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President Joseph K. Mullen (right) receives plaque from President Francis V. Crumley, at the Annual Conference.

The Pennsylvania Association
on Probation, Parole
and Correction

THE PAPPC JOURNAL

The Pennsylvania Association on Probation, Parole, and Correction
2149 N. Second St.
Harrisburg, PA 17110

Joyce S. Dromgold, Administrative Officer

The purposes and goals of the Association are to work towards the advancement of the methods and standards in the fields of probation and parole for adults and juveniles, and in institutional care; to promote appropriate legislation; to cooperate with all movements promoting the progressive treatment and prevention of delinquency and crime.

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Editorial

This issue of the Journal contains several rather provocative ideas. The article by Edward Thibault outlines how you may be spending your time if you are in the "system" ten years from now. ***Megatrends*** by John Naisbitt is the stimulus for Dr. Thibault's article.

Stephen Suknaic's article on crime victims may cause some discomfort. Each of us knows that we have always been just as concerned for the victim as we are for the defendant. The federal government's renewed interest in crime victims makes this article timely and relevant.

The article prepared by James Jengeleski outlines the models we have used in the justice system. Dr. Jengeleski questions our models and provides considerable data to support his premise that we have not yet decided what we want to do **to** and **for** the criminal.

James Weiskopff's article on Bail-Preventive Detention is both informative and thought provoking. His discussion of the use of bail in the juvenile justice system is very timely in light of the ***Schall v. Martin*** case before the U.S. Supreme Court and the ***Coleman v. Stanziani*** case in Pennsylvania.

The article on driving under the influence prepared by Marshall Davis continues to explore this emotional and highly political issue. Mr. Davis provides an excellent background on the problem of drunk driving. His article contains an overview of national and international approaches to the problem and a discussion of Pennsylvania's drunk driving law.

As I have noted in the past, publishing articles prepared by people in the "system" is the basic goal of this Journal. It is the thinking and thoughtful person in the "system" who will help bring about needed change. In the conclusion of ***Megatrends***, Naisbitt states:

> "In a time of change we have extraordinary leverage and influence — individually, professionally, and institutionally — if we can only get a clear sense, a clear conception, a clear vision, of the road ahead."

Ronald E. Sharp
Editor

CORRECTION

The Summer 1983, issue of the Journal (Vol. 2, No. 2.) contained the following error:

REPORT ON THE DEVELOPMENT OF
VICTIM/WITNESS SERVICES PROGRAMS
BY
ANDREW J. DeANGELO

PAGE 45

This past summer, the Lehigh County Juvenile Probation Department had Intern Students personally explain to the victims the process that they are involved in. Some of the victims remembered more details about the incident a few days afterwards, and told the Intern Students the things they remembered. This led to *additional evidence being compiled. The students were able to alleviate some of the* stress and fears that the victims had. The victims were also genuinely grateful that someone had taken the time to answer their questions and showed concern about their situation.

(The italicized material was omitted from the original printing.)

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CRIME VICTIMS: THE LONG IGNORED CINDERELLA

SUBMITTED BY:
STEPHEN J. SUKNAIC
CHIEF JUVENILE PROBATION OFFICER
DAUPHIN COUNTY

Introduction

Crime victims, like Cinderella, have been ignored and forgotten to a great extent by the criminal justice system. The crime victim can be viewed as the missing link in the study of crime and the criminal justice system.

The purposes of this paper are to:

1) Briefly review the historical roles of the crime victim;
2) Discuss traditional views and concepts concerning the crime victim;
3) Discuss some recent theories of victimology which pertain to victims in the criminal justice system; and
4) Draw conclusions and offer recommendations about research and theory related to crime victims.

The emphasis in this paper will be on the recent theories of victimology which pertain to crime victims. It should be noted that victimology, the study of victims, is much broader and encompasses the study of victims of disease, natural disasters, and other non-criminal justice related victims. The reason for this emphasis is that the writer believes that the historical roles, and traditional views and concepts concerning the crime victim are somewhat familiar to many readers, however, the recently developed theories of victimology concerning crime victims may not be quite so familiar to some readers. The information about historical roles and traditional views and concepts are provided to give depth to this paper, and provide a background for the discussion of victimological theories.

Historical Roles Of The Crime Victim

In recent years great interest has been expressed about the crime victim. To better understand the crime victim it is helpful to have a historical perspective of the crime victim's role.

Compensation to victims of wrong doing is an ancient tradition. During the earliest history of primitive man private revenge against the offender by the offended person was the means of retribution. Since man was alone in his struggle for existence he had to take the law into his own hands to survive. He was victim, prosecutor, and judge in this solo struggle.[1]

As time passed and primitive groups and tribes were established, a crime against an individual became a crime against his family, group, or tribe which exacted revenge on the offender's family or group. This is the origin of the term "Blood-Feud" and the concept of collective responsibility which became popular among hunting and gathering societies in the absence of an independent authority to decide innocence or guilt, and punishment. Nearly all vengeance was made through aggressive physical attack on the offender and his group based on factors such as: the type of offense, the status of the offender and offended, the solidarity of the two groups involved in the dispute, the personal animosity between the two litigants, and the geography separating the two groups.[2]

With the development of material and economic culture, the theft or destruction of property and goods became equated to the infliction of physical injury. The code of Hammurabi formulated in approximately the twenty-second century before Christ, and the old Testament of the Bible espoused the philosophy of strict compensation which governed punishment for personal and property offenses.

During the middle ages there existed supreme recognition of the victim's importance and an emphasis on compensation. This "Golden Age" of the victim's dominant role in the criminal justice process is obvious in the system of "composition", or compensation in the germanic common laws. Composition combined punishment and damages but could only be applied to personal offenses, not public crimes.[3] The objectivity of the germanic laws was an about-face from the subjectivity inherent in the striving for survival practiced by primitive man centuries before with his blood-feud.

State intervention gradually increased its influence over composition by claiming a share of the victim's compensation on behalf of the king or ruling lord for achieving a settlement between offender and offended. After the treaty of Verdun in 843 A.D. the Frankish empire was divided and gradually a state fine replaced entirely the composition for the victim. Thus ended the golden age of the crime victim. The victim lost his once "... almost dictatorial power over the settlement of the criminal case; at no other time in the history of crime has the victim occupied such an advantageous position in criminal procedure."[4] Cinderella, in the form of the ignored and forgotten crime victim, had evolved.

During the latter part of the nineteenth century international prison congresses in Stockholm (1878), Rome (1885), St. Petersburg (1890), and Paris (1895) were the forums for the advancement of victim status and victim compensation. However, at that time, the development of social sciences such as psychology and sociology were being applied with growing interest to the reform of the criminal. This was matched by a decreasing interest in the victim.[5]

The gradual reemergence of the status of the victim began in the 1940's with the initial theoretical developments of victimology intent upon better understanding crime, victim-criminal relationships, and victim problems. A burst of interest and information about crime victims took place in the 1970's and was heightened by the influence of the mass media. These developments will be discussed later in this paper.

Traditional Views and Issues Concerning The Crime Victim

There exist some widely accepted and traditional views and concepts concerning the crime victim. Given the historical roles of the crime victim as a back-drop, the following will be discussed: the twice victimized victim, the victims of "victimless crimes", victim compensation programs, victim-assistance programs, national crime surveys, and victim legislation.

It has already been established that the victim is comparatively ignored by the present criminal justice system. Worse than that is the wide spread belief that the system victimizes the victim a second time. In the forward of ***The Invisible Victim***, Robert Reiff indicates that he wrote this book to describe the tragedy of crime victims. He describes a " . . . callous post-crime victimization by the police, the courts, the legal profession, and the human service systems of the nation." He accuses society of failing to protect and aid victims, but instead, oftentimes, he maintains that society degrades them socially. He alleges that victims are viewed as a burden to society and have only themselves to blame for their calamity. Bewildering and absurd rules penalize victims. Perhaps most importantly Reiff maintains that " . . . the offender interprets our indifference to violence and becomes bolder."[6]

There is also controversy concerning the appropriateness of the phrase "victimless crimes". Sociologist Edwin Schur maintains that there are indeed victimless crimes such as prostitution and gambling that consist of a consensual transaction and have no direct victim. Schur suggests changes in the law to legalize such activities. However, other theorists, such as Dallin Oaks, believe that victimless crime is nonexistent since family members and loved ones, or society in general suffer because of these activities. Also, family members and taxpayers are victimized because they pay the expensive costs of prosecution and rehabilitative treatment. Oaks also believes that many sex offenses such as adultery and fornication are legitimate crimes because they pose a severe threat to the basic unit of society, the family.[7] This debate again underscores the disputable role of the victim in the criminal justice system.

After centuries of being ignored a turning point in the treatment of the crime victim took place in the 1960's with the establishment of victim compensation programs. These are government programs which assume responsibility for providing financial assistance to innocent citizens injured as the result of crime. This was a small but significant move in the direction of victim's rights which had been long awaited.[8] Margaret Fry, a British advocate of penal reform, is given great credit for causing the establishment of the first public program of victim compensation which began in New Zealand on January 1, 1964, and was followed by a similar program in Great Britain later that year. California and New York were the first states to implement crime victim compensation programs in 1966, and by 1976 there were 29 state operated programs. These programs were based on the idea that criminal reparation to his victim as part of the rehabilitation process was not always practical, especially when the offender was imprisoned and unable to make compensation.[9]

The "welfare theory" which holds that the government has humanitarian duty to the crime victim similar to its duty to the poor, the sick, the unemployed, and the disabled military veteran also supports the concept of public crime victim compensation programs which should not be viewed as a panacea for crime victims since many shortcomings exist.[10] "The major drawbacks to victim compensation are the costs of the program and legislators' fears concerning the possible expense of the program if eligibility for compensation is not restricted to certain limited situations and individuals. These concerns for cost have resulted in several major restrictions on programs, such as financial need requirements, minimum claims, maximum award limits, and restrictions on the types of losses compensated. This latter area contains the almost universal restriction against payment for property loss found in existing programs. The effect that these restrictions may have on the availability of victim compensation is dramatic. Harland notes that on a national scale, some 90% of all victims are excluded from compensation by the property loss restrictions alone. Of those qualifying as injured victims of violent crimes, Harland notes that current restrictions on eligibility would allow compensation for only 8%."[11]

These eligibility restrictions have caused a unique problem with the Pennsylvania crime victim compensation program which is funded from ten dollar fines levied on those who are convicted of, or plead guilty to, violent crimes. In the six years since the inception of the program in 1976 it has collected $9 million but $4.7 million of that total has been returned to the general fund at the end of fiscal years to help balance the budget. The money went unclaimed due to eligibility restrictions on crime victims.[12] This example illustrates clearly how crime victim compensation programs are only a small step in the direction of victims' rights.

After the development of crime victim compensation programs, the next advancement on behalf of crime victims was the implementation of victim/witness assistance programs in the 1970's. This advancement was logical since it is obvious that victims need and deserve much more than just financial compensation when they venture into the world of the often confusing and inconsiderate criminal court system.

The severity of the victim's crisis is usually proportionate to the victim's perception of the seriousness of the crime. The crisis reaction is greatly affected by the kind of help the victim receives in the moments, days, and weeks immediately after the crime. Some people erroneously believe that maturity, strong character, and good mental health should prevent a crime victim from experiencing a crisis. Crime victims who experience a crisis are not weak or immature, but rather are simply reacting in a normal, human manner to a threatening situation. The crisis reaction usually develops in three stages: impact, recoil, and reorganization; and causes feelings of guilt, shame, alienation, depression, and even despair in extreme cases.[13]

Some research indicates that brief psychotherapy can help alleviate the crisis reaction experienced by victims of violent crimes such as rape, robbery, and assault. These victims reported symptoms such as intrusive thoughts and images, nightmares, negative self-images, fear of repetition of the crime, feelings of responsibility for the crime, and discomfort over vulnerability which were often dealt with successfully in brief psychotherapy. This therapy can also help to prevent chronic pathology which can result after victimization.[14]

In addition to psychotherapy in appropriate cases a vast array of victim services should **ideally** be available to ease the victim's movement through the criminal justice system. The following list may not be all-encompassing but it is intended to give the reader an idea of the type and variety of victim/witness services usually coordinated by the prosecutor's office or the probation office:

1) General crime **victim awareness information** to let the general public know that services are available should a crime occur;
2) **Crisis intervention** services to provide immediate care to victims should be available around the clock including telephone hotlines, emergency transportation, shelter, food, clothing, counseling and the like;
3) **Complaint assistance** to assist victims who enter the police station unaccompained by a police officer to report a crime;
4) **Counseling and social services** are the logical extension of the crisis intervention offering therapy and casework services over an extended period of time as needed;
5) **Sensitive crimes prosecution** is provided in crimes such as sexual assaults to reduce, if possible, the excessive number of times a victim must recount his/her story so that the victim will be more likely to testify;
6) **Mediation** for victims not interested in the formal judicial process, but, instead, an out-of-court settlement;
7) **Restitution** which requires the offender to compensate the victim for losses;
8) **Property return and repair** allows for the prompt return of recovered stolen property to the victim even prior to its use as evidence in court;
9) **Witness information** answering basic questions concerning rights and responsibilities of witnesses is of interest to victims since they often must testify as a sworn court witness;
10) **Victim/Witness notification and management** includes efforts to inform victim/witnesses when and where they are required to be present and keeping them abreast of the status of their cases;
11) **Victim/Witness protection** against threats and retaliation;
12) **Transportation** to proceedings for the elderly, poor, and handicapped victims and witnesses;
13) **Separate waiting areas** so that prosecution witnesses and victims need not intermingle uncomfortably with witnesses for the defense and accused offenders;
14) **Child care** for victims and witnesses who must bring their small children with them to court;
15) **Language interpretation** so that victims and witnesses can accurately present their testimony;
16) **Lodging arrangements for out-of-town victims and witnesses** to minimize their inconvenience;
17) **Adequate fees** for witnesses; and
18) **Employer intervention** so that victims and witnesses are not unduly penalized by their employer for taking part in a court proceeding which demands time away from employment.[15]

Another development in the interest of crime victims took place in 1972 when the U.S. Bureau of The Census began conducting the national crime survey for the law enforcement assistance administration. The national crime survey focuses on certain "personal crimes" of rape, robbery, assault, and larceny, and "household crimes" of burglary, larceny and motor vehicle theft. It was developed in an effort to obtain more reliable information on the distribution of crime in American society. Prior to 1972 the

nation's primary source of crime information was the uniform crime report compiled by the Federal Bureau of investigation. These annual reports, however, provided limited information concerning crime victims, and widespread concern existed that the uniform crime reports did not accurately show the volume and types of crime since only crime known to the police was included.[16] Each year the national crime surveys are compiled by interviewing persons in 60,000 households about their victimization experiences. This data is an estimate rather than an actual count since only a sample of the population is involved in the survey process. These surveys are carefully designed and the degree of error is considered to be relatively small. One weakness in this survey system is that self-reports do not allow homicide data to collected, and another is memory decay and distortion related to the other crimes surveyed.[17] However, as this survey instrument is refined, it should be helpful in providing more accurate information about crime victims, especially those who do not officially report their victimization to the police for a variety of reasons: shame, fear, guilt, etc.

Victim legislation will be the final issue discussed in this section of the paper devoted to widely accepted, traditional views and issues concerning the victim of crime. Victim legislation, like the victim compensation programs, the victim/witnesses assistance programs, and the national crime survey previously discussed is another small, modest step toward the proper recognition of the rights and needs of the crime victim.

Given the problems encountered by the Cinderella of the criminal justice system, effective victim legislation will have to contain three important elements. First, a victim law must assure that the innocent victim will receive the same considerations as required for the accused. Second, victim compensation from the offender or the government must be assured in all situations, not just in the present, limited situations. Third, compensation to injured, innocent intervenors, or "good samaritans", who come to the aid of crime victims or police must be assured. This would lift the psychological inhibitions that sometimes cause a would-be intervenor to remain uninvolved.[18]

The Federal Omnibus Victim Protection Bill of 1982 which was sponsored by Pennsylvania Senator John Heinz and recently signed into law by President Reagan as public law 97-291 **appears** to have the three important elements previously mentioned. It mandates victim impact statements, protection of victims and witnesses from intimidation, witness relocation and protection for all types of crimes, restitution (unless the judge states for the record why restitution shall not apply), fair treatment of crime victims and witnesses, and no profit by a criminal for the sale of

his story. However, many provisions of this act are left to the United States Attorney General to implement by introducing additional legislation which could be a time consuming process. It is claimed that changes called for in this law do not require additional appropriations of federal funds, and, indeed the law refers to accomplishing "... all that is possible within the limits of **available** resources ..."[19] It is naive to believe that these extra responsibilities can be completed without extra funding. If this legislation is adopted by the various states, as intended, it is necessary that states allocate needed funds for practical implementation or we will have only the appearance of victim parity with the accused.

This section of the paper has described some widely known victim concepts such as the forgotten victim who is victimized twice, and victimless crime. Public victim compensation programs, victim/witness assistance programs, national crime surveys, and model victim legislation have all been discussed and described as small, modest steps towards the proper recognition of, and service for, the crime victim. In the discussion of their shortcomings it is obvious they are not panaceas, and a great deal still needs to be accomplished to understand the role of the victim and his needs, and the implementation of long awaited victim services without red tape, eligibility restrictions, and time delays.

The Recent Genesis of Victimology

The remainder of this paper will be devoted to a description and discussion of the recent, innovative, and sometimes controversial concepts and theories of victimology. There is controversy even about the definition and scope of victimology. Benjamin Mendolsohn, the Rumanian criminologist and one of the pioneers of victimology, maintains that to limit victimology only to the study of crime victims, instead of to **all** victims, reflects a narrow approach and relegates it to an auxiliary position in relation to criminology. Mendelsohn asserts that man can be the victim of a criminal; the victim of himself; the victim of anti-social behavior; the victim of technology; and the victim of his natural environment. He believes that victimology is that broad in scope, and, indeed, that is the official position of the International Society of Victimology as evidenced by the breadth of its interests and articles published in ***Victimology: An International Journal,*** its professional publication.[20]

Others view victimology in a narrow, restrictive manner as a branch of criminology studying only the victims of crime. This position is based on the facts that contributions to victimology have been introduced by criminologists, and that victimology is still in its infancy and has not yet developed into a separate aca-

demic discipline. These theorists view victimology as a branch of criminology.[21] With that debate in mind it is sufficient to state that discussion in this paper will be limited to victims of crime in victimology.

Criminology, as a field of study, is a recently developed discipline born approximately a century ago and built on offender-centered and offender-related research and theory. Victimology is a body of knowledge developed over the past decades which is built on victim-centered and victim-related research and theory. Both disciplines have basic goals of understanding crime and its participants, and reducing the occurrence of crime. Victim research has the potential to bring about a balance to criminological research.

Although early criminologists were aware of the importance of the victim-criminal relationship, it wasn't until the 1940's that an organized, specific interest developed in the victim. Hans Von Hentig's paper entitled "Remarks on the Interaction of Perpetrator and Victim" (1941), and his book ***The Criminal and His Victim*** (1948) first focused on what the author referred to as "the criminal duet", and Henri Ellenberger later referred to as "the penal couple" in his 1954 French research study on the psychological relationship between the criminal and his victim. By 1968 Stephen Schaefer had written the widely-acclaimed book entitled ***The Victim and His Criminal***, reversing Hentig's title and purposely and symbolically putting the victim first to emphasize his importance in study, research, and theory.[22]

The FOCI of victimological inquiry over the recent decades have been:

1) Efforts to determine the real extent and nature of crime;
2) Interest in the relative risks of being a crime victim;
3) Attempts to determine how victim attributes influence or even precipitate crime;
4) Endeavors to assess the kinds and extent of losses, injuries, and damages experienced by crime victims, and good samaritan intervenors; and
5) The behavior of the social group: individuals, family, and society toward crime victims.

The approaches of victimological inquiry to study these FOCI are: analysis of crime statistics, victimization surveys, self-report surveys, case studies, and the development of victim typologies.[23]

The FOCI which will be investigated in this paper are: the attempts to determine how victim attributes influence or even precipitate crime, the involvement of good samaritan bystanders, individual and group reactions to victims as "legitimate victims."

Victim vulnerability, or proneness, simply means that certain types of people are more susceptible to crime than others. Hans Von Hentig was the first to thoroughly list, describe, and discuss these types as follows: the young, the female, the elderly, the mental defective, the immigrant, the minority, the depressed, the wanton, the lonesome, and the heartbroken.[24] The teenager, the homosexual, and the prison inmate have been added to Hentig's original list in recent years by other theorists and shall also be included in the discussion.

While most countries, including the United States, view themselves as child-loving and child-oriented, there is ample evidence that these perceptions are not an accurate reflection of the facts. Approximately one million youngsters under age six suffer from malnutrition or even starvation in the United States. Over 600,000 child abuse reports are filed each year with over 16,000 of these children dying from neglect and abuse, the second most common cause of death for small children. Historically, little was done to effectively protect these youthful "legitimate victims" whose abuse was for the most part condoned by society and its laws. Now laws requiring criminal prosecution for abusive adults are becoming prevalent in an effort to protect children. The issue of child abuse was considered so important to the International Society of Victimology that they devoted a special issue of ***Victimology: An International Journal*** to this controversial problem in the summer of 1977 in the hope of raising consciousness and a greater feeling of responsibility which everyone shares for children.[25] Accordingly, Leroy G. Schultz has proposed a noteworthy innovation on behalf of child victims of sexual abuse. He suggests that if a court appearance is necessary to convict a sexual child molester, courts should experiment with the use of video taping, and one-way screens to minimize victim trauma.[26] It is innovations such as these which must be developed while we attempt to eliminate wrong-doing to the unprotected children in the world described by Hentig.

The female is next in Hentig's list of victim-prone types. Women live in a " . . . rape-prone society where forceful intercourse is partially considered necessary behavior by male authorities." With due hesitation it may be mentioned that rape has been called " . . . the all-American crime . . . "[27] The morals of the female hitchhiking rape victim are viewed by many as similar to those of a tramp, so that a female in this situation, among others, is considered a vulnerable, legitimate victim to the male sex.[28] Another special issue of ***Victimology: An International Journal*** in 1977 was devoted to spouse abuse and domestic violence and discussed the fact that many men regard women as their property. Women often receive brutal treatment at the hands of husbands,

lovers, brothers, parents, and employers. Such things as marital violence and sexual harassment on the job have remained below the public consciousness for centuries and are just beginning to receive appropriate attention. The women's movement must be given its due for fostering an atmosphere that is less tolerant of accepting the legitimacy of female victimization.[29]

There is such violence among family members, relatives, and friends that the United States Department of Justice recently compiled a survey report entitled: ***Intimate Victims: A Study of Violence Among Friends and Relatives*** in January, 1980 which details the volume and types of violence against children, lovers, spouses, estranged spouses, and other relatives and friends through the use of the national crime survey discussed earlier in this paper. The report indicates that 3.8 million incidents of violence among intimates were reported to have occurred between 1973 and 1976, nearly 33% of which were committed by offenders related to victims. Even more astounding is that 55% of the incidents of intimate violence went unreported to law enforcement agencies.[30] It would appear that our society has implicitly, and perhaps in some ways explicitly, condoned and legitimized violence among intimates and family members to the obvious detriment of those victimized.

Hentig also categorizes the elderly as a victim-prone group due to their accumulated wealth, wealth-giving power, and their physical and mental weaknesses. This combination of factors makes them ideal victims of predatory attacks. The mentally defective are vulnerable to crime because they are not capable of avoiding dangerous situations and finding safe situations due to their limited capacities. Immigrants and minorities bear the blame for others. Their different appearance, language, and customs render them susceptible and sometimes even helpless prey to swindlers and other criminals. The depressed individual is prone to victimization because his defenses are down. His instinct for self-preservation is dull making him more vulnerable than the average person. Prostitutes are an example of the wanton who are victim-prone since they are not only exposed to attacks from female competitors, but they have to entertain strangers in unfamiliar places, alone, and at night. They make themselves available to theft, assault, and even murder.[31] Likewise, the homosexual, who often must act in secrecy is open to blackmail, and much more serious crimes since so many people dislike homosexuals and the belief is prevalent that they have little influence with police and courts, if, indeed, they have the daring to report their victimization and expose themselves.[32]

Some youth, usually in urban areas, join gangs to avoid victimization. Ironically, some recent research indicates that gang

membership increases one's likelihood of victimization especially to assault and robbery.[33] It should be noted that victimization surveys show that teenagers generally report the highest rate of victimization among all age groups.

The prison inmate is probably one of the most crime vulnerable persons on the face of the earth. In a very restricted space he is mingled with other convicts minus many of the rights and choices available to free men. It is extremely difficult to protect the vulnerable from the exploiters inside a prison. Alan Davis has clearly documented the exploitation which occurs in sheriff transportation vans and jails in Philadelphia. Homosexual rape is an epidemic, he states, which spares only the toughest young men, and those few so obviously frail that they are immediatley locked up separately for their own protection.[34] Adult and juvenile inmates are also the possible victim of staff exploitation by physical brutality, sexual exploitation, and condoning or encouraging inmate-inmate victimization. Most staff exploitation takes place in a quest for power, or in an attempt to take advantage of a perceived already corrupt system.[35] The prison exploitation problems have reached such proportions and severity that appellate courts in 1974 in California and Michigan each ruled that inmates who escape prison strictly to prevent imminent sexual assault by inmates may have a defense to the crime of prison escape if certain other conditions exist.[36] It is obvious that for the most part society is indifferent, and corrections officials rather helpless in controlling this problem. But this problem must be controlled because the violence this victimization tends to generate in offenders will eventually harm members of society at large, when the victim returns to the community and seeks revenge for the degradation and harm experienced while institutionalized. We should heed the words of the Russian novelist, Feodor Dostoyevsky, who asserts that a society's degree of civilization can be judged by the conditions of its prisons.

Another victim of the criminal justice system who receives little attention is the wrongly-accused person. He is embarrassed and penalized because of publicity and prosecution, and occasionally his life may be shattered by erroneous incarceration. Little is attempted to undo these wrongs. Saying I'm sorry is seldom sufficient. Unfortunately, the literature seems to overlook this misfortunate soul.

This discussion of Hans Von Hentig's vulnerable victims has been one-sided for the purpose of balancing the reader's understanding of crime since the vast majority of research, literature, and theory is the work of criminologists who have focused all their effort on the offender in an attempt to understand and solve our crime problems.

More controversial than Hentig's concept of victim vulnerability is the concept of victim culpability which suggests that with some crimes the victims are actually responsible in varying degrees. Leroy Lamborn does a fine job of summarizing the various levels of victim culpability while prefacing his discussion with the clear statement that many crimes can be blamed solely upon the criminal. However, he states, much crime is precipitated by the crime victim in the following manners.

1) **Invitation** is the first level of victim responsibility for crime. This is the victim's knowing, willing, and unnecessary entry into a dangerous geographic or social situation. The person who strolls through certain unlit, public parks at night is inviting danger that could have been avoided easily.
2) **Facilitation** is the second level of victim responsibility for crime. This refers to the victim's failure to take reasonable precautions to prevent a crime once he knows danger exists. The person who is forced by economics to live in a high crime neighborhood but does not lock his doors and windows is facilitating crime.
3) **Provocation** is the third level of victim responsibility for crime. This is the victim's active inducement, suggesting a dare for example, which provokes a crime on the victim. A shove, punch, or the exposure of a weapon could also be provocation if it seeks to excite but not injure the identified criminal.
4) **Perpetration** is the fourth level of victim responsibility for crime and it differs from provocation in that the intention does exist to injure the criminal. That the identified criminal's reaction to the victim's use of force is overwhelming results in his being considered a criminal rather than a victim.
5) **Cooperation** is the fifth level of victim responsibility for crime. It requires the victim's consent in such activity as gambling, narcotics, and homosexuality.
6) **Instigation** is the final level of victim responsibility for crime. Suicide is an obvious example of crime instigation in which the instigator is also the victim.

These factors are used in eligibility criteria for most public victim compensation programs. They are also used, but not thoroughly or effectively, to determine guilt or innocence, and the varying degrees of guilt in criminal trials.[37]

In 1957 the well known criminologist Marvin Wolfgang published an article entitled, "Victim-Precipitated Criminal Homicide," which gave support to the concept of victim culpability. Of the 588 Philadelphia homicide cases he examined, 26% were

designated as victim precipitated, a term Wolfgang was careful to define as those homicides in which the victim is a direct, positive precipitator and is characterized as having been the first in the homicide drama to use physical force against the subsequent slayer.[38] Other research concludes that "victim precipitation is not uncommon in homicide and assault, less frequent but still empirically noteworthy in robbery, and perhaps least relevant in rape."[39]

Consistent with the concept of victim precipitation is the notion of the recidivist victim who is repeatedly subjected to criminal acts due to vulnerability and/or precipitation. This notion has received little scholarly attention thus far but one study in Texas indicated that about 20% of the gunshot wound victims in a hospital had been previously treated at the same hospital for gunshot wounds resulting from earlier crime victimizations.[40] With the recent expression of interest in victim's rights it is easy to understand why theories which place some criminal responsibility on victims, such as victim precipitation and victim recidivism, are not receiving the scholarly study they deserve to be properly tested.

Another new and interesting victim theory which surfaced shortly after the kidnapping of Patricia Hearst is called the Stockholm Syndrome. This refers to the dramatic and unexpected realignment of affections between hostage and captor, and to the distrust and hatred on the part of the hostage toward official authority and even family and friends. The Stockholm syndrome was named as a result of a Stockholm bank employee hostage situation in 1973. It should be noted that the Stockholm syndrome does not always occur, but it is not infrequent. The four factors which seem to promote this syndrome are: intensity of experience, duration, dependence of hostage on captor for survival, and distance of the hostage psychologically from official authority.[41]

The crime bystander also needs study if crime is to be fully understood. Leon Sheloff describes the bystander, victim, and criminal as the "criminal triad", a catchy and interesting descriptive phrase which lends importance to the role of the bystander who may be a decisive factor in determining whether the criminal act will be initiated, persisted in, and/or consummated.[42] Like the victim, the bystander may be harmed by the physical effects of the offense, by the psychological impacts, and by his involvement in the criminal trial. In some respects during the trial process, the witness has fewer rights than the the alleged criminal. The accused may refuse to give evidence but the witness must testify unless the evidence would be self-incriminating. The character of the witness may also be discredited while on the witness stand, but the alleged offender need not testify.[43] The

absence of bystanders has been indicated to increase crime according to research completed by Pennsylvania State University social scientists Goodstein and Shotland. They show a critical relationship between the fear of crime, bystander surveillance, and increases in crime due to increased boldness on the part of criminals when crime-fearing citizens remain in their homes and thereby lessen bystander surveillance.[44]

While victimology is growing as a body of knowledge and an interest, there are social scientists who criticize it for some of the following reasons. Clyde and Alice Franklin suggest the necessity of theory revision and reconceptualization of victim-precipitation explanatory formulations. They feel several problems plague the basic assumptions of victim-precipitation explanations including circular reasoning, and inadequate definitions and assessment of victim-precipitative behaviors.[45] Other theorists simply believe victimology is a cop-out, an attempt at finding a simple solution to a complex crime problem by blaming the victim. William Ryan calls it the "ideology of blaming the victim," the "cunning art of savage discovery" which is really a mythology that must be resisted if nonviolent change is to take place in the United States.[46] Along the same lines Morton Bard criticizes victimology for emphasizing victim precipitation research and ignoring the needs and rights of victims. He accuses academicians of blaming victims only when they are not ignoring them.[47]

Summary and Conclusions

It should be obvious to the reader that the victim is still, for the most part, a Cinderella. He has taken only his first few steps in a marathon to obtain his proper place in the study of crime and in the justice system. The victim compensation programs, victim/witness assistance programs, and victim legislation discussed in this paper hold great promise, but they must be implemented for purpose and practicality not for politics and appearance. Criminal justice professionals must insure that these services are effectively implemented wherever they are needed.

Much still needs to be accomplished with victimology. It must converge with, and not alienate, the criminology which has evolved in the past century if an improved understanding of crime is to be achieved. Victimologists will have to better explain victim precipitation and vulnerability to insure that everyone understands that these are legitimate concepts which warrant study and refinement just as much as do widely accepted concepts like offender recidivism and rehabilitation.

The biggest surprise in researching this paper is that the author found no scholarly research on victim honesty, or the lack thereof, especially concerning restitution claims. Certainly this

should be a focus of future study if the victim is to be more completely understood.

Finally, many people believe that the phrase "criminal justice system" implies justice only for the criminal. The author asserts that if the victim ever achieves true parity with the accused the natural evolution of the phrase "victim/criminal justice system" will automatically take place.

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