

CHAPTER 2

THE REDISCOVERY OF CRIME VICTIMS

LEARNING OBJECTIVES

Upon completing this chapter the student should be able:

1. To trace how changes in the criminal justice system over the centuries have impacted the role of victims in the legal process.
2. To discover how and why the plight of victims has been rediscovered in recent decades by various social movements and groups.
3. To become familiar with the stages of the rediscovery process.
4. To apply the concept of rediscovery to specific groups of victims mentioned in the news.

KEY TERMS

street crimes

English common law

civil court

tort law

public prosecutors

plea negotiations

law-and-order movement

women's movement

civil liberties movement

children's right movement

gay rights movement

elder abuse

self-help movement

sensationalism

self-definition of the victimization process

constructionist approach

conflict approach

stigma contests

moral entrepreneurs

claims-making

typification

trafficking in human beings

CHAPTER OUTLINE

THE DISCOVERY OF CRIME VICTIMS

THE DECLINE OF CRIME VICTIMS

THE REDISCOVERY OF CRIME VICTIMS

Social Movements: Taking up the Victims' Cause

Major Sources of Inspiration, Guidance, and Support
Additional Contributions by other Social Movements
Elected Officials: Enacting Laws Named After Crime Victims
The News Media: Portraying the Victims' Plight
Commercial Interests: Selling Products and Services to Victims

VICTIMOLOGY CONTRIBUTES TO THE REDISCOVERY PROCESS

Stage 1: Calling Attention to an Overlooked Problem
Stage 2: Winning Victories, Implementing Reforms
Stage 3: Emergence of an Opposition and Development of Resistance to Further Changes
Step 4: Research and Temporary Resolution of Disputes

REDISCOVERING ADDITIONAL GROUPS OF VICTIMS

CHAPTER OVERVIEW

Each law that prohibits a certain act as being harmful defines the wrongdoer as a criminal subject to punishment and specifies the injured party is a victim deserving some sort of redress. Laws forbidding what are now called street crimes can be traced back to biblical times. When the thirteen American colonies were settled by immigrants from Great Britain, the earliest penal codes were based on religious values as well as English common law.

In past centuries, victims played a leading role in the resolution of criminal matters. To discourage retaliation by victims and their families, societies in simpler times established direct repayment schemes. Over time, however, industrialization and urbanization impacted the traditions and beliefs that were the foundation of victim-oriented justice.

After the American Revolution and the adoption of the Constitution and Bill of Rights, crimes were re-conceptualized as hostile acts directed against the authority of the government. Addressing the suffering of individuals was deemed to be less important than dealing with the symbolic threat to the social order posed by lawbreakers. Prosecutors representing society were given the powers and duties that were previously the responsibility of victims.

For much of America's history, the penal system focused on the goals of rehabilitating offenders and protecting society by deterring or incapacitating other would-be offenders. It has only been relatively recent victims have received renewed attention. Certain activists, journalists, criminal justice officials, and lawmakers have brought the plight of crime victims to the attention of the public. These activists promoted the message crime victims were forgotten figures in the criminal justice process whose needs and wants had been systematically overlooked.

Aside from suffering harm at the hands of criminals, victims as a group may have little else in common. They differ in terms of age, sex, race/ethnicity, religion, social class, political orientation, and many other important characteristics. These differences have made it difficult for victims to be organized and to emerge into a political force for change. The guiding principle holding this diverse group together is the belief victims who otherwise would feel powerless and enraged can attain a sense of empowerment and regain control over their lives through practical assistance, mutual support, and involvement in the criminal justice process.

The “law and order” movement gained strength in the 1960s as many Americans became alarmed at rising crime rates and dissatisfied with a system that seemed to favor the offenders. In the early 1970s, the feminist movement focused attention on the plight of female crime victims. It was during this time rape crisis centers and safe houses for battered women proliferated. These are examples of social movements and activists calling attention to the issue.

During the 1980s, officials engaged in the political process of enacting new laws helped to rediscover and publicize the plight of innocent victims. They realized naming a proposed new law after someone who suffered terribly in an incident received a great deal of media coverage to build support for its passage. Legislators are unlikely to argue or vote against such bills, for fear of being branded “anti-victim.” Probably the best known example of a law bearing the name of a crime victim is the Brady Bill. Another example is the legislation providing federal funding for the nationwide Amber Alert system, named for a nine-year-old who was abducted and killed in Texas, that enables the authorities to use the media to quickly disseminate descriptions of a kidnapper, the child, and any vehicle they may be traveling in.

In New York State, Jenna’s Law honors a twenty-two-year-old college student murdered by a parolee. Kathy’s Law is in memory of a comatose woman in a nursing home who was raped and impregnated by a healthcare worker and then died after childbirth. Lee-Anne’s Law is a regulation that prohibited imprisoned fathers who killed their spouses from demanding visitation rights to see their children. Kendra’s Law is named in memory of a young woman who was pushed in front of a speeding subway train by a man who had not taken his prescribed medication for schizophrenia. This law empowered courts to impose compulsory treatment on mentally ill patients. Stephanie’s Law is named for a woman whose peeping-tom landlord placed a hidden camera in her apartment. This law made it a felony to secretly videotape a person in a place where there is reasonable expectation of privacy. VaSean’s Law is named in honor of an eleven-year-old child who was run over by a drunk driver. This law stiffened penalties for serious injuries and deaths caused by intoxicated motorists.

The news media deserve a great deal of credit for rediscovering victims. In the past, offenders received the lion’s share of media coverage of a crime. Due in part to media attention, those who are on the receiving end of criminal behavior are no longer “invisible” or forgotten. Details about injured parties are now routinely included in coverage to inject some human interest into crime stories. Balanced accounts can vividly describe the victims’ plight.

In highly publicized cases, interviews carried out by journalists have enabled victims to have a voice in how their cases are resolved in court and about other issues of importance to victims and others concerned about crime in our society. The media has given victims a public forum and allowed them to use their first-hand experiences to campaign for wider societal reforms.

The process of rediscovery usually unfolds through a series of steps and stages:

- Stage 1: Attention is called to an overlooked problem. Often this role is played by activists who lead campaigns to change laws and win people over to their point of view. These activists usually have firsthand experience with a specific problem as well as direct, personal knowledge of the pain and suffering that accompany it.
- Stage 2: Some victories are won and reforms implemented. For instance, after activists created shelters and rape treatment centers, some local governments began

funding safe houses where women and their young children could seek refuge, and hospitals organized their own 24-hour rape hotlines and crisis-intervention services.

- Stage 3: Opposition emerges and resistance to further changes develops. This opposition comes from people or groups who maintain that the changes taking place in Stage 2 have gone too far or are too one-sided.
- Stage 4: Research is conducted and temporary resolution of disputes occurs. Neutral parties conducting scientific research (such as victimologists) can provide data and offer objective recommendations.

MEDIA SUGGESTIONS

M.A.D.D.

The story behind Mothers Against Drunk Drivers

Without Warning

The James Brady Story

DISCUSSION TOPICS

1. How has the modernization of society impacted the decline as well as the re-emergence of victims?
2. Discuss a group of crime victims not covered in the book. Describe the kinds of secondary victimization this group might be experiencing from the media.
3. Argue that victimology would be enriched by expanding its boundaries to include global studies of victimization, including, but not limited to, victims of war crimes, government repression of political dissidents, and torture of prisoners of war.

STUDENT ACTIVITIES

1. Research a proposed or recently passed law in your state named in honor of a crime victim. Write a mini-policy proposal where you analyze whether this current legislation offers specific redress or assistance for victims (outside of increased penalties for offenders). After your analysis of the current policy, offer suggestions for how this policy could be rewritten to address the harm experienced by these crime victims.
2. Choose a group from the list in Box 2.2 whose plight is currently being rediscovered. Pose questions researchers ought to examine. Provide a summary of the group including its composition, the nature of its losses, and efforts underway to address the harm.
3. What social movements are in your local area that address crime victimization? Using the steps in this chapter on the process of discovery, illustrate how this particular social movement came to frame the issue of victimization.