemic gender inequality. Given this context, opponents of Amir's research, which suggests that (at least a portion) of forcible rapes were *caused by the victim*, strongly challenged his findings by arguing that he had ignored the larger cultural and structural systems of oppression that also contributed to violence against women (van Dijk, 1999).

The controversy surrounding Amir's study led to important conversations in the nascent victimology field. As van Dijk noted (1999), whereas early pioneers in victimology approached the study of criminal-victim relationships with balanced concern for offenders and victims, a new generation of victimologists recognized that cultural and structural constraints were important factors in considering the victim's role in the genesis of crime. Moreover, concerns surrounding the appropriateness of assigning responsibility to victims for their own victimization persisted, and likely led to an overall pivot in victimology such that the field became a platform to advocate for victims (Fattah, 2000). Related to this pivot were conversations regarding the scope of victimology

and whether the field should be bounded by criminal law or involve all types of victimization (van Dijk, 1999). Those who follow the latter precept are called general victimologists.

### ***1.3.2. General Victimology***

Although Mendelsohn's (1963) early work in victimology was oriented toward understanding the genesis of crime, he later advocated that all forms of victimization were rightfully within the purview of victimology (1976). In other words, Mendelsohn (1976) envisioned that victimology was rightfully considered as a separate area of social science focused on victimization broadly and not as a subfield within criminology. Included in this broad field were harms that resulted from crime, but also the environment, technology, and social trends (Mendelsohn, 1976). In the course of advocating for this expanded scope, Mendelsohn (1976) also called for formal organizations as well as clinics designed to promote a holistic understanding of victimization as a global problem. Given this shift in focus to understand all forms of victimization, as well as potential remedies for harm, general victimology is also known as assistance-oriented victimology (van Dijk, 1999). Others have referred to this branch of victimology as radical victimology, particularly in instances of state violence toward citizens (Mawby & Walklate, 1994).

The potential broadening of victimology to include all types of victimization was not an idea supported by all pioneers in the field. Fattah (2000) notes that the shift in victimology resulted in scholars assuming the role of activists, and the academic discipline itself morphing into a "humanistic movement" (p. 25). Another consequence of this pivot, according to Fattah (2000), is that there is an emphasis on assisting identifiable victims, which means there is less attention given to serious crimes without identifiable victims, such as white-collar crime (Fattah, 2000). Finally, by emphasizing harms stemming from victimization and advocating for increased victim remedies, some have suggested that conservative ideologues have been emboldened to pursue increasingly punitive crime policies (Fattah, 2000; McEvoy & McConnachie, 2012). Concerns expressed by Fattah and others arguably led to the development of the most recent branch of victimology: critical victimology.

### ***1.3.3. Critical Victimology***

According to Chouliaris (2011; as cited in Walklate, 2015), "critical victimology . . . engages in a twofold task: to cast light on the institutions and structural relations that favor specific images of

victimization at the expense of others (contextualization); and to draw attention to situations that, despite producing serious victimization, are not designated as such.” In other words, critical victimologists question how the wider societal structure influences our conception of victimization and the conditions under which the label “victim” is applied (Mawby & Walklate, 1994; Walklate, 1989, 1990, 2015). Relatedly, critical victimologists criticize the heavy utilization of national crime surveys by positivist victimologists as limiting the ability to capture complex contextual details about victims’ choices and lives that are intrinsically tied to class, gender, and race (among other things) (Walklate, 1989, 1990, 2015). Critical victimologists have also been especially disapproving of positivist victimology because of its failure to question how the socio-political undertones of criminal law, which is crafted and shaped by the most powerful in society, influence broader understandings of victimization (Walklate 1989, 1990, 2015). Put broadly, critical victimology attempts “to examine the wider social context in which some versions of victimology have become more dominant than others and how those versions of victimology are interwoven with questions of policy response and service delivery to victims of crime” (Mawby & Walklate, 1994, p. 21).

#### **1.4. Summary and Future Directions**

The victimology field continues to advance in terms of bringing additional understanding to the genesis of crime as well as the experiences of victims in navigating the criminal justice system. Relative to the broader criminology field, the victimology field is still young and continues to be shaped by its historical pioneers (e.g., Mendelsohn, von Hentig, Schafer) as well as contemporary trailblazers. As the field has grown, it has addressed and debated various controversies within it—such as balancing concern between offenders and victims, victim-blaming, and challenging various myths associated with victimization and crime victims themselves (Moriarty, 2008). As the nature of victimization changes, the field will continue to develop and expand. For example, one emerging area of the victimology field is cyber-victimology, which developed in reaction to the exploding field of cybercriminology. In the next chapter, we present an overview of the theoretical perspectives used in victimology.

#### **Discussion Questions**

1. Explain which branch of victimology you most identify with in terms of providing the best approach to understanding victimization. Be sure to justify your answer.

2. Explain whether you believe victimology should be “value-free,” not a field that advocates for social change. Be sure to justify your answer.
3. Explain why victimology is important to the understanding of criminal activity based on information in this chapter. Be sure to justify your answer.

## CHAPTER TWO

### 2. MEASURING CRIMINAL VICTIMIZATION

#### 2.1. Measuring Victimization

Before we can begin to understand *why* some people are the victims of crime and others are not, we must first know how often victimization occurs. Also important is knowing who the typical crime victim is. Luckily, these characteristics of victimization can be readily gleaned from existing data sources.

##### 2.1.1. *Uniform Crime Reports*

Begun in 1929, the Uniform Crime Report (UCR) shows the amount of crime known to the police in a year. Police departments around the country submit to the Federal Bureau of Investigation (FBI) monthly law enforcement reports on crimes that are reported to them or that they otherwise know about. The FBI then compiles these data and each year publishes a report called *Crime in the United States*, which details the crime that occurred in the United States for the year. This report includes information on eight offenses, known as the Part I index offenses: murder and nonnegligent manslaughter, rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. Arrest data are also listed in the report on Part II offenses, which include an additional 21 crime categories.

##### *Advantages and Disadvantages*

The UCR is a valuable data source for learning about crime and victimization. Because more than 97% of the population is represented by agencies participating in the UCR program, it provides an approximation of the total amount of crime experienced by almost all Americans (Federal Bureau of Investigation [FBI], 2014a). It presents the number of crimes for regions, states, cities, towns, areas under tribal law enforcement, and colleges and universities. It does so annually so that crime trends can be determined for the country and for these geographical units. Another benefit of the

UCR is that crime characteristics are also reported. It includes demographic information (age, sex, and race) on people who are arrested and some information on the crimes, such as location and time of occurrence.

Despite these advantages, it does not provide detailed information on crime victims. Also important to consider, the UCR includes information only on crimes that are reported to the police or of which the police are aware. In this way, all crimes that occur are not represented, especially because, as discussed shortly, crime victims often do not report their victimization to the police. Another limitation of the UCR as a crime data source is that the Part I index offenses do not cover the wide range of crimes that occur, such as simple assault and sexual assaults other than rape, and federal crimes are not counted.

Furthermore, the UCR uses the hierarchy rule. If more than one Part I offense occurs within the same incident report, the law enforcement agency counts only the highest offense in the reporting process (FBI, 2009). These exclusions also contribute to the UCR's underestimation of the extent of crime. Accuracy of the UCR data is also affected by law enforcement's willingness to participate in the program and to do so by reporting to the FBI all offenses of which they are aware.

### ***2.1.2. National Incident-Based Reporting System***

As noted, the UCR includes little information about the characteristics of criminal incidents. To overcome this deficiency, the FBI began the National Incident-Based Reporting System (NIBRS), an expanded data collection effort that includes detailed information about crimes. Agencies participating in the NIBRS collect information on each crime incident and arrest in 23 offense categories (Group A offenses) that encompass 49 specific crimes. Arrest data are reported for an additional 11 offenses (Group B offenses). Information about the offender, the victim, injury, location, property loss, and weapons is included (FBI, 2015a). Also of importance, NIBRS does not use the hierarchy rule when classifying or counting crimes (FBI, n.d.-a).

Although the NIBRS represents an advancement of the UCR program, not all law enforcement agencies participate in the system. As such, crime trends similar to those based on national data produced by the UCR are not yet available. As more agencies come online, the NIBRS data will likely be an even more valuable tool for understanding patterns and trends of crime victimization.

NIBRS is also a source of information on crime victims and incidents. Slightly less than one-quarter of victims were between 21 and 30 years of age and 51% of victims were females. Almost three-fourths of victims were White (72%), 20.8% were Black or African American, 1.4% were Asian, 0.6% were American Indian or Alaska Native, and less than 0.1% were Native Hawaiian or Pacific Islander (FBI, 2015b). In a slight majority of crimes against persons and robbery from the person (52.3%), the victim knew his or her offender but was not related to the offender, and in 10.2% of the crimes against persons, the perpetrator was a stranger (FBI, 2015c). Most crimes against the person occur at a victim's home (62.8%), whereas slightly more than 4 in 10 property crimes occur at a victim's home (although this was the most common location of property crime category) (FBI, 2015d).

### ***2.1.3. National Crime Victimization Survey***

As noted, the UCR and NIBRS have some limitations as crime data sources, particularly when information on victimization is of interest. To provide a picture of the extent to which individuals experience a range of crime victimizations, the Bureau of Justice Statistics (BJS) began, in 1973, a national survey of U.S. households. Originally called the National Crime Survey, it provides a picture of crime incidents and victims. In 1993, the BJS redesigned the survey, making extensive methodological changes, and renamed it the National Crime Victimization Survey (NCVS).

The NCVS is administered by the U.S. Census Bureau to a nationally representative sample of about 95,000 households. Each member of participating households who is 12 years old or older completes the survey, resulting in about 163,000 persons being interviewed (Truman & Morgan, 2016). Persons who live in military barracks and in institutional settings (e.g., prisons and hospitals) and those who are homeless are excluded from the NCVS. Each household selected remains in the study for 3 years and completes seven interviews 6 months apart. Each interview serves a bounding purpose by giving respondents a concrete event to reference (i.e., since the last interview) when answering questions in the next interview. Bounding is used to improve recall. In general, the first interview is conducted in person, with subsequent interviews taking place either in person or over the phone (Truman & Morgan, 2016).

The NCVS is conducted in two stages. In the first stage, individuals are asked if they experienced any of seven types of victimization during the previous 6 months. The victimizations that respondents are asked about are rape and sexual assault, robbery, aggravated and simple assault, personal theft, household burglary, motor vehicle theft, and theft. The initial questions asked in the first stage are known as screen questions, which are used to cue respondents or jog their memories as to whether they experienced any of these criminal victimizations in the previous 6 months. An example of a screen question is shown in Table 2.1. In the second stage, if the respondent answers affirmatively to any of the screen questions, the respondent then completes an incident report for each victimization experienced. In this way, if an individual stated that he or she had experienced one theft and one aggravated assault, he or she would fill out two incident reports—one for the theft and a separate one for the aggravated assault. In the incident report, detailed questions are asked about the incident, such as where it happened, whether it was reported to the police and why the victim did or did not report it, who the offender was, and whether the victim did anything to protect himself or herself during the incident. Table 2.2 shows an example of a question from the incident report. As you can see, responses to the questions from the incident report can help reveal the context of victimization.

Table 2.1 Example of Screen Question from NCVS

(Other than any incidents already mentioned,) has anyone attacked or threatened you in any of these ways (exclude telephone threats)?
(a) With any weapon, for instance, a gun or knife
(b) With anything like a baseball bat, frying pan, scissors, or stick
(c) By something thrown, such as a rock or bottle
(d) Include any grabbing, punching, or choking
(e) Any rape, attempted rape, or other type of sexual attack
(f) Any face-to-face threats

OR
(g) Any attack or threat or use of force by anyone at all? Please mention it even if you are not certain it was a crime.

Table 2.2 Example of Question from Incident Report in NCVS

Did the offender have a weapon such as a gun or knife, or something to use as a weapon, such as a bottle or wrench?
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Source: Bureau of Justice Statistics (2015b).

Another advantage of this two-stage procedure is that the incident report is used to determine what, if any, incident occurred. The incident report, as discussed, includes detailed questions about what happened, including questions used to classify an incident into its appropriate crime victimization type. For example, in order for a rape to be counted as such, the questions in the incident report that concern the elements of rape, (force, penetration), must be answered affirmatively for the incident to be counted as rape in the NCVS. This process is fairly conservative in that all elements of the criminal victimization must have occurred for it to be included in the estimates of that type of crime victimization.

The NCVS has several advantages as a measure of crime victimization. First, it includes in its estimates of victimization several offenses that are not included in Part I of the UCR; for example, simple assault and sexual assault are both included in NCVS estimates of victimization. Second, the NCVS does not measure only crimes reported to the police as does the UCR. Third, the NCVS asks individuals to recall incidents that occurred only during the previous 6 months, which is a relatively short recall period. In addition, its two stage measurement process allows for a more conservative way of estimating the amount of victimization that occurs each year in that incidents are counted only if they meet the criteria for inclusion.

Despite these advantages, the NCVS is not without its limitations. Estimates of crime victimization depend on the ability of respondents to accurately recall what occurred to them during the previous 6 months. Even though the NCVS attempts to aid in recall by spanning a short period (6 months) and by providing bounding via the previous survey administration, it is still possible that



individuals will not be completely accurate in recounting the particulars of an incident. Bounding and using a short recall period also do not combat against someone intentionally being misleading or lying or answering in a way meant to please the interviewer. Another possible limitation of the NCVS is its treatment of high-frequency repeat victimizations. Called series victimizations, these incidents are those in which a person experiences the same type of victimization during the 6-month recall period at such a high rate that he or she cannot recall specific details about each incident or even recall each incident. When this occurs, an incident report is only completed for the most recent incident, and incident counts are only included for up to 10 incidents (Truman, Langton, & Planty, 2013). As such, estimates of victimization may be lower than the actual amount because the cap for counting series victimizations is 10. On the other hand, even without recalling specific detail, these incidents are included in estimates of victimization. Including series victimizations in this way reveals little effects on the trends in violence estimates (Truman & Morgan, 2016). In addition, murder and "victimless" crimes such as prostitution and drug use are not included in NCVS estimates of crime

## **2.2. International Crime Victims Survey**

As you may imagine, there are many other self-report victimization surveys that are used to understand more specific forms of victimization, such as sexual victimization and those that occur outside the United States. Many of these are discussed in later chapters. One oft-cited survey of international victimization is the International Crime Victims Survey (ICVS), which was created to provide a standardized survey to compare crime victims' experiences across countries (van Dijk, van Kesteren, & Smit, 2008). The first round of the survey was conducted in 1989 and was repeated in 1992, 1996, 2000, and 2004/2005. Collectively, more than 340,000 persons have been surveyed in more than 78 countries as part of the ICVS program (van Dijk et al., 2008). Respondents are asked about 10 types of victimization that they could have experienced: car theft, theft from or out of a car, motorcycle theft, bicycle theft, attempted or completed burglary, sexual victimization (rapes and sexual assault), threats, assaults, robbery, and theft of personal property (van Dijk et al., 2008). If a person has experienced any of these offenses, he or she then answers follow-up questions about the incident. This survey has provided estimates of the extent of crime victimization in many countries and regions of the world. In addition, characteristics of crime victims and incidents have been produced from these surveys.

## CHAPTER THREE

### 3. THEORIES OF VICTIMIZATION

#### 3.1. Introduction

Recall in Chapter 1, “Introduction to Victimology,” that we spent considerable time noting the works of pioneers in the victimology field and the contributions made by each in the understanding of the genesis of crime. In many of these early studies, risk factors like age and gender, among others, were identified as affecting the odds of experiencing a criminal event. However, without utilizing a theoretical perspective to *frame* these risk factors, scholars have asserted that all these findings remain—a list of variables not grounded in any broader understanding of *why* these events happen (Higgins, 2004). Thus, framing risk factors within a theoretical perspective in order to present a holistic understanding of victimization is arguably as important as conducting the research itself.

According to the dictionary, theory is “a plausible or scientifically acceptable general principle or body of principles offered to explain phenomena” (Theory [Def. 1], n.d.). Before discussing several theoretical perspectives utilized to understand the genesis of crime, it is important to note that no one framework is universally agreed upon by all scholars. Each perspective noted below has strengths as well as weaknesses. In this chapter, we present several perspectives in victimology, some of which focus on the offender and victim selection while others focus purely on victim behaviors.

#### 3.1.1. *Biosocial Criminology Theory*

One of the earliest pioneers of biosocial criminology theory was Dr. Lee Ellis, who utilized this perspective in the understanding of rape (1991). According to the Biosocial Criminology Association, biosocial criminology seeks to “understand the biological and environmental influences on the development of antisocial behavior.” In other words, biosocial criminologists investigate the perpetration and/or experiencing of criminal activity from a vantage point that accounts for biological as well as social factors. As mentioned, some of the earliest work utilizing this perspective focused on rape.

In his seminal (1991) article entitled “A Synthesized (Biosocial) Theory of Rape,” Ellis attempted to integrate and merge other perspectives on the topic into one all-inclusive framework. At the time,

many scholars utilized the following approaches to understand this crime: (1) feminist perspective, (2) evolutionary theory, and (3) social learning theory (Ellis, 1991). In order to understand Ellis' attempt to integrate and merge these theories into a biosocial criminology framework, it is necessary to discuss each of these perspectives separately.

In terms of the feminist perspective, scholars in this field theorize that violence against women, including rape, is ultimately an expression of power and control originating from a system of oppression and patriarchy (Ellis, 1991). From this perspective, rape is a symptom of the larger systemic issue of gender inequality—it is not grounded in sexual attraction or gratification (Ellis, 1991). From an evolutionary theory perspective, rape stems from an internal motivation among males to ensure the production of offspring (Ellis, 1991). Finally, from a social learning theory perspective, rape is the result of individuals internalizing sexist attitudes and beliefs, such as those depicted through mass media, and then acting on those antisocial norms (Ellis, 1991). Given that these perspectives speak to both biological (e.g., evolutionary theory) and social (e.g., feminist perspective; social learning theory) causes of violence, Ellis (1991) leveraged each of their respective strengths in his construction of a biosocial theory of rape.

From Ellis' (1991) biosocial criminology perspective, rape occurs as a result of the following four biosocial factors: (1) men's biological drive as well as social drive to "possess" another person; (2) men's desire to continue their lineage through the production of multiple offspring, which for men generally does not require the same level of investment as it does for women; (3) men's learned and internalized attitudes and beliefs about sexual activity perpetrated through mass media; and (4) men's hormonal differences compared to women's. In a later study focused on revisiting the biosocial criminological perspective on rape, Ellis and Widmayer (2008) found support for applying this perspective to sexual violence. In that study, the scholars found that non-rapists had fewer sexual partners than rapists, because, arguably, offenders sought to ensure the continuance of their lineage (Ellis & Widmayer, 2008). Moreover, findings indicated that the relationship between an offender and a survivor post-victimization varied depending on whether an offspring might be produced (Ellis & Widmayer, 2008). In addition to applying biosocial criminology to rape, scholars in the field have also used this perspective in understanding father-daughter incest.

In the 1986 study by Parker and Parker, the scholars used biosocial criminology to explain the etiology of father-daughter incest. The scholars hypothesized that humans are incest-avoidant given

biological issues that arise in the resulting offspring (Parker & Parker, 1986). To support this claim, the authors cite historical records of early human settlements where individuals who shared intimate and prolonged interactions with others during childhood avoided later copulation with these individuals as adults (Parker & Parker, 1986). The scholars also ground their beliefs in incest-avoidance by noting that animals rarely mate with family members as well (Parker & Parker, 1986). Ultimately, the scholars found support for applying a biosocial criminological perspective to father-daughter incest in that this crime was more likely to occur when there was both *physical* and *psychological* distance between the father and the daughter (Parker & Parker, 1986). The biosocial criminology perspective continues to be utilized within the field, although it has received a substantial amount of criticism—particularly in light of the actions of the Nazis during World War II.

Wright and Cullen (2012, p. 237) summarize succinctly the main criticism put to biosocial criminology when they say it is “a dangerous idea, because it created Nazism, was used to justify racism and sexism, and led to the eugenics movement in the United States.” Indeed, eugenics, or the practice of selective breeding for the purposes of improving the overall race (Eugenics [Def. 1], n.d.), was an unforeseen outcome of early biological criminological research like Cesare Lombroso’s work on identifying physical and mental characteristics that were indicative of criminality (Lombroso, 1911). However, as Wright and Cullen (2012) assert, biosocial criminology has since evolved to take into account both the biological and social roots of crime. This field of study is especially important because evidence suggests that antisocial behavior as well as other psychological disorders is somewhat biologically driven, that a relationship exists between certain developmental delays and engagement in aggressive behaviors, and that one’s environment affects genetic dispositions relevant for later criminality (Wright & Cullen, 2012).

### **3.1.2. Control Balance Theory**

Charles Tittle proposed control balance theory (CBT) in 1995 and asserted that deviance resulted from an imbalance in control among individuals and, specifically, *control deficits* and *control surpluses* (Tittle, 2004). According to Tittle (2004), control is the degree to which individuals can influence a course of action or outcome. All individuals seek control, but are also subjected to it as well (Tittle, 2004). Those experiencing a *control balance* can influence outcomes, but are subjected to control themselves in proportional measure (Tittle, 2004). In contrast, those experiencing a

*control deficit* experience more control than they exert, whereas those experiencing a *control surplus* can exert great control over outcomes (Tittle, 2004). In terms of the latter two situations of control, if someone is given the opportunity to engage in deviance, Tittle (2004) notes, criminal activity becomes more likely.

In instances of a control imbalance, Tittle (2004) theorized engagement in crime was more likely but that the *type* of crime would differ. For individuals experiencing a lack of control (i.e., control deficit), crimes of a *repressive* nature would dominate their criminal activity such as violence and sexual assault (Braithwaite, 1997) after there was recognition within the individual of their position (Tittle, 2004). Braithwaite (1997) provides the example of an individual who, upon recognizing his/her lack of autonomy, experiences humiliation and engages in deviance. Contrasting to the former, individuals experiencing great control are likely to engage in crimes of an *autonomous* nature such as bribery, extortion, and price-fixing (Braithwaite, 1997). Braithwaite (1997) provides the example of a powerful individual who, upon sensing dissension within his/her social circle, experiences anger and engages in deviance.

Given that CBT was not proposed until 1995, work in this area remains in its infancy relative to other criminological perspectives. However, scholars have explored the utility of this perspective and uncovered interesting findings. For example, in a study utilizing CBT in the investigation of youth relationships, findings indicated that individuals experiencing control deficits engaged in acts of defiance and predation (Delisi & Hochstetler, 2002). However, the findings surrounding control surpluses were less consistent (Delisi & Hochstetler, 2002). These results led Delisi and Hochstetler (2002) to conclude that there was some support for CBT in the examination of repressive forms of deviance, but that additional investigations were needed to focus on autonomous forms of deviance. Similarly, Piquero and Hickman (1999) found that their results aligned with CBT in that a control surplus explained autonomous forms of deviance, but a control surplus also explained defiance as well, which instead should align with control deficits. Therefore, like Delisi and Hochstetler (2002), the scholars called for additional research utilizing CBT (Piquero & Hickman, 1999).

### **3.1.3. *Feminist Criminology***

Feminist criminology grew out of the larger women's movement that gained momentum in the 1970s (Sharp, 2009). During the women's movement, criminological scholars began calling attention to the dearth of information in existence about female offenders and the inadequate

responses by the criminal justice system to these events (Sharp, 2009). This gap in the literature was particularly important to address, because some suspected that women's involvement in crime would increase given the liberation propelled forward by the women's movement (Sharp, 2009). Along with calling for greater recognition of the female offender, scholars in the feminist criminology movement advocated for greater awareness of how women's crime experiences, whether as an offender or survivor, varied given their demographic backgrounds (Sharp, 2009). Indeed, a main line of inquiry within feminist criminology is how women's involvement in crime traces back to larger, systemic forms of oppression like racism and sexism (Sharp, 2009). In terms of understanding crime and victimization, particularly from the vantage point of females, one significant outgrowth of the feminist criminology movement was the feminist pathways theory (Sharp, 2009).

Feminist pathways theory (Pasko & Chesney-Lind, 2016) essentially frames women's engagement in crime as stemming from the negative impacts of prior victimization as well as their interactions with the criminal justice system. Similar in thought to the life course development perspective, which is discussed below, feminist pathways theory asserts that one cannot understand the origins of female-perpetrated crimes unless the impact of prior life experiences is also taken into account (Sharp, 2009). Sharp (2009) notes that scholars have found that young girls are often punished more harshly than their male counterparts for status offenses, which forces them into the criminal justice system at a pivotal time of their development. A scholar utilizing the feminist pathways theoretical perspective would argue that this early interaction between the female youth and the criminal justice system likely increases the chances of her engaging in later criminal activity.

#### ***3.1.4. Life Course Development***

Scholars in the life course development (LCD) field, such as Glen H. Elder, assert that this framework addresses a long-standing dearth of understanding within the academic community of how an individual's development and experiences from childhood to death affect their decisions (Elder, Johnson, & Crosnoe, 2003). The introduction of longitudinal surveys aided in the growth of LCD, because scholars could follow individuals for extended periods to monitor onset, persistence, and desistance from criminal activity (Jennings & Piquero, 2009). For example, using a longitudinal research methodology, the Gluecks (1930) conducted a seminal LCD study in which

they followed the lives of 500 Boston youth to monitor their involvement in criminal activity (as cited in Jennings & Piquero, 2009).

The growth and utility of LCD is not restricted to criminology. It developed across various social science disciplines (Jennings & Piquero, 2009). To put the theory in broad terms, LCD scholars are concerned with how normative *social pathways* are altered by life events, referred to as *transitions*, that then lead to different *trajectories* (i.e., a long-term change in roles and expectations) (Elder et al., 2003). For example, the development and progression of a young man's life may dramatically change if he is diagnosed with a serious illness (change in trajectory) that requires him to completely change his life (transition). In another example more specific to criminology, the development and progression of a young woman's life may dramatically change if she is arrested on a serious charge (change in trajectory) that results in her incarceration (transition). In his discussion of LCD, Elder and his colleagues (2003; pp. 10–14) identified five general principles that drove this field of inquiry:

1. Human development and aging are lifelong processes
2. Individuals construct their own life course through the choices and actions they take within the opportunities and constraints of history and social circumstance
3. The life course of individuals is embedded in and shaped by historical time and places they experience over a lifetime
4. The developmental antecedents and consequences of life transitions, events, and behavioral patterns vary according to their timing in a person's life
5. Lives are lived interdependently and socio-historical influences are expressed through this network of shared relationships.

In terms of its applicability to criminology, Jennings and Piquero (2009) note that LCD scholars utilize the framework to understand the factors that contribute to, as well as deter from, the onset of criminal activity. Thinking back to earlier discussion on the feminist pathways theory, LCD scholars are also concerned with the effect victimization has on the onset of crime. For example, in a synthesis of the literature, Macmillian (2001) found that violent victimization has a profound, lasting impact on an individual's life. Macmillian (2001) notes that this profound impact stems from victimizations challenging an individual's sense of autonomy, safety, and security.

### **3.1.5. *Lifestyle Exposure Theory***

Unlike previous theoretical frameworks, lifestyle exposure theory (LET) centers on the actions and behaviors of potential victims that increase their vulnerability to experiencing a crime. LET was proposed by Hindelang, Gottfredson, and Garofalo in 1978 and is very similar to routine activities theory (RAT), which is the work of Cohen and Felson that is discussed later in this chapter. In fact, scholars have claimed that RAT is “merely an expansion” of LET (Choi, 2008, p. 308). In terms of its applicability to understanding victimization, LET essentially asserts that the risk of experiencing crime varies across society given the differences in how individuals are structurally situated (e.g., age, class, gender, race) (Choi, 2008).

Santana (2010) notes that LET originated in work devoted to understanding why certain segments of the population, such as young men, are more vulnerable to experiencing crime versus other groups. Santana (2010) continues, explaining that individuals’ activities and *lifestyles* are intertwined with the roles and expectations they hold in society. Thus, a young bachelor is likely at greater risk of experiencing a crime by the sheer nature of leading a more active lifestyle that exposes him to potential offenders. In another example, a woman who engages in survival sex as a means to acquire life’s necessities is at greater risk of experiencing crime by the sheer nature of that role. Reflecting on Chapter 1 and the concept of victim-blaming, these examples are not intended to assign responsibility but rather to identify vulnerabilities in the explanation of the genesis of crime.

In contrast to previously noted theoretical frameworks, LET is also one of the perspectives that is applicable to cybercrime victimization. Indeed, in their study on cyberstalking victimization Reyns and colleagues (2011) successfully applied LET and found that greater target attractiveness (e.g., risky online behaviors), when considered separately, are correlated to experiencing cyberstalking. This research supports similar studies, often utilizing the broader perspective referred to as RAT, that risky online behavior is important for assessing risk of victimization both offline and online (Navarro, Clevenger, Beasley, & Jackson, 2015; Navarro & Jasinski, 2012, 2013).

### **3.1.6. *Low Self-Control***

Low self-control (LSC) theory, also referred to as “self-control theory” or as the “general theory of crime,” is unique in the sense that it is argued to be a general explanation of why individuals engage



in crime regardless of the type of incident or surrounding cultural background (Gottfredson & Hirschi, 1990). The essential premise of the theory is that individuals engage in criminal activity because they cannot resist the opportunity for immediate gratification that it provides *and* they lack the barrier of self-control that law-abiding individuals develop during childhood (Gottfredson & Hirschi, 1990). This lack of self-control, which could be demonstrated by a volatile personality and/or substance use, is alleged to stem from inadequate parenting during childhood (Gottfredson & Hirschi, 1990).

Throughout the years, LSC has been applied to various types of crime, both online and offline. For example, Clevenger, Navarro, and Jasinski (2014) successfully applied LSC to their study on the differences between online sexual offenders who solely possess child pornography and online sexual offenders who possess as well as produce/ distribute child pornography. Ultimately, the scholars found that both groups engaged in behaviors indicative of LSC, but that the latter group demonstrated a greater lack of self-control compared to those who only possessed the explicit material (Clevenger et al., 2014). Not only is LSC a unique perspective in that it is an alleged universal explanation for crime engagement (Gottfredson & Hirschi, 1990), but scholars have used this framework to explain victimization as well (Schreck, 1999).

In Schreck's (1999) study, he successfully utilized LSC to explain risk of victimization. As he notes, low self-control was important for assessing risk of experiencing both property and personal victimization, and remained a significant factor regardless of whether the victim had engaged in criminal activity him- or herself (Schreck, 1999). In other words, the relationship between low self-control and risk of experiencing victimization existed both for individuals who engaged in crime and those who abstained from these behaviors (Schreck, 1999). He ends his study by calling for more research on LSC to inform our understanding of risks of victimization (Schreck, 1999).

### ***3.1.7. Routine Activities Theory***

Cohen and Felson introduced routine activities theory (RAT) to academia in the 1970s at approximately the same time as LET (discussed earlier). Much like LET, RAT is an opportunity-driven theoretical understanding of victimization. According to Cohen and Felson (1979), crime likely results from a convergence in time and space of the following three factors: a potential offender, a suitable target, and the lack of a capable guardian. This perspective, like LSC, is applicable across personal and property offenses; moreover, it has informed cybercrime research

as well (Navarro et al., 2015; Navarro & Jasinski, 2012, 2013). While scholars conceptualize RAT's main components slightly differently across studies, the essential premise underlining each remains largely the same.

According to RAT scholars, potential offenders, formerly referred to as motivated offenders, are omnipresent in society (Mustaine & Tewksbury, 2009). Taking that into account, RAT scholars have rarely investigated this component until recently. In their 2015 study, Navarro and Jasinski investigated differences in demographics and motivations across three groups of online sexual offenders to discern factors that would assist law enforcement in identifying these perpetrator types before crime engagement. Ultimately, the scholars found that the mainstream media's characterization of online sexual offenders as "predators" did not align with these data (Navarro & Jasinski, 2015). Additionally, findings indicated that the demographic and background characteristics of online sexual offenders did vary across offense types (Navarro & Jasinski, 2015).

The second component of RAT is akin to the main premise of LET and takes into account target vulnerability to victimization. The target can be a person or property (Cohen & Felson, 1979), and vulnerabilities broadly range across studies. For example, in their 2015 study of cyberbullying on social networking sites (SNS), Navarro and colleagues assessed what behaviors on social media platforms like Facebook make users vulnerable to cybervictimization. Ultimately, the scholars found that using SNS daily increased the risk of experiencing cyberbullying (Navarro et al., 2015). Additionally, bullying others, posting status updates, and using private messages all increased the odds of experiencing cyberbullying (Navarro et al., 2015).

The third component, a capable guardian, counteracts the chance of victimization occurring (Cohen & Felson, 1979). Although scholars' conceptualization of the capable guardian widely varies across studies, this component was envisioned as someone who could keep a crime from happening by keeping "an eye on the potential *target* of crime" (Felson, 2006, p. 80). In other words, using an alarm system or bright lights may deter a burglary, but these items are not capable forms of guardianship in terms of understanding RAT. Instead, capable forms of guardianship are parents, police officers, teachers, and others who are in positions to both monitor potential targets of crime *and* act if a crime is likely to occur. Taking this into account, Cohen and Felson (1979) theorized that the *lack* of a capable guardian contributed to the genesis of crime when a potential offender and suitable target converged in time and space.

### **3.1.8. *Social Disorganization Theory***

Social disorganization theory (SDT) is perhaps one of the most influential theoretical perspectives in criminology. First introduced by Shaw and McKay (1942), the framework argues that victimization at the individual level is a product of disorganization at the community level. Indeed, the main premise of SDT is that all social problems that plague a community are ultimately a reflection of ecological factors (Sampson, 1992). When first introduced, SDT centered on the following three broad concepts: “physical status, economic status, and population status” (Walker, 2010, p. 313). However, after failed or inconsistent replication attempts, as well as a period of inactivity, SDT was revamped to focus on collective efficacy and various neighborhood factors (Walker, 2010).

Many studies have evaluated the utility of SDT in urban locations (Vélez, 2001) and rural locations (Osgood & Chambers, 2000) with interesting results. Broadly speaking, SDT scholars have found that various community-level factors, such as residential instability, family disruption, and ethnic heterogeneity affect juvenile delinquency (Osgood & Chambers, 2000; Sampson & Groves, 1989). More specifically, a community with residents frequently moving in and out (i.e., residential instability), that has unstable family dynamics (i.e., family disruption), and a population including individuals of various backgrounds and cultures (e.g., ethnic heterogeneity) is less likely to forge the collective bonds that curb juvenile delinquency (Osgood & Chambers, 2000; Sampson, 1992; Sampson & Groves, 1989; Vélez, 2001). The importance of these factors led Sampson (1992) to suggest that communities ranged from “disorganized” to “organized” and that the organized communities utilized strong formal and informal social controls that were essential to curbing juvenile delinquency. Although SDT is a macro-level theory that takes into account community-level factors rather than individual-level factors this perspective has framed various types of victimization.

Vélez (2001) used SDT to assess risk of victimization by primarily looking at the social capital in a community and its relationship to formal entities of social control. Social capital, as explained by Walker (2010), is a term that has particular relevance for SDT, because it describes the intangible yet extremely important relationships a community has established to guard against social problems. In Vélez’s (2001) study, the impact of public social control on victimization risk was assessed by asking residents about the social capital they had garnered with their local government

and law enforcement. Ultimately, the scholar found that communities that had stronger relationships with formal entities of social control (e.g., government and law enforcement) experienced less victimization (Vélez, 2001).

### ***3.1.9. Social Interactionist Theory***

Social interactionist (SI) theory, proposed by Felson and Tedeschi (1993), explains that victimization is the result of a conscious choice by offenders to utilize violence, or some other type of coercive action (e.g., bodily force, threat, or punishment), in order to achieve an important objective. Unlike frustration-aggression theory, where violence is an involuntary reaction to a perceived stressor, SI argues that perpetrators use violence in an instrumental and purposeful way (Felson & Tedeschi, 1993). According to Felson and Tedeschi (1993, p. 295), instrumental violence is often perpetrated with one or more of the following three goals in mind: “(1) gain compliance, (2) redress grievances, or (3) promote or defend valued identities.” Perhaps what is most disturbing about this decision-making process, as Felson and Tedeschi (1993) note, is the fact that perpetrators of violence likely feel justified in their utilization of it.

Taking this into account, SI is easily applicable to various sorts of offenses, but particularly interpersonal abuse like domestic violence and sexual assault. Imagine an abuser who arrives home and finds dinner is not on the table yet (i.e., a perceived slight): the batterer may feel the need to reassert who controls the household and decide to physically assault the partner to redress this grievance. In another example, imagine a woman is trapped in a room with an aggressive male who is attempting to engage her in sexual activity. The male may decide to threaten her with great physical bodily harm unless she complies with his demands. Finally, imagine a group of young people is out at a social event. In the midst of having a good time, one individual hurls an insult at another. The targeted individual, feeling his very identity has just been challenged by the insult, may decide to defend himself by violent means.

### ***3.1.10. Social Learning Theory***

Social learning theory (Akers, 1973) argues that social behavior, regardless of whether it is prosocial or antisocial, is a learning process. Akers (1973) proposed SLT several decades ago and it has come to be referred to as a general theory of crime because, much like LSC, it has wide applicability across various offense types. As noted by Akers (1973), SLT comprises four important

concepts: (1) differential association (e.g., association with deviant peers), (2) definitions (e.g., positive or negative beliefs about crime), (3) differential reinforcement (e.g., punishments or rewards), and (4) imitation. Depending on the effects of these four concepts, SLT theorists argue, individuals are socialized toward a path of prosocial behavior or antisocial behavior. To gain a greater understanding of SLT, further explanation of its key components is warranted.

Differential association, although considered as part of SLT here, is an important stand-alone concept in criminology first introduced by Sutherland (1939). The term essentially describes an association with deviant peers (Sutherland, 1939), which could then influence one's own engagement in deviance. Definitions are an important component of SLT, because engagement in delinquency is reliant on an individual believing criminal behaviors are acceptable (Akers, 1973). Next, differential reinforcement is critical for the potential replication of behavior. According to SLT, a behavior that is reinforced—either positively (e.g., something is added of value) or negatively (e.g., something is removed that is unwanted)—likely leads to a continuance of that behavior (Akers, 1973). In contrast, a behavior that results in punishment—either positively (e.g., something negative is added) or negatively (e.g., something of value is removed)—likely deters a continuance of that behavior (Akers, 1973). Finally, imitation occurs when the behavior is learned and repeated (Akers, 1973).

### ***3.1.11. Strain Theory***

Robert Agnew's general strain theory greatly expanded the understanding of criminal offending. According to Agnew (2001), engagement in criminal behavior ultimately stems from an individual encountering a source of adversity (i.e., strain), experiencing a negative emotion as a result (i.e., anger, frustration), and then reacting in an antisocial manner. It is important to note that Agnew identified several potential reactions from individuals, but engagement in deviance was most important for criminologists (Agnew, 2001). In terms of sources of strain, Agnew identified three broad groups: "loss of positive valued stimuli, presentation of negative stimuli, and goal blockage" (p. 319). Assessing whether an individual will react to strain or not is also dependent on whether "(1) these are seen as unjust, (2) are seen as high in magnitude, (3) are associated with low self-control, and (4) create some pressure or incentive to engage in crime" (Agnew, 2001, p. 320).

Agnew's (2001) sources of strain are easily applicable in the understanding of both offending and victimization. To consider the first source of strain, loss of positively valued stimuli, imagine a

domestic abuser who becomes enraged after his partner threatens to terminate the relationship (i.e., loss of positively valued stimuli). The abuser may engage in or threaten violence to the partner in order to prevent the termination of the relationship, thus resolving the source of strain. Next, consider the second source of strain (i.e., the presentation of negative stimuli) and imagine the same situation as described above. After reconciling their relationship, the couple described above experience several horrific violent altercations. The partner, who fears for her life as her abuser continues to escalate in his violence (i.e., presentation of negative stimuli), kills him in a fit of rage. By killing her abuser, the victim resolved the source of strain confronting her. Finally, consider the final source of strain (i.e., goal blockage) and once again imagine the same couple as before, but with a different outcome. After reconciling their relationship, the abuser continues to escalate in his violence, because he blames his partner for his lack of success in his professional career (i.e., goal blockage). As a result, he becomes increasingly frustrated and kills his partner. While the aforementioned are gruesome examples, they illustrate how flexible general strain theory is in the application of criminal activity to understand why individuals perpetrate crime as well as experience it.

### ***3.1.12. Structural Choice Theory***

In order to leverage the strengths associated with lifestyle exposure theory and routine activities theory, Meier and Miethe (1993) proposed an integrated perspective referred to as structural choice theory. In their words, “proximity to motivated offenders, exposure to high-risk environments, target attractiveness, and absence of guardianship. . . [are] necessary conditions for predatory crime” (p. 475). According to the scholars, structural choice theory (SCT) is uniquely suited to explain both offending and victimization, because it accounts for structural factors as well as micro-level factors (Meier & Miethe, 1993). Put another way, SCT asserts that risk of crime offending and victimization derives from patterned behavior that is both structurally driven (e.g., exposure to offenders and potentially risky situations) as well as offender “choice” driven (e.g., assessment of vulnerability of victim and presence of guardians) (Meier & Miethe, 1993).

### ***3.1.13. Subculture of Violence Theory***

The subculture of violence theory (SVT) is one of the few theoretical perspectives that explains both offending and victimization from a broad perspective. The theory originated from the work of Wolfgang and Ferracuti (1967) and is based on the premise of the existence of a violent subculture

in which antisocial behavior becomes a normative response to certain affronts that, in turn, perpetuates the cycle (Kennedy & Baron, 1993). Kennedy and Baron (1993) reiterate that SVT does not claim that violence is *always* the reaction in this type of subculture, but rather that individuals in this subculture encounter situations in which violence is their normative response, in contrast to those socialized in the dominant culture (Kennedy & Baron, 1993). As noted by Kennedy and Baron (1993), adhering individuals likely experience praise for their conformity to these subculture norms, while those who fail to conform risk ostracization from the community.

SVT is therefore a useful perspective for understanding both why individuals engage in deviance as well as why individuals *experience* deviance. Examining various theoretical perspectives, not just SVT, shows that one of the most salient risk factors for experiencing victimization is the victim engaging in deviant activity. This is often referred to as the victim-offender overlap (Marcum, Higgins, Freiburger, & Ricketts, 2014; Schreck, 1999). It is easily applicable to SVT in the sense that individuals socialized to utilize violence as part of the normative culture are likely to also be met with violence, which can result in their own victimization. For example, imagine a gang member who engages in violence in order to maintain his/her status in the surrounding community and consider the likelihood of that gang member eventually experiencing violence him/herself.

### ***Summary***

The theoretical perspectives discussed in this chapter represent a large swath of the frameworks utilized in criminological and victimological research today. However, this chapter does not represent an inclusive list, as new ways of understanding crime and victimization are constantly proposed by scholars in the field. For example, as technology has advanced, scholars have explored whether traditional “offline” theoretical perspectives can apply to cybercrime victimization as well. Perhaps what is most important in the progression, though, is that the understanding of the genesis of criminal activity must remain focused on the individual making the choice to victimize another (i.e., the offender).

### **Discussion Questions**

1. Identify the theoretical perspective you believe is *best* suited to explain criminal offending. Be sure to justify and support your decision.

2. Identify the theoretical perspective you believe is *best* suited to explain criminal victimization. Be sure to justify and support your decision.
3. Identify a type of crime that is of interest to you. Using one of the theoretical perspectives noted in this chapter, describe why that type of crime occurs.

## CHAPTER FOUR

### 4. PERSONAL AND PROPERTY VICTIMIZATION

#### 4.1. Introduction

Personal and property crimes are crimes committed against an individual in which the person often suffers physical injury, as well as emotional and psychological trauma. These include homicide, assault, and robbery, as well kidnapping and rape, which will be covered in the next chapter.

##### 4.1.1. *Murder*

According to the FBI's Uniform Crime Report (UCR) (2017), murder and nonnegligent manslaughter is the willful and nonnegligent killing of one person by another. The UCR does not include those who were killed by accident, negligence, suicide, accident, or justifiable homicides, which is the killing of a person in the line of duty when a person is legally permitted to kill someone else (a cop killing a violent suspect or a military person killing an enemy during wartime).

##### *Impact on Victims*

Murder affects those who cared about the victim. The death of a loved one as a result of murder can have a devastating effect as it is often very sudden, unexpected, and difficult to understand. This leaves the loved ones of a victim dealing with the victimization for a long time. Initially hearing the news that their loved one has been murdered can cause shock, confusion, and disbelief. While notification is never easy, the way that the bereaved is informed can make hearing the news more traumatic. Getting the news on the phone, hearing incomplete or inaccurate information, or finding out through the media can cause additional pain (Parents of Murdered Children, 2017). After finding out the news, there are often time-sensitive and unwanted tasks that loved ones must perform that can cause stress, anxiety, and trauma. This includes identifying the body of the victim, claiming their personal possessions, talking with criminal justice personnel, notifying other family and friends, paying medical bills or ambulance costs, and making funeral arrangements. They also



may have to deal with the media if the case has become high profile. There is also additional anguish for loved ones of victims whose murderer is never found as there is no one on whom to focus their anger. Instead, families may direct it at law enforcement for the failure to find the person responsible (Lord, 1987). Even when an offender has been identified, the criminal justice process can often be hard for the loved ones to endure. They may experience frustration, feeling that the accused has more rights than they do. They may feel isolated and removed from the process. Family members might not be notified of court proceedings in the case or if a plea bargain has been offered and accepted. They also may believe that the pain they feel at the loss will be alleviated when the murderer has been punished, but find that is often not the case and they feel no different (Schlosser, 1997).

After a loved one finds out about the crime, the way that they return to functioning in everyday life can vary. Kubler-Ross (1969) outlined the normal grieving process, identifying five stages that a person must go through when they have experienced a loss: denial, anger, bargaining, depression, and acceptance. However, when a person loses a loved one as a result of murder, the reactions that a person experiences are often more severe and complicated than when a person dies in a different way. The circumstances that surround the murder may alter the grieving process. The normal anger that one would experience in losing someone is often directed at the offender or the criminal justice system for failing to find the offender (Doka, 1996). The bereaved also may become fixated on the crime and the horror and suffering that their loved one experienced (Sprang, McNeil & Wright, 1989), causing feelings of extreme depression and guilt. The grieving process and the ability to accept what happened is often prolonged for murder victims' loved ones as a result of the way in which that person died. The fact the person they loved met a violent end and suffered at the hands of another human being is often difficult for people to deal with. As a result, loved ones also may experience posttraumatic stress disorder, nightmares, insomnia, feelings of alienation, hypervigilance, depression, and anxiety (Schlosser, 1997). Religious loved ones of murder victims may lose their faith, which can inhibit the coping process. They also may lose their ability to trust people: the murder victim's family may be ostracized in their community since people do not want to be reminded of death, murder, and crime and being around the victim's loved ones reminds them (Magee, 1983; Fowlkes, 1990; Ressler, Burgess, & Douglas, 1988; Spungen, 1998).

The murder of a loved one also may mean a change in daily life for the bereaved that can increase stress and anxiety. If a spouse is murdered and the couple have children, this means a change in

child care and parenting. If a child is murdered, the siblings often try to make up for the loss of the missing child. In addition to the financial stress of funeral expenses, the family may experience the loss of the victim's income if she/he was employed prior to their death. Children of homicide victims suffer in different ways than adults due to their age and development. If they witnessed the murder, they may be called on to testify at trial. Both witnessing a murder and being called upon to relive it can cause posttraumatic stress disorder and other emotional and psychological issues that could affect that child for years (Pynoos & Eth, 1984). If one of a child's parents murdered the other, the child may feel revulsion, betrayal, and anger, along with confusion. The child also may suffer with issues of abandonment and fear relating to their altered living situation.

#### ***4.1.2. Assault***

##### ***Simple Assault***

Simple assault is the attack or attempted attack of an individual without the use of a weapon that results in no injury or minor injury. Some examples of minor injuries include black eyes, bruises, cuts, scrapes, scratches, swelling, or an injury that requires less than two days in the hospital (Bureau of Justice Statistics, 2017). Most victims know their attackers. The attacker is usually a friend, acquaintance, relative, or intimate partner (Bureau of Justice Statistics, 2017).

##### ***Aggravated Assault***

Aggravated assault is an attack or attempted attack with a weapon that involves any injury or an attack without the use of a weapon that results in serious physical injuries. Serious injuries can include loss of consciousness, internal injuries, an injury that requires two or more days hospitalization, broken bones, or missing teeth (Bureau of Justice Statistics, 2017). Most victims know their attackers, who may be a friend, acquaintance, relative, or intimate partner (Bureau of Justice Statistics, 2017). Research on aggravated assault has found that verbal arguments precede the assault, most assaults happen on the weekend, at night, and during the summer months, and that most assaults involve one offender and one victim (Lauritsen & White, 2014).

##### ***Impact on Victims***

Victims react to the assault differently. Some individuals have an immediate reaction, while others have a more delayed response. For some, a reaction may be triggered after an event or encounter. Victims may feel humiliated, embarrassed, or ashamed about what happened, thinking that they

could have prevented the assault or that it was their fault. Individuals may feel rejected or isolated from friends and family afterwards. They also may experience rage associated with the offender. They may feel anger and/or frustration at the criminal justice system for lack of action or punishment of the perpetrator of the assault. Victims also may be in a state of panic, with fear and/or anxiety that they will be attacked again. Victims can develop posttraumatic stress disorder in which they suffer from disrupted sleeping, endure flashbacks to the victimization, and avoid places that remind them of the attack. They also may suffer from depression and anxiety, as well as being easily alarmed or surprised by noises or quick actions (Office of Justice Programs, 2017).

#### ***4.1.3. Robbery***

Robbery is the attempted or completed act of taking property or cash directly from another individual with the use of force or the threat of force. It can occur with or without a weapon (Bureau of Justice Statistics, 2017).

#### ***Impact on Victims***

Individuals who have been robbery victims can suffer physical and emotional consequences to different degrees over a varying period of time as a result of the trauma experienced (Elklit, 2002). They may feel vulnerable and that they have lost control over their life and their decisions. Victims also may be in a state of hypervigilance, being alert to potential dangers or threats. They may feel that they did something to contribute to their victimization or that they are responsible for being a victim. They also may feel upset over the possessions that were stolen during the robbery. Victims may be scared that the person who robbed them will return to harm them or rob them again and take other possessions. They may experience flashbacks and be triggered by certain things. Individuals may feel anger at the robber and experience feelings of wanting revenge or retribution. They also may experience instances of depression, acute stress disorder (ASD; Elklit, 2002; Hansen & Elklit, 2011) or posttraumatic stress disorder (PTSD) (Fichera et al., 2014). The reaction that a victim has to this sort of trauma is affected by their access to social support systems and their overall emotional strength and resilience (Brewin, Andrews & Valentine, 2000; Yap & Devilly, 2004).

Experiencing robbery in the workplace can affect a person's reaction and ability to cope in the aftermath. They may experience flashbacks to the victimization at work, develop PTSD, require

increased health care visits, and incur trauma-related absences (Belleville et al., 2012). For those who experience robbery at work, it can be very challenging to return to the scene of the victimization every day. This can cause additional trauma and influence attendance at work as individuals may want to evade a reminder of the incident of robbery (Belleville et al., 2012). Robbery victims also may experience psychological stress that impairs their interactions with customers as well as co-workers (Jones, 2002).

### ***Property crimes***

The term *property* refers to items, land, buildings, money, and/or cars—physical things that you can see and touch. Property crime refers to the illegal taking, damaging, or destruction of a person's property. Common forms of property crime include burglary, larceny (theft), motor vehicle theft, and arson. While the definition of property crime often does not include the use or threat of force, this does not mean that force is not used, nor that these are victimless crimes or minor offenses. Property crimes involve property but are committed against people. People who are victims of property crimes suffer in ways similar to victims of other crimes. They may experience physical injury, emotional distress, posttraumatic stress disorder (PTSD), fear, and anxiety issues after the victimization as well as dealing with replacing their property.

### ***Burglary***

Burglary occurs when a person or persons enter or attempt to enter a residence unlawfully. This often involves theft, but not always. The unlawful entrance may involve force such as breaking a window, slashing a screen, or forcing open a door. The unlawful entrance can also occur without force, as when an individual enters through an unlocked door or window. Burglary can occur in buildings that are not a home, such as a garage or shed. In addition, if an individual unlawfully enters a vacation home or hotel, it is considered a burglary even if there was no one staying there at the time (Bureau of Justice Statistics, 2017).

### ***Impact on Victims***

When a person's home is invaded with a burglary, they may experience a variety of emotions and reactions. While the burglary is not an event in which actual injury or death are threatened, research suggests that it is an event that can elicit similar responses. Victims experience feelings of helplessness, horror, intense fear, and a PTSD-like response (Brown & Harris, 1989; Caballero,

Ramos, & Saltijeral, 2000; Maguire, 1980; Mawby & Walklate, 1997; Ostrihanska & Wojcik, 1993). These feelings can persist, occurring months after the victimization (Wohlfarth, Van den Brink, Winkel, & Ter Smitten, 2003). Individuals often may feel shock and disbelief, as well as being frustrated and confused as to how this could have happened to them. They may feel violated and upset. Victims may experience feelings of uneasiness and have trouble relaxing at home. It may take them a while to feel comfortable again in their own home.

Victims also may become more fearful of being in their home after a burglary since someone was in their home unexpectedly. As a result, victims may feel that they need to take extra security precautions in order to feel safe, reduce anxiety, and/or prevent further victimization. This may involve installing security systems in the home and evaluating doors, windows, and lighting. Victims also may feel the need to purchase a firearm or have some other sort of weapon in their home, near them, or on their person to make them feel safe in case someone breaks in again. In order to deal with these feelings, victims of burglary may benefit from talking to and gaining support from friends, family, and/or a counselor or therapist. The reaction of victims to having their home burglarized is often based upon the perceived quality of the police response. Burglary is a unique crime in comparison to many others as most cases are reported to the police. If victims feel satisfied with the response of the police, they often have a better reaction than if they receive a negative response from police (Kilpatrick & Otto, 1987; Orth, 2009; Parsons & Bergin, 2010; Sales, Baum, & Shore, 1984).

Individuals may also experience anger and sadness for the loss of valuable, sentimental, or irreplaceable items. This can be especially hard for children who lose items that are dear to them and may not understand why and/or how their items have been taken.

### ***Motor Vehicle Theft***

Motor vehicle theft is the attempted or actual theft of a motor vehicle. This includes motor scooters, snowmobiles, motorcycles, all-terrain vehicles, sport utility vehicles, trucks, and buses. Motor vehicle theft does not include airplanes, farm equipment, bulldozers and other construction equipment, motorboats, sailboats, houseboats, or personal watercraft (FBI, 2017).

Recently, there have been some developments in the ways that offenders commit motor vehicle theft and victimize individuals because of technology. The development of transponder-equipped

or “smart key” has limited would-be thieves’ ability to hotwire a motor vehicle. One of the growing means of motor vehicle theft is through an offender stealing keys from a valet parking area. They also may act as the legitimate car owner who wants a replacement key made by a dealership or locksmith. Offenders also have returned rental cars with a good working key in the ignition and a blank key alongside it. They then return to the lot later with the other working key and steal the car. Offenders also have placed GPS trackers in or on the car and when the car is rented again, they follow it and steal it. Offenders also may create fake identities or use stolen identities to finance a car illegally at a car dealership. Automobiles that are stolen, whether from an individual or a business, often are given a different vehicle identification number (VIN) to hide the fact they are stolen so they can be sold to naïve customers (National Insurance Crime Bureau, 2017).

### ***Impact on Victims***

While motor vehicle theft is often thought of as an economic crime, it can have an impact on the victims. As with burglary, victims may experience stress and anxiety when dealing with the insurance company and potentially not receiving the full value for their stolen item. They also may miss work if they do not have other means of transportation. The psychological impact on victims is often lesser than seen with burglary, as the car is not imbued with the same privacy and sanctity as a home.

### ***Arson***

Arson is the intentional and malicious burning or attempt to burn a house, public building, motor vehicle, aircraft, or personal property of another person. It can also include the intent to defraud (FBI, 2017).

According to the National Fire Protection Association (NFPA) (2017), intentionally set home structure fires are most likely to be set between 3 p.m. and midnight, and the bedroom is the leading area of origin for home fires, with bathrooms being the leading area of origin for public property arsons.

### ***Impact on Victims***

Arson victims suffer in the same way as victims of person crimes and property crimes—they suffer physical, psychological, and property damage. The major impacts that arson has on victims include death (civilians and firefighters), physical injury, and property damage. Victims of arson are most

commonly harmed through structure fires (involving structural components of a building). There is no typical arson victim; it is a crime that can affect anyone. There is also the potential for third-party victims, such as those who live next door to a building or apartment on fire (NFPA, 2017).

In addition to the physical losses, there are emotional losses as well. Similar to what victims of burglary, robbery and motor vehicle theft experience, victims of arson have lost something that means a great deal to them—sometimes their entire home. Some arson victims who lose their home and cannot find another in the area may be forced to move to an unfamiliar community, which can cause feelings of depression and displacement. Victims also may fear for their safety after finding out that their home was intentionally set on fire (NFPA, 2017). Victims of arson may also worry about their home being looted (when individuals come and take what items have not been damaged by the fire). If the residents of the home were injured in the fire, they may not be able to remove the items before they are stolen, adding another crime to the victimization that they experience. As with burglary victims, victims of arson also will have to deal with the insurance company, and they go through a long and wearisome process of accounting for possessions that were damaged or destroyed, perhaps only to receive inadequate compensation. There are also many victims who do not have insurance, such as those who rent. Victims who apply to a state crime victim compensation program often find that they are able to get only reimbursement and coverage for physical injuries and medical expenses and not the loss of income due to physical injuries or property (FEMA, 1997).

### ***Larceny-theft***

Larceny-theft is the unlawful taking, leading, carrying, or riding away with the property or possession of another (FBI, 2017).

### ***Impact on Victims***

Many victims of larceny-theft do not have their property returned to them. This can lead victims to question the goodness of others as well as making them angry that they have lost something that they valued. They may also feel fear of having items stolen again and experience feelings of general insecurity. If the stolen property is irreplaceable, the victim may find the crime especially hard to deal with. Also, if the victim files an insurance claim, the issues of dealing with the insurance company mentioned previously also apply.

### ***“Victimless” Crimes***

A victimless crime is an illegal act in which a consenting adult participates and in which there is a no complaining individual (i.e., victim) (Schur, 1965). In these types of crimes, there is either no harm done to a victim, or if there was harm, it is often not viewed as such because the person harmed (the victim) was a willing participant who consented to be involved in the crime (Stitt, 1988). The topic of victimless crimes is often controversial in academia and the community as there are two main viewpoints associated with these crimes. The first is that these acts should not be considered crimes as no one is harmed except the person participating in the act freely. The second is that these acts should be illegal because laws must uphold society’s moral standards and there are negative consequences even though they may not be immediately apparent.

Prostitution, drug use, and illegal sports betting are often thought of as victimless since the only people they harm are those who are participating of their own free will. However, in the following overview of these crimes, both sides will be covered, including ways in which these “victimless” crimes do indeed have real and tangible victims.

#### ***Prostitution***

Prostitution is the illegal exchange of sexual acts for money. Some people believe that prostitution is a victimless crime and that it should be legalized and regulated in the same way as other for-profit businesses. The core of the argument is that the business of sex for sale—acts performed by consenting adults—will never disappear, so we as a society should make it safer and better for those involved. Many believe that sex workers who exchange their services for money should have legitimate employment arrangements just like any other individual in the service industry, and they believe that these changes would protect both the prostitute and the “john” (person who is purchasing sexual services) (Kempadoo, 2005; Klinger, 2003; Kuo, 2003; Weitzer, 2007, 2010).

However, some people believe that the crime of prostitution is harmful and not victimless, and that legalization and/or regulation will not reduce harms. Research has shown that those in the sex trade often start as minors (Estes and Weiner, 2002) and are frequently coerced or forced to engage in such acts against their will or simply to survive (Chapkis, 2003; Flowers, 2001). Prostitutes are often victims of violence at the hands of their pimps, traffickers, or those purchasing the sexual



services (Flowers, 2001; Miller, 1993). The life of a prostitute is not glamorous as has been portrayed in such films as *Pretty Woman*, those who purchase sex from prostitutes, the “johns,” are at risk for contracting sexually transmitted diseases, which puts them and their other partners and/or family at risk. Businesses in or near areas where prostitution is visible can be harmed if the area becomes known as a crime-ridden neighborhood (Ayala & White, 2008). Some people believe that prostitution can tear apart marriages and families.

### ***Drug Use***

Illegal drug use is often considered a victimless crime: many people argue that the only person who is harmed as a result is the person using the drugs, who is doing so by choice.

While many consider drug use a victimless crime, others argue the contrary. The person who uses the drugs may become addicted and commit additional crimes, such as theft, in order to feed their addiction, thereby harming others and creating additional victims. They also may suffer negative physical consequences or even death as a result of drug use, and this can be very difficult for their loved ones. The family can experience anxiety, depression, and physical issues if their own self-care falters due to focusing only on taking care of their drug-addicted loved one. The family and friends of drug users often feel hurt, angry, and resentful. These feelings often intensify if the drug abuser lies or steals from them (Powers, 2016).

### ***Illegal Gambling***

Gambling is the betting or wagering on outcome, usually on a game or something that is at least partially based on chance. Illegal gambling occurs when individuals participate in gambling that is prohibited by law. Many would argue that illegal gambling is a victimless crime as all involved are consenting and no one gets hurt. Proponents such as the American Gaming Association (2017) say that the federal laws regarding illegal gambling have failed to reduce gambling. It is estimated that in 2016, Americans placed \$155 billion in illegal sports bets. Supporters claim this means gambling should be legalized. However, many assert that it is not a victimless crime, as there are dangers associated with gambling that might be exacerbated if gambling was legal and thus more accessible. One such danger is gambling disorder (GD), in which individuals gamble compulsively and are unable to stop no matter what the consequences may be. GD has been added to the fifth edition of

the Diagnostic and Statistical Manual of Mental Disorders (American Psychiatric Association, 2013) and it is included in the chapter on addictive disorders.

Gambling activates the brain's rewards systems in a way similar to substance abuse. A person who suffers from GD can also commit other types of criminal behaviors. These additional crimes are often about obtaining more money to bet, such as fraud and theft (Folino and Abait, 2009). This provides the potential for individuals to be victimized and suffer. Whether or not legalized gambling increases crime is uncertain.

There is evidence to suggest that implementation of a casino in a community does increase crime significantly, as well as evidence that it does not. The relationship is not entirely understood (Stitt, Nichols and Giacomassi, 2003). In order to completely understand the impact of legalized gambling, more research is needed. However, it is important to note that whether gambling is illegal or legal, if someone suffers from a gambling addiction, the loved ones of the individual suffer too. They may suffer financially as the gambling addict uses money needed for support of the household to gamble, putting the family in jeopardy of losing their shelter or transportation. They also may put their family at risk if they are illegally betting with "bookies," who may use force to try to coerce or ensure payment of a debt.

### ***Dog Fighting***

Dog fighting (like cockfighting) is often a focus of illegal gambling and is considered a victimless crime by some people who view the animals as property and the means to an end, not as "victims." Horse racing is often a part of illegal gambling as well, but the institution of horse racing is legal and the horses do not face the brutal treatment or extreme abuse that fighting dogs do. In dog fighting, the injuries that a dog sustains can be fatal and many fights are to the death. The most common injuries that fighting dogs suffer include severe bruising, deep puncture wounds, and broken bones. If a dog does not die during the fight, they often die as a result of the effects of the fight, such as blood loss, dehydration, shock, exhaustion, or infection. The dogs also are raised in an environment of abuse and severe mistreatment from birth so that they are mean, angry, and ready to fight other dogs on command. The fights themselves last one to two hours until one of the dogs cannot continue because of injury or death. Spectators bet on which dog will win (Humane Society of the United States, 2017). Although some argue that dogs are seen as property in our society and therefore there is no real victim in dog fighting, dogs are sentient beings capable of experiencing

pain and suffering. The “sport” of dog fighting does have victims: the dogs. They suffer from immeasurable acts of cruelty and are not able to change their circumstances as domestic animals rely upon the mercy of humans. This idea is reflected in the law, as dog fighting is a felony in all 50 states. On the federal level, the Animal Welfare Act prohibits it, as well as the transportation of animals for fighting (American Society for the Prevention of Cruelty to Animals, 2017).

### ***Repeat and Multiple Victimization***

Research has shown that victimizations often are not random and seem to be concentrated to affect a small portion of the population (Farrell, Tseloni, & Pease, 2005; Gottfredson, 1984). Farrell and Pease (1993) estimate that 4% of the population suffers 44% of the victimizations. Prior victimization can be an indicator of future victimization (Lauritsen & Davis-Quinet, 1995; Osborn, Ellingworth, Hope, & Trickett, 1996; Osborn & Tseloni, 1998; Pease, 1998). When a person is victimized, they are not taken out of the pool for victimization again, meaning that just because they were already victimized does not mean they cannot be victimized again. Research has shown a relationship between previous victimization and risk for future victimization (Gottfredson, 1984; Hindelang, Gottfredson, & Garafalo, 1978; Ousey, Wilcox, & Brummel, 2008; Tseloni & Pease, 2003). For example, a household can be at risk for a repeat burglary. This tends to happen within six weeks of the first burglary (Polvi et al., 1990). Having already burglarized the house once, the burglars now know more about the location and thus choose to burglarize it again (Hearnden & Magill, 2004). This can be very frustrating and upsetting for victims as they may be trying to cope with their previous victimization only to be victimized again, thus making their recovery process longer and more difficult.

### **Discussion Questions**

1. What do you think would help the family and loved ones of murder victims to cope?
2. Which type of property crime do you think has the most long-term impact on a victim? Why?
3. Do you believe that there is such a thing as a victimless crime? Why or why not?
4. Do you think that the crimes discussed in this chapter are victimless? Explain your answer.

## CHAPTER FIVE

### 5. RAPE, SEXUAL ASSAULT, AND KIDNAPPING

#### 5.1. Defining Rape and Sexual Assault

In 2013 the FBI's Uniform Crime Report, *Crime in the United States*, began collecting data for rape using a new definition. The previous definition read as follows: "the carnal knowledge of a female forcibly and against her will" was changed to "penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim" (FBI, 2013). The new definition includes both heterosexual and homosexual rape, as well as attempts and/or the verbal threat of rape. All of these are included in the FBI's rape statistics, but statutory rape and incest are not.

Sexual assault differs from rape as it includes the act, or attempted acts, of any unwanted sexual contact. This can include unwanted grabbing, fondling, kissing, or touching as well as verbal threats, whereas rape includes penetration only (Bureau of Justice Statistics, 2017). It is difficult to know the true extent of sexual assault as it is often grouped together with rape by agencies that compile statistics. However, on average annually, there are 321,500 victims age 12 or older who experience rape and sexual assault (Department of Justice, 2015).

Most rapes and/or sexual assaults occur near or in a victim's home (55%). The next most likely location is an open or public place (15%), then in or near a relative's home (12%), in an enclosed area such as a garage or parking lot (10%), or at school (8%). At the time the crime occurred, most victims were at home (48%), running errands or traveling to work or school (29%), working (12%), attending school (7%), or engaged in some other activity (4%) (RAINN, 2017).

##### 5.1.1. *Child Sexual Abuse*

Children can also be victims of rape and sexual assault. Childhood sexual abuse includes any sexual activity with a minor, and it does not need to include physical contact between a perpetrator and child. For example, exhibitionism, or exposing oneself to a child, as well as obscene phone calls, speech, text messages, or online and/or digital interaction fall under the category of child sexual abuse.

It is often difficult to know the true extent of child sexual abuse as it often goes unreported. Research estimates that 1 in 4 girls and 1 in 6 boys will experience sexual abuse before the age of 18 (Finkelhor et al., 1990).

### ***Impact on Victims as Children***

A child who is being victimized sexually may have some warning signs that are physically visible, such as bleeding, bruising, and/or swelling, as well as pain, itching, and/or burning in the genital area. The child may have problems sitting or have frequent and/or reoccurring yeast infections. A child's clothes may be torn or stretched/damaged, and they may have blood in their underwear. A child may exhibit behavioral warning signs if they are being sexually abused. The caretaker of the child may notice a change in the hygiene habits of the child, such as not wanting to bathe or wanting to bathe all the time. The child may have developed inappropriate sexual knowledge or begin exhibiting sexual behaviors. The child may have nightmares, wet the bed, develop phobias and/or fears, and regress to behaviors such as thumb sucking. A sexually abused child can show signs of depression or PTSD, express suicidal thoughts or make suicide attempts, begin self-harming behaviors, engage in substance abuse, and have trouble in school. Running away from home or school is also a strategy that many children employ in order to escape the abuse and/or the abuser. They also may express a dislike of physical contact or touch from others (Merrill et al., 2001).

### ***Impact on Child Sexual Abuse Victims as Adults***

Individuals who suffer from child sexual assault often experience mental health problems as adults (Johnson, 2004), and coping is an ongoing process throughout the lifetime (Banyard & Williams, 2007). Individuals who suffered sexual abuse as a child often have many negative emotions as adults, such as rage, fear, guilt, shame, anger, and humiliation, and they may suffer from posttraumatic stress disorder (PTSD; Negrao II, Bonanno, Noll, Putnam, & Trickett, 2005). One way adults attempt to cope with childhood sexual assault is to try to escape their memories, for example through substance abuse. Some victims of child sexual abuse also suffer from dissociative amnesia in which they have trouble remembering and recalling the abuse and/or parts of it (Dalenberg, 2006; Herman, 1998). This is a coping mechanism to help individuals deal with very traumatic events. It can involve emotional numbness, depersonalization of experiences or events, and/or feelings of being "out-of-body" (Gleaves et al., 2001). Individuals who experience dissociative amnesia still may recall elements of the victimization through flashbacks and

nightmares (van der Kolk & Fisler, 1995). Coping with child sexual abuse has been correlated to the adult's outlook on life, and those who have hope, optimism, and resilience are more likely to have positive outcomes in therapy, enjoy physical health, and achieve overall psychological adjustment (Snyder, 2002).

### ***Disclosure Among Victims***

Disclosing that you have been a victim of rape or sexual assault can be very hard for individuals, whether a child or adult. Only about 16% of rapes are reported to law enforcement (Kilpatrick et al., 2007), and victims rarely use services that are available to assist them. There are many reasons that a victim may not report these crimes or seek out help, such as fear, embarrassment, shame, and lack of awareness or information about available services (Fisher et al., 2000; Fisher et al., 2003). Victims may feel that sex activity is a private matter, and whether it is consensual or not, they may feel that it is not something to be discussed with strangers or outsiders. Child victims may be unaware that what is occurring is wrong or abusive. They also may be afraid to tell due to what they believe would happen as a result. They may fear reprisal from their abuser or, if it is a family member, they may be afraid of what disclosing would do to the family and/or their home life.

### ***Cost to and Impact on Victims***

Rape and sexual assault has a devastating physical, psychological, and monetary impact on victims, as victims are more likely to suffer from physical injuries and mental health issues. Victims often experience depression, posttraumatic stress disorder, and anxiety, and may become suicidal (Black et al., 2011).

Half of victims who experienced sexual violence had to leave their jobs, either quitting or being forced to leave, due to the severity of the reactions they had to their victimization (Ellis, Atkeson & Calhoun, 1981). Individuals who suffered sexual abuse as children often enter adulthood with a lower level of education and lesser earnings (MacMillan, 2000), as well as poorer overall job performance (Anda et al., 2004), with an estimate total lifetime income loss of \$241,600 (MacMillan, 2000).

Females who are raped may become pregnant as a result. Research has shown that 5% of women who are within the age of reproduction (12–45)—an estimated 32,101 women—become pregnant from rape each year. Of these women, 32.4% did not discover that they were pregnant until after

entering the second trimester, 50% had an abortion, and 32.2% kept the child; 11.8% spontaneously abort and 5.9% put the child up for adoption (Holmes, Resnick, Kilpatrick, & Best, 1996).

### ***5.1.2. Campus Sexual Assault***

Emerging research indicates male sexual assault on college campuses is a cause for concern: 1 in 5 women and 1 in 16 men are sexually assaulted while in college (Krebs et al., 2007). Women ages 18–24 have higher rates of sexual victimization than any other age group, and the victimization often is not reported to police (Sinozich & Langton, 2014). The Bureau of Justice Statistics (2015) recently found that male college students were 78% more likely to be sexually assaulted than non-students. Similarly, findings from a recent National Crime and Victimization Survey (NCVS) (Department of Justice, 2014), covering the timespan from 1995 to 2013, indicated that 17% of college sexual victimizations were perpetrated against men.

Sexual assaults on college campuses often involve similar circumstances. Victims usually know their assailants (Fisher et al., 1999; Sinozich & Langton, 2014) and there is often a connection between victim alcohol consumption or ingestion of drugs and sexual assault (Combs-Lane & Smith, 2002; Siegel & Williams, 2003). Not only is a drunk individual more easily victimized, but the perpetrators may use drugs to incapacitate victims and then commit a sexual victimization while the victim is unconscious and/or unable to give consent (Krebs, Linqvist, Warner, Martin, Fisher & Martin, 2007).

College students who experience sexual assault are more likely to confide in a friend (Fisher et al., 2003) and not report incidents to the police (Sloan, Fisher & Cullen, 1997; Fisher, Daigle, Cullen, & Tuner, 2003; Kilpatrick, Resnick, Ruggiero, Conoscenti, & McCauley, 2007; Sinozich & Langton, 2014). One reason is that many victimized college students may not identify their unwanted sexual experiences as sexual victimization (Bondurant, 2001; Fisher, Daigle, Cullen & Tuner, 2003). Individuals sexually victimized once in college often experience reoccurring victimizations (Fisher, Daigle, & Cullen, 2010; Gidycz, Coble, Latham, & Layman, 1995).

### ***Impact on Victims***

Sexual victimization of a college student can impact their life in many ways. A student who has been victimized may no longer feel safe on campus, in public areas, or even where they live (Culbertson, Vik, & Kooiman, 2001). As a result, victims are at an increased risk of withdrawing

from the institution (Harned, 2001). Students who have experienced sexual victimization are also more likely to suffer from mental health issues. This can include posttraumatic stress disorder, depression, and anxiety, as well as thoughts of harming themselves and suicide attempts or completion (Aosved, Long, & Voller, 2011; Bryan, McNaughten-Cassill, Osman & Hernandez, 2013). Victims may also try to self-medicate with alcohol (Littleton et al., 2013), illegal drugs (Brener et al., 1999), and/or prescription drug abuse (McCauley et al., 2011).

### ***Secondary Victims of Sexual Assault***

Sexual assault affects not only the victim but also those close to the victim, such as spouses/romantic partners, family, and friends, who are often referred to as secondary victims or secondary survivors. Looking at the number of individuals who were victimized, we can assume that there is at least one person (often more) who loves and cares for the victim. When victimization occurs, it sends out a ripple effect, affecting those who care about the victim. When a sexual assault occurs, it is as if there is a doubling (or tripling or quadrupling) of victims for each sexual assault in terms of suffering and coping as the primary victims have people who care about them and suffer right alongside them.

### ***5.1.3. Sex Trafficking***

Sex trafficking occurs when a person is made to perform a sexual act as a result of the use of force or threat of force and/or coercion by another. It can occur with juveniles or adults. Sex trafficking can be referred to as prostitution as well. However, under U.S. federal law any individual under the age of 18 who is involved in commercial sex against their will is considered a victim of sex trafficking (Polaris Project, 2017).

An individual becomes involved in sex trafficking in various ways. Sex trafficking can involve debt bondage, in which an individual is forced to perform sexual acts for money in order to pay off an illegal debt that was incurred from transportation or the sale of that individual or a family member into modern-day forms of slavery. This is often involving immigrants or children who are forced to work in commercial sex until the debt is paid off. However, often included in this debt are the living expenses the victim is purported to accrue each year, making the debt ever-increasing and near impossible to pay off. Vulnerable populations are frequently targeted by traffickers, such



as runaway youth, homeless victims of domestic and/or sexual violence, people suffering various forms of social discrimination, or those with addiction problems.

Individuals also become victims of sex trafficking through a romantic relationship with someone who forces, coerces, and/or manipulates them into commercial sex. Individuals also may enter sex trafficking when duped by a perpetrator who offers a legitimate job such as modeling, acting, or dancing, but instead forces or coerces the victim into the commercial sex industry (Polaris Project, 2017).

Sex trafficking can occur in different locations. Victims of sex trafficking can be forced to work the streets or truck stops. They also may work in fake massage businesses or operate out of a strip club. There may be brothels where the victims live permanently or temporarily and the paying customers come to them, such as a house, apartment, or motel room. The Internet has made it very easy for traffickers to market sex online. This is often done with online ads, escort services, or by using the online marketplaces Craigslist or Backpage.com. Although an investigation conducted by a Senate subcommittee that lasted over 21 months revealed that the “adult” section on Backpage.com was knowingly facilitating child and adult sex trafficking and the adult section shut down, there is arguably still sex trafficking of both adults and juveniles occurring on the site under the section “dating.” There are posts that solicit commercial sex by saying things like “blow jobs and hand jobs,” “Take my virginity,” and “Summer Special,” with sexually explicit and suggestive photos and contact information. In an effort to curb sex trafficking, before entering Backpage’s dating section, users must agree that they understand and the site is not to be used for sex trafficking.

### ***Impact on Victims***

Victims of sex trafficking suffer physically and psychologically. Physically they may suffer injuries such as broken bones, bruises, burns, and brain trauma. This can be from transport or as a result of violence that the traffickers use to control, dominate, or punish. They may also suffer from starvation and infectious diseases. Victims experience rape and sexual assault and as a result, they may suffer physical injury to their genitals and the rest of the body, gynecological issues, and STDs, including AIDS. They may also experience pregnancy, miscarriages, and/or forced abortions (World Health Organization, 2017).

The psychological harm suffered by victims of sex trafficking can include posttraumatic stress disorder (PTSD), depression, anxiety, suicidal thoughts/attempts, Stockholm syndrome (see section below on this topic), and substance abuse (World Health Organization, 2017).

#### **5.1.4. *Stockholm Syndrome***

The term *Stockholm syndrome* originated in 1973. Two men entered a bank in Stockholm, Sweden, to rob it. The robbers kept people as hostages at gunpoint, some strapped with explosives, locked in the bank vault for six days. When police tried to rescue the hostages, the hostages fought the police, defending their captors. When the hostages were freed, they set up a fund to assist in paying for their captors' legal defense. After this incident, this phenomenon, which has been seen and recognized before in other studies of prisoner and abusive situations, was given the official name Stockholm syndrome. Stockholm syndrome occurs when people come to identify with and even care for their captors in a desperate, usually unconscious act of self-preservation. This happens in psychologically traumatic events, often in individuals who are hostages or who have been kidnapped. It has also been seen in battered spouse cases, abused children, prisoners of war, concentration camp prisoners, prostitutes with their pimps, hijack victims, and in members of destructive cults. The effect upon the individual may not end when the crisis ends. In the classic cases, victims continue to defend and care about their captors even after they escape.

In order for Stockholm syndrome to occur, there must be an uneven power relationship between the captor and the captive, who may be suffering abuse. There must be a threat of injury or death at the hands of the captor as well as a self-preservation instinct on the part of the victim. There must also be a form of isolation, whether it is physical or emotional/psychological isolation. Victims of crimes in which Stockholm syndrome occurs do not consciously chose to feel supportive of their captor or abuser; it is a coping strategy that the mind employs to get through traumatic situations. Victims often develop positive feelings toward their abusers or captors and may begin to identify with the cause of their captors and support their actions. A victim may begin to have negative feelings toward his or her abuser or captor, but may still resist release or detachment (De Fabrique et al., 2007).

## Discussion Questions

1. Do you think it is helpful to have two definitions for sexual crime, sexual assault and rape? Why or why not?
2. What do you think is the hardest part of coping with sexual victimization? Please explain.
3. Do you think that secondary victims of sexual assault should have more involvement in the criminal justice system process? Why or why not?
4. What is your opinion of Stockholm syndrome?

## CHAPTER SIX

### 6. Intimate Partner Violence

#### 6.1. Intimate Partner Violence

Intimate partner violence (IPV), also referred to as intimate partner abuse (IPA), includes behaviors and actions that have the *intent to harm* an individual in an intimate relationship. The perpetrator is a current or former intimate partner and can be from any sexuality, including transgender. Intimate partner violence occurs across all racial, ethnic, educational, and socio-economic backgrounds, and it can include physical, sexual, psychological, emotional, financial, and/or reproductive abuse. These forms of abuse can occur simultaneously, separately, or vary.

##### 6.1.1. *Physical Abuse*

Physical violence in an intimate partner relationship include, but is not limited to, being hit with a fist or object, slammed against something, pushed, strangled, and/or kicked. A large amount of female and male IPV victims indicate that they had experienced violence for the first time before the age of 25 (Black et al., 2011), with women between the ages of 18 and 24 being the most commonly abused by intimate partners (National Coalition Against Domestic Violence, 2017). Women are also significantly more likely than men to be injured during an assault from an intimate partner, 39% of women compared to 25% of men (Centers for Disease Control and Prevention, 2017).

### ***Impact on Victims***

Physical abuse in an intimate partner relationship can have devastating effects on the victim. Conditions may be a direct consequence of the physical abuse, such as broken bones, bruises, cuts, scrapes, stab wounds, pain, headaches, or brain injury. However, physical abuse and the psychological stress that accompanies it can cause long-term chronic health problems and negatively affect the victim's overall quality of life. This can include cardiovascular, gastrointestinal, and endocrine issues as well as a negative impact on the immune system (Black, 2011; Breiding, Black & Ryan, 2008; Crofford, 2007; Leserman & Drossman, 2007). Examples of health issues that are linked to physical IPV include: asthma, bladder and kidney infections, circulatory conditions, cardiovascular disease, fibromyalgia, irritable bowel syndrome, chronic pain syndromes, central nervous system disorders, gastrointestinal disorders, joint diseases, migraines, and ordinary headaches (Centers for Disease Control and Prevention, 2017).

In addition to the physical issues that the primary victim of IPV may face, children may become injured during a domestic violence incident that occurs between their parents (Appel & Holden, 1998; World Health Organization, 2017). IPV is also linked to higher rates of infant and child mortality and morbidity (illness, injury, disease) (World Health Organization, 2017).

A child's exposure to physical IPV also can have other consequences. Males who witnessed IPV were more likely to perpetrate acts of violence than females who witnessed it (Hamby, Finkelhor, Turner, & Ormrod, 2011). and this can also affect offenses committed by adult men (Murrell et al., 2005), particularly violent offenses (World Health Organization, 2017). Children who witness IPV can experience mental health effects such as depression, anxiety, posttraumatic stress disorder, and suicide attempts (Kitzmann et al., 2003; Lang and Stover, 2008; Wolfeet al., 2003).

#### ***6.1.2. Sexual Abuse***

People in intimate relationships can experience sexual abuse or violence. This can include rape, which is completed, attempted, and/or unwanted vaginal, anal, and/ or oral penetration with a body part or object. The perpetrator may use force and/ or threats to hurt the victim. Sexual abuse also includes incidents when the victim is unable to consent, such as if they were unconscious, drunk, drugged, and/or unable to give consent verbally.

Sexual coercion involves a perpetrator using non-physical means to pressure or coerce their partner to engage in unwanted vaginal, anal, or oral penetration without the use of force, but it is still considered a type of sexual abuse. This can occur when one intimate partner threatens to end the relationship or harm the partner, their loved ones, or family pets if they do not comply with the partner's wish for sexual contact. It can also consist of being lied to by their partner or their partner making insincere promises and/or being worn down by repeated pressure to engage in sexual acts. In an intimate partner relationship, there can also be unwanted sexual contact between partners that does not involve penetration—for example, unwanted kissing, fondling, stroking, and/or touching. Some forms of sexual abuse do not involve physical contact, such as one partner exposing themselves to the other and/or making the victim show their body. It can also involve forcing the victim to watch the offender masturbate or making the victim masturbate in front of the offender. Coercing the victim to take sexual and/or nude photos or make videos is another example.

### ***Impact on Victims***

The effects of sexual abuse in an intimate partner relationship on a victim can include physical issues such as pelvic inflammatory disease, sexual dysfunction, gynecological disorders, sexual dysfunction, and sexually transmitted diseases (STDs). It can also result in an unintended pregnancy as well as an increased likelihood of miscarriage, stillbirths, or induced abortions (Centers for Disease Control and Prevention, 2017). There are also psychological consequences that result from sexual IPV, such as depression, posttraumatic stress disorder, anxiety, disordered eating and sleeping, and suicide attempts. Women also developed drinking problems (World Health Organization, 2017).

### ***6.1.3. Reproductive Abuse and Reproductive Coercion***

Reproductive abuse is behavior used to maintain control and/or power over the reproductive health of a person with whom one is in a romantic or sexual relationship. The most common type of reproductive abuse is damaging or sabotaging contraception—for example, interfering with birth control pills by hiding, withholding, or destroying them. It can also involve purposefully damaging a condom or removing it during intercourse to promote pregnancy. The removal of intrauterine devices (IUDs), contraceptive patches, or vaginal rings to promote pregnancy without discussing it with the partner is another example. Partners also can commit reproductive abuse by knowingly exposing their partner to human immunodeficiency virus (HIV), other sexually transmitted diseases

(STDs), and/or a sexually transmitted infection (STI) without telling their partners about the risk. In addition to reproductive abuse, there is reproductive coercion. This includes threatening to harm a partner if they do not agree to become pregnant and/or carry the pregnancy to term, or forcing a partner to terminate her pregnancy against her will. It can also involve harming a partner and causing her to have a miscarriage. Women in IPV relationships were more likely to be forced into not using a condom and more likely to be pressured to become pregnant as men who perpetrate IPV are more likely to report erratic or no condom use (Miller et al., 2010; Raj et al., 2007).

### ***Impact on Victims***

One of the main consequences of reproductive abuse and coercion is pregnancy. Among pregnant women in IPV relationships there are many negative health consequences, among them substance abuse, chronic pain, complicated pregnancies and other gynecological issues, unsafe abortions, miscarriages, stillbirths, neonatal mortality, and low birth rates (World Health Organization, 2017). In addition, pregnant women in IPV situations are at risk for injury or death by their partner. The leading cause of death in pregnant women in the United States is homicide (Cheng & Horon, 2010; Chang, Berg, Saltzman, Herndon, 2005). Women with unintended pregnancies were four times more likely to experience IPV than women who had planned their pregnancy and IPV is nearly three times greater for women seeking an abortion than those maintaining their pregnancy (Bourassa & Berube, 2007). Miller et al. (2015) found that 15% of women who comprised a sample of family planning clinic patients experienced physical violence at the hands of the intimate partner as well as birth control sabotage. Women who experience physical and psychological abuse in their relationships also experienced increased sexually transmitted infections (Coker et al., 2009).

#### ***6.1.4. Psychological and Emotional Abuse***

Psychological and emotional abuse can include verbal or nonverbal behaviors. Verbally, abusers can call the victim names or insult, degrade, and/or reject them. But an offender can also do these things through non-verbal hostile actions, using just body language, gestures, and/or facial expressions. Abusers can terrorize victims psychologically by threatening to physically harm them, someone they love, or pets, and/or their favorite objects/possessions. Psychological and emotional abuse can also involve an abuser denying or withholding affection and/or showing no interest or emotion when interacting with the victim, as well as ignoring them. An abuser can commit psychological or emotional abuse against their victim through corruption or exploitation in which

they force their partner to engage in behaviors or acts that they do not want to participate in and that may be against their moral or religious beliefs. For example, forced or coerced intercourse with another partner, forced or coerced prostitution, forced or coerced drug use, and/or forced or coerced participation in pornography.

### ***Impact on Victims***

Psychological and emotional abuse are similar to other types of IPV in that victims can experience anxiety, depression, posttraumatic stress disorder, sleep disturbance and disorders, and suicidal behaviors. Victims of this type of abuse can also suffer from low self-esteem, feelings of low self-worth, and emotional detachment. Victims may feel like they are not worthy of being treated better and that they deserve the treatment that they get.

#### ***6.1.5. Financial Abuse***

Abusers can use financial means to hurt, coerce, and control their victims. This can the victim's ability to leave, seek assistance, or maintain independence, as controlling the finances of the victim allows the abuser to control and have power over the victim.

An abuser can commit financial abuse in a variety of ways. They can forbid the victim to work using threats and coercion as to what will happen if they do work. The abuser also could sabotage the victim's opportunities for employment or jeopardize their current job. For example, the abuser could harass the victim at work, lie about the victim's past or current lifestyle, and/or physically or sexually batter the victim, preventing them from going to work or an interview, or hinder job advancement opportunities.

An abuser could force the victim to work in a family restaurant without pay. There is also the other end of the spectrum for financial abuse, in which the abuser refuses to work or contribute anything financially to the household income, forcing the victim to work (often multiple jobs), take loans, or incur credit card debt. Abusers can control all of the money and assets and not let the victim have access to any of the accounts. The abuser may also hide financial assets, not making the victim aware of their existence. They may withhold money and give the victim an allowance or only allow the victim enough money to buy necessities for themselves or their children such as food or medicine. An abuser may also take all the money from a victim's inheritance and can force the victim to turn over public benefits. They also can commit identity theft in which they take out loans,

credit cards, or mortgages in the name of the victim and fail or refuse to pay them to ruin the credit of the victim, thus making them rely upon the abuser financially. An abuser also may file false insurance claims in the name of the victim.

### ***Impact on Victims***

Financial abuse can be life-shattering for a victim. It can prevent the victim from leaving to seek safety from the abuser and make it impossible for the victim to be independent financially. If a victim has no assets, no money, and ruined credit or lack of credit history, it can be difficult to find housing. It can also be difficult to establish a bank account or get a job that may require a credit check. There also may be legal issues that victims face in regard to unpaid taxes or mortgages. As a result, victims can suffer psychological issues such as depression, anxiety, and fear. The lack of options for victims as a result of financial abuse are why many choose to stay with their abusers and sometimes even return if they do leave.

### **6.2. Battered Woman Syndrome/Battered Spouse Syndrome**

IPV is generally understood as part of gender violence as many more women are victimized than men. This is why Lenore Walker coined the term *battered woman syndrome*. Later, as more was learned about IPV against men, battered man syndrome or battered spouse syndrome were created to include this population as well. Battered spouse syndrome is a subcategory of posttraumatic stress disorder. While not all battered spouses who suffer from this meet the criteria for PTSD, many do. Battered woman syndrome/ battered spouse syndrome is based upon the idea of learned helplessness. This means that the victim feels that there is nothing that can be done to change the situation she is in and she must accept the circumstances and live through it. There are four characteristics that individuals experience and that must be met if this is going to be used as a defense at trial. First, the victim must believe that the IPV was her fault. Second, no one else is responsible for the IPV, except her. She must think she is solely responsible. Third, the victim must be in constant fear for the safety of herself and her children. Finally, the victim must believe the abuser is always present or around, watching or knowing what is happening, even if they are not physically there (Gosselin, 2005).



### 6.3. Why Do People Stay in Abusive Relationships?

When it comes to intimate partner violence situations, the most common question is “Why doesn’t she/he just leave?!” There are many reasons that an individual would continue to stay in an abusive relationship. The victim may have low self-esteem and believe that they are to blame for the abuse. They may think that this type of behavior is normal in a relationship and may have grown up in a household where this occurred. The victim could also believe that the offender will change and they do not mean what they do. They could make excuses for the offender, rationalizing the abuse as something that only occurs when that person is drunk and/or had a bad day at work. They may feel embarrassed about what is happening and not want to tell anyone. They may still have feelings of love and attachment for their abuser, even though the abuser hurts them.

Fear can prevent the victim from leaving the offender. They may be scared that the offender will harm them, their family, and/or their pet if they try to leave, or escalate the abuse in retribution for attempting to leave. The abuser might threaten to take the victim’s children away. If the victim does have children, they also may worry about how taking their children out of their home will affect them. The victim also may want their children to grow up with two parents. In addition, they could have religious or moral beliefs about marriage that would prevent them from wanting to leave.

Financially, the victim may be dependent upon the abuser. The abuser may control the money and assets and the victim may not want to leave out of fear for survival. The victim also may have nowhere to go, especially if the abuser has isolated them from friends and family.

#### Discussion Questions

1. Do you think that all types of IPV (physical, sexual, reproductive, psychological, and financial) should be punished the same way, or should there be different punishments for different types? Explain your answer.
2. Which type of IPV do you think has the most lasting impact on a victim? Why?
3. Can you understand the reasons that a person would stay in a relationship where IPV was occurring? Why or why not?
4. What do you think would be the most successful strategy in reducing and/or preventing IPV? Please explain.

## CHAPTER SEVEN

### 7. Hate Crimes and Terrorism

#### 7.1. Hate Crimes

##### *Defining Hate Crimes*

Feeling hate toward a person or group is not a crime, as it is a right protected by the Constitution. A hate crime is not a specific and unique crime, but instead is generally a “traditional” criminal offense like vandalism, arson, or murder. In order for it to be charged as a hate crime, there must be evidence that the crime was committed against an individual or property as a result of prejudice or bias based on “race, religion, disability, sexual orientation, ethnicity, gender or gender identity” (FBI, 2016a). It is important to note that it is irrelevant whether or not the victim of the crime actually possesses a specific characteristic, but it is imperative that the offender perceives that the victim exhibits a characteristic and acts on that perception. For example, if Susan vandalizes John’s car with homophobic graffiti but John is a heterosexual, it could still be a hate crime, and as such, punishment is often more severe than it would be for a simple vandalism conviction. However, if she slashes his tires with no evidence indicating she acted out of prejudice or bias, she will be charged with vandalism.

##### *Responses by Stakeholders*

Although legislation is in place, it is ultimately up to criminal justice stakeholders to determine how to respond to potential hate crimes. The first step in punishment for a hate crime is law enforcement response. According to the International Association of Chiefs of Police (2001), there are several key items that could indicate commission of a hate crime:

1. Perceptions of the victims and witnesses;
2. Perpetrator’s behavior that indicates bias or prejudice;
3. Differences between the victim and perpetrator;
4. Similar incidents in the same area;
5. Incident occurred on a holiday or date of significance; and
6. Involvement of recognized hate group members.

However, even if these indicators are linked to the crime, the crime must actually get reported to law enforcement. This can be an issue depending on the victim. Some racial and religious groups do not trust law enforcement based on past experience. For example, there was a backlash against Muslims and Arab Americans in the United States after the September 11, 2001, terrorist attacks, and many minority citizens were perceived to be the enemy (Disha, Cavendish, & King, 2011). These perceptions may make it difficult for some citizens to trust that the police will treat reports fairly.

Prosecutors are also instrumental in determining the rate of punishment of hate crimes. Prosecutors use the same standards as law enforcement to determine if a hate crime has occurred. However, there is often a concern that the details of the crime are so complex that while trying to prove a hate crime occurred, jurors may get confused and acquit the offender altogether. Plea bargains are often accepted in exchange for at least some guaranteed punishment, but the plea bargain may decrease the severity of the punishment.

there has been a surprising increase in the number of hate groups since 1999. Tentatively attributed to an increase in immigration numbers and disputes over deportation methods and issues, the number of hate groups rose from 457 in 1999 to 892 in 2015. The number of recognized hate groups peaked at 1,018 groups in 2011, with a quick spike around the 2009 inauguration of President Barack Obama.

The Ku Klux Klan (KKK) is one of the more infamous hate groups. Founded in 1866, it was the impetus of resistance in the white South to the Republican agenda for political equality for black Americans after the Civil War. Despite Congress' efforts to curb the KKK, Democratic victories in the states implemented a rule of white supremacy in the South. A reemergence of KKK activity in the 1960s during the Civil Rights movement involved acts of hate and violence— including murders, vandalism, and assaults—against minorities of all types. KKK membership has dwindled since that time, but KKK membership still numbers 5,000–10,000 members, and some can be seen participating in marches and demonstrations (History, 2016a).

Similar white supremacy groups are neo-Nazis in the United States. Neo-Nazi groups support Adolf Hitler and Nazi values, including a hatred for racial and sexual minorities and those who practice Jewish and (sometimes) Christian faith. While their propaganda is often targeted at European audiences, they are visible in the United States. White Nationalists and Christian Identity are also

white supremacy groups with similar anti-minority values (Southern Poverty Law Center, 2016b; Southern Poverty Law Center, 2016c).

## **7.2. Terrorism**

### ***Definition of Terrorism***

It is not unusual to consider acts of terrorism as those that destroy large geographic areas and cause the deaths of hundreds of people. While that certainly does occur, terroristic acts can also occur on a smaller scale with few or no fatalities. The law 18 U.S.C. § 2331 provides the legal definition of terrorism in multiple different categories (FBI, 2016c):

#### **International terrorism comprises activities with the following characteristics:**

1. Violent acts or acts dangerous to human life that violate state or federal law;
2. Intent (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping;
3. Occur primarily outside the territorial jurisdiction of the U.S., or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum.

#### **Domestic terrorism comprises activities with the following characteristics:**

1. Violent acts or acts dangerous to human life that violate state or federal law;
2. Intent (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping;
3. Occur primarily within the territorial jurisdiction of the U.S.

### ***7.2.1. Cyberterrorism***

One of the newer forms of terrorism, still unrecognized by many, is cyberterrorism. Historically, *terrorism* refers to acts of physical violence such as bombings, kidnappings, and murder to make a

political message. The term was coined by Barry Collin (1997). The Computer Fraud and Abuse Act (modified by the PATRIOT Act) defined cyberterrorism as the following:

Any conduct that causes (or, in the case of an attempted offense, would, if completed, have caused)—

(i) Loss to one or more persons during any one-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting one or more other protected computers) aggregating at least \$5,000 in value;

(ii) The modification or impairment, or potential modification or impairment of the medical examination, diagnosis, treatment, or care of one or more individuals;

(iii) Physical injury to any person;

(iv) A threat to public health or safety; or

(v) Damage affecting computer system used by or for a government entity in furtherance or the administration of justice, national defense, or national security.

This definition is controversial, as an individual must have committed the act in question in order to be charged with cyberterrorism. The United States National Infrastructure Protection Center now defines cyberterrorism as a “criminal act perpetrated by the use of computers and telecommunications capabilities, resulting in violence, destruction and/or disruption of services to create fear by causing confusion and uncertainty within a given population to conform to a particular political, social or ideological agenda (Moore, 2011).”

The Internet benefits terrorist groups in that it is a cost-effective and easy method of recruiting new members, as well as a forum where supporters and potential members can learn about the group, join discussions, and participate in direct actions. Terrorist organizations have even used videos, comic-book-style propaganda, and games to provide incentives for children to join (Denning, 2010). During recruitment, terrorist organizations also educate interested individuals and raise funds. Online, potential recruits around the world can learn about the mission and purpose of the terrorist group in dozens of languages.

### ***7.3. Combating Terrorism***

Multiple agencies work together to combat and prevent terrorism. The National Joint Terrorism Task Force (NJTTF) leads more than 104 FBI Joint Terrorism Task Forces (JTTF) across the United States, creating a collaborative effort of local, state, and federal agencies. Established in the 1980s in New York and Chicago, the number of JTTFs almost doubled quickly after the 9/11 attacks. Now housed in the National Counterterrorism Center, the NJTTF works with the Department of Homeland Security, military branches, police departments, and the Federal Bureau of Prisons, as well as dozens of other agencies, to share and collect information on terrorism.

Possibly one of the United States' best-known methods of combating terrorism was the passage of the controversial PATRIOT Act of 2001. Essentially, the original PATRIOT Act and PATRIOT Act and Reauthorization Act of 2005 increased the surveillance abilities of law enforcement for terrorism investigations, updated laws to include technological terrorism crimes, and increased penalties for terroristic acts (United States Department of Justice, 2006). However, opponents of the act assert it is a violation of American citizens' right to privacy, allowing law enforcement to gather and monitor information that is unrelated to terrorist activities.

#### **Discussion Questions**

1. Based on the focus on illegal immigration, do you foresee hate crimes becoming a prominent issue in criminal justice in the next few years? Why/why not?
2. Is it possible to combat hate speech without violating the First Amendment?
3. Which act of terrorism has had the most impact on law enforcement practices since 2007 and why?