University of Southampton

From "Good Citizen" to "Deserving Client": The Relationship between Victims of Violent Crime and the State Using Citizenship as the Conceptualising Tool

Volume One

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Doctor of Philosophy

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MARCH 2003

UNIVERSITY OF SOUTHAMPTON

ABSTRACT

FACULTY OF SOCIAL SCIENCES

SOCIAL WORK STUDIES

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FROM 'GOOD CITIZEN' TO 'DESERVING CLIENT': THE RELATIONSHIP BETWEEN VICTIMS OF VIOLENT CRIME AND THE STATE USING CITIZENSHIP AS THE CONCEPTUALISING TOOL

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The last two decades of the last millennium witnessed an increased condemnation of the criminal offender and heralded a significant shift in focus towards the victim of crime. Concern for crime victims has now become almost a cliché, reflected in the daily reporting of the media and in the now popular political rhetoric of 'soundbites'.

The predominance of victims' issues has given rise to a controversial debate concerning their needs and rights, culminating in a plethora of reforms aimed at improving services to victims. Whilst the original intention of this thesis had been to evaluate the effectiveness of these reforms, themes emerging from the empirical data of a longitudinal, qualitative study with victims of violent crime, identified tensions existing within the relationship between the state and citizens, when citizens become victims of crime. These tensions relate in particular to contemporary notions of citizenship, central to which are the concepts of active citizenship, the ideological construction of the consumer and the subsequent emphasis on individual responsibility.

This increased 'responsibilization' has revived earlier distinctions between the 'deserving' and 'undeserving' victim, involving a complex process proven essential to gaining access to the criminal justice system. The research demonstrates that even once the initial transition from 'good citizen' to 'deserving client' has been achieved, the victims' status is continually redefined and challenged as their case proceeds through the criminal justice process.

This thesis argues that the redefinition of victims as consumers denies victims their status as active citizens with rights, rendering them instead 'passive consumers' of criminal justice services. To ensure that a balance is achieved between the rights and obligations of the victim and those of the state, this thesis concludes that a coherent theoretical framework is required outlining the true purposes and aims of incorporating a victim perspective. Fundamentally, victims require absolute and commensurable rights which if unobserved can be challenged. This is essential to ensure that citizens who become victims of crime are sufficiently empowered to engage in a criminal justice process which acknowledges and responds to their status as valued participants, whilst continuing to acknowledge the rights of the defendant.

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Preface and Acknowledgements

I first became interested in the victims of crime during my training as a probation officer. This insight to victims' issues captured my imagination and I decided to base my MSc dissertation on probation practice with victims of life-sentence prisoners. This introduced me to a whole new discipline concerning victims of crime and their role within the criminal justice system, or to be more accurate, their notable absence from it. I was then fortunate to be awarded a PhD scholarship at the University of Southampton and took this opportunity to explore the role of the victim in a much wider context. I would like to give my grateful thanks to my two supervisors, Professor Lena Dominelli and Peter Ford for their stimulating debates and advice.

Many people have helped with the research for this thesis, but my greatest and sincerest thanks go to those participants who gave their time and shared their experiences with me and without whom the richness of the research would not have been possible. I would also like to give my grateful thanks to the Chief Crown Prosecutor in the research area for his enthusiasm and continued support, and the criminal justice professionals who contributed to the research. A special thanks also to Professor Stephen Savage and all my colleagues at the Institute of Criminal Justice Studies, University of Portsmouth, for their encouragement and where I now endeavour to raise the awareness of victims' issues to both students and criminal justice professionals. On a personal level, I would like to thank my friends and family for their support and perseverance, but especially to my two sons, Samuel and Joseph, for their love, affection and tireless support, which has made it worthwhile.

INTRODUCTION

'The tendency of English criminal law in the past has been to "take it out of the offender" rather than to do justice to the offended.' [However] 'The basis of early law was personal reparation by the offender to the victim, a concept of which modern criminal law has almost completely lost sight of'.

(Margery Fry, 1951:125; 1959:3).

The above quotes by penal reformer Margery Fry capture concisely the predominant objectives of the criminal justice system in England and Wales over the last two centuries, with its energies and resources focused firmly upon those individuals who offend against the state rather than those who suffer the actual injury. The overriding issues of deterrence, detection, prosecution, punishment and reform usurped the once prominent role of the victim as a complex modern criminal justice system evolved. The rise in the professional administration of criminal justice since the mid-nineteenth century by judges, lawyers, the police and criminal experts saw the decline in the role of the victim in criminal proceedings with the concerns of the wider public interest subsuming the more particular needs of the victim.

This increasing marginalisation of those who had suffered the real harm was further engrossed within the emergence of a criminal law that increasingly viewed the criminal act not as an offence against the victim, but as an offence against the sovereign and later the state (Fattah, 1986). As a consequence, victims of crime became a disenfranchised and disentitled group as, according to Christie (1977), their conflict became the property of the state and their role in criminal proceedings became more and more peripheral. Subsequently, crime in such a system generates a debt to society rather than any obligation to the victim, and once the offender is punished by way of legitimate sanctions the debt is considered repaid. In this scenario, with no longer a part to play, the victim became what Shapland, Willmore and Duff (1985: 176) described as a legal non-entity, the forgotten figure of crime.

Thus the expanding role of the state in the administration of criminal justice was reflected in the development of modern criminal law and its relationship with the offender through the punishing of crime. As observed by David Cayley (1998: 217,

cited in Johnstone, 2002: 67): 'Modern criminal justice has stressed the aggrandizement and edification of the state, rather than the satisfaction of victims', with a tendency to assume that victims' interests are in accordance with the wider public interest as represented by the Crown. However, by exploring the political, criminological and socio-economic processes in England and Wales during the last three decades, this thesis reflects upon the significant shift that has taken place concerning the complex pattern of relationships between the state, the criminal justice system and its citizens. Whilst this thesis focuses predominantly upon the experiences of crime victims in England and Wales, literature from other countries is occasionally considered in relation to certain aspects of practice and procedure.

Rising crime, and most importantly rising fear of crime, has resulted in an increased condemnation of the offender and heralded a significant shift in focus towards the victim of crime. Although the overriding assumption of victims' interests with those of the wider public interest still prevails (Crown Prosecution Service, 1994; 2000a), the principles guiding this tradition are now being increasingly questioned and exposed to closer scrutiny. Although criminology as a discipline has, until relatively recently, failed to recognise the existence of crime victims, the subsequent growth of victimology as an academic discipline: 'might very well be the long awaited paradigm shift that criminology desperately needs given the dismal failure of its traditional paradigms: the search for the causes of crime, deterrence, rehabilitation, treatment, just deserts, etc;' (Fattah, 2000: 24).

Evidence of criminology's apparent failure to do anything about the intractable social problem of crime has been demonstrated by the rising concern for crime victims, now becoming almost a cliché, reflected in the daily reporting of the media and the now popular political rhetoric of "sound bites". Garland (1996: 367) has described this growing phenomenon as the "crime complex" of late modernity:

'High crime rates are regarded as a normal social fact and crime-avoidance becomes an organising principle of everyday life. Fear of crime is sufficiently widespread to become a political reference point and crime issues are generally politicised and represented in emotive terms. Concerns about victims and public safety dominate government policy and the criminal justice system is viewed as

severely limited in its impact. A high level of "crime consciousness" comes to be embedded in everyday social life and institutionalised in the media, in popular culture and in the built environment.'

The issues identified above give rise to a number of important points concerning in particular the relationship of the state with its citizens, not only as victims and offenders, but as members of the general public and their growing lack of confidence in the criminal justice system to protect them. Whilst recent political rhetoric has exalted the importance of crime victims within the criminal justice process, culminating in a plethora of initiatives and reforms aimed at improving services to victims, the impact of these upon the actual experiences of victims has been less intensively and independently evaluated. Consequently, this study involves the use of empirical research, of a longitudinal, qualitative design, to gain an understanding of the *victims' perspectives*, as their cases progressed through the criminal justice process, from the initial reporting of the offence through to the final outcome. Primarily the research involved following in detail the case studies of a small sample of victims of violent crime, and their experiences are expressed in the thesis using direct quotes from the case material. The research was undertaken in a southern county in England.

However, whilst the original intention of the research had been to focus on the experiences of victims and the effectiveness of recent reforms, recurrent themes began to emerge relating to the nature of the relationship between the state and victims of crime, specifically with regards to the rights and obligations of each. In particular, the data revealed an apparent absence of clear rationales underpinning the reforms, thus displaying a reluctance by recent governments to clearly define the state's relationship with, and responsibilities towards, its citizens should they become victims of crime. Subsequently, through the development of a theoretical framework, the thesis began to focus on the nature of the relationship between crime victims and the state by utilising the notion of citizenship as the conceptual tool, in an attempt to reveal the underlying motivations and subsequent implications of recent government reforms.

In order to understand how victims of crime have attained such political prominence in recent years, Part I considers the resurgence of interest in victims of crime within a

historical context. This is achieved firstly by exploring how the development of victimology as an academic discipline has influenced our understanding of victimisation and how this historical legacy still persists in contemporary theories of victimology. Most importantly, it considers the impact of these theories on social policy and the challenges of more radical and critical theories in victimology. In particular, the competing theories offer different emphases on the notions of human agency and structure, which have wider implications for understanding the concept of citizenship. Secondly, by examining some of the underlying social, criminological and political issues, four factors are identified which have contributed significantly to the rediscovery of the crime victim:

1. The activities, particularly since the 1960s, of increasingly well-organised groups set up specifically to assist or campaign on behalf of victims.

2. An acknowledgement of the crucial part that victims play in the criminal justice process, mainly as a consequence of research studies during the 1980s and 1990s.

3. The response of governments to politicise and co-opt the victims' movement, increasingly since the 1990s, within the context of broader socio-economic concerns.

4. The increasing influence of public opinion upon criminal justice policy-making during the last two decades and the rising fear of crime, primarily as a consequence of living in a high crime society.

Part II describes in detail the research process as it evolved during the three-year study. As the aim and purpose of the study was to gain an understanding of crime victims' experiences of the criminal process *in their own words*, a primarily qualitative approach was adopted using a longitudinal design. This required gaining access to a potentially vulnerable research population soon after the reporting of a violent offence to the police and the offence subsequently being recorded as a crime, although it is acknowledged that these two processes alone have been the subject of, and warrant further, academic research. The longitudinal design then enabled the researcher to follow each case study in detail through to its final outcome.

The methodological issues inherent in undertaking a longitudinal research design of such a sensitive nature are discussed, not all of which were originally anticipated, thus perhaps reflecting the relative inexperience of the researcher at the beginning of the research process. This section includes a description of the complex, and occasionally frustrating, process of gaining access, the design of an initial questionnaire and the undertaking of repeat in-depth interviews. The very nature of longitudinal research requires on-going contact with respondents and in the current study this necessitated the development of a mutually beneficial relationship between the core group of respondents and the researcher. This had particular implications regarding the role of the researcher due to the researcher's part-time employment as a Probation Officer in the same geographical area. This dual role exposed a number of ethical conflicts, as the researcher assumed the additional role of a resource for the respondents, thus testing the boundaries between the role of researcher and that of criminal justice professional.

Taking into consideration this dual role, the study could perhaps be associated with what Lincoln (2000) describes as "advocacy" research, pursuing social and political concerns. However, whilst it is hoped that the research will inform future policies, particularly on a local level, the term advocate needs to be more clearly defined in the current context. The role of advocate can operate at different levels and whilst the researcher did not actively campaign and speak out on behalf of the respondents, she did adopt a supportive role, by providing information about criminal justice practices and procedures, and when attending court hearings with respondents. On two occasions the researcher did intervene directly on the behalf of respondents, once by contacting the Crown Prosecution Service and once whilst at court. However, the advocacy role adopted could be described more accurately as a supportive, therapeutic role than one of active campaigner. On occasions this necessitated the researcher to manage potential conflicts of interest arising from her dual role and the ways in which these were resolved are discussed in Part II, pp.74-77 and pp.88-96.

Part III discusses the analysis of the empirical data in the form of transcribed tapes of the semi-structured and in-depth interviews, hand written notes of telephone conversations and, if applicable, court observation notes, arising from each individual case study. The data arising from the individual cases was analysed using a process of

coding mechanics (Wiseman, 1990) and mixed strategies of cross-case analysis (Huberman and Miles, 1998). This assisted in the identification of emerging tensions, themes and key concepts across the individual cases as the research progressed through each stage of the criminal justice process, which contributed to the development of a theoretical framework.

The research process itself is reflected in the constantly updated literature incorporated within each chapter, as new research and official reports were published throughout the period of the study, thus illustrating the dynamic nature of the research area. Initial interviews with key members of criminal justice personnel were undertaken in the early stages of the research. These, together with an understanding of local practices and procedures gained by the researcher's work as a Probation Officer at the time of the research, allowed a comparison to be made between national reforms and initiatives and the implementation of these in a local context. This also enabled a comparison to be made between the findings of the current study and other relevant research literature. In particular, the earlier findings of an important study undertaken by Shapland, Willmore and Duff (1985), discussed in more detail on p.30, and later research which has also focused on the experiences of victims of crime. Where the findings of the current study are found to be similar to those problems previously identified, it is questioned whether this is to be expected given the range of reforms and initiatives subsequently introduced.

The responses received to the initial needs and requirements of the respondents, primarily by the police at the early stages, began to reveal a number of contradictory tensions centring upon the relationship between the role of the criminal justice agencies and their responsibilities towards the victims of violent crime. Whilst respondents anticipated that some action would be taken, their actual expectations tended to be based on little or no prior knowledge of the criminal justice system. In fact for the majority, their knowledge of the system was very limited and gained only from the many different representations found in the media. However, victims' expectations tended to be loosely based on their wider assumptions that as citizens they should be able to rightfully expect some protection from the state for what had happened and that some action would be taken against the offender to prevent it from happening again. This raised important questions concerning contemporary notions of

citizenship and how this relates to the state's responsibility to protect its citizens from criminal behaviour. In particular, it required the research to focus on the implications of relatively recent public sector reforms and what has since become commonly termed as the "rise in managerialism" (Crawford and Enterkin, 1999: 3) and the "new penology" (Feeley and Simon, 1992: 452).

A fundamental and intentional consequence of the emphasis upon these new managerialist principles has been the ideological construction of the consumer, a concept which can be considered as in direct conflict with the concept of citizenship. Whereas the notion of citizenship is concerned with enabling and empowering individuals through the provision of rights and solidarity by collective action, the principles of consumerism are based upon individualism and the actions and abilities of autonomous agents. This consumerist ideology was embedded in John Major's citizen's charter initiative whereby the ideology of the market 'translated citizens into a semblance of freely-contracting customers, and victims themselves, somewhat tentatively and awkwardly, into the consumers of services supplied by the State' (Rock, 1999: 5).

Subsequently, the relevance of redefining victims as consumers of criminal justice services has become the subject of increasing academic debate (Mawby and Walklate, 1994). Williams (1999a: 384) highlights the 'difficulties involved in characterising citizenship primarily in terms of consumerism when the people involved (both victims and offenders) are largely *unwilling* consumers'. This is an important point as the notion of consumerism is often associated with an element of choice, as acknowledged by Banks (2001: 61): 'it implies an active role and the possibility to exercise choice'. This presupposes that victims somehow have a choice with regards to being victimised and that this choice extends to their access to the relevant services in which to seek redress. However, data from the current study disputes this consumerist model, indicating that victimisation is a process arising not only from the actions of individuals, but also the structural constraints in which they operate. It also reveals that accessing the services of criminal justice agencies does not depend solely on the choices made by the victims of violent crime, e.g.; whether or not to report the offence, but that initial access to the criminal justice process is heavily influenced by the interpretations placed upon victims by the agencies involved. This is particularly

significant in relation to their perception of the victim as being a "good citizen", i.e., those individuals deemed as respectable, responsible and perceived as in no way culpable for their own victimisation.

Consequently the concept of the "good citizen" was found to be a powerful influence in gaining access to the criminal justice process, with an expectation that victims would co-operate fully with the agencies concerned. However, following their initial responsibilities as a "good citizen", the data reveals a process whereby victims' status is subsequently redefined to accommodate the consumerist model imposed by managerialist reforms. As such, victims are expected to adopt the role of "passive consumer", continuing to co-operate with the demands of the system by assisting in the fulfilment of organisational goals, whilst making no demands of their own. During this process, victims as consumers become the "deserving clients" of the criminal justice system, in receipt of services provided on their behalf by a benevolent system, but with no rights to recourse should these services fail to satisfy them.

In contrast, however, those deemed as "bad citizens", i.e., those who offend against the state, are entitled to a range of rights in order to protect their interests and to receive professional assistance to gain access to these. Within this consumerist model, therefore, "bad citizens" can be considered as the "active consumers" of the criminal justice system, demanding their rights as "undeserving clients" against the power of the state. The data, therefore, reveals tensions between the unequal relationships existing between the state and offenders and victims. By utilising the concepts of "good" and "bad" citizens and "passive" and "active" consumers, this thesis attempts to explore these tensions and in doing so highlights the interchangeable nature of these concepts and, most importantly, how they impact on the ability of victims as citizens to gain access to justice.

In order to begin to explore these tensions further, Chapter Three considers the 'essentially contested concept of citizenship' (Lister, 1997: 3) and, importantly, that as a concept it has come to mean many things at different times taking into account the changing historical and political contexts. In particular, it focuses on the changing nature and role of the state in the UK since the post-war era and the implications of this on criminal justice policy. In contrast to the expanding role of the state witnessed

in the politics of Keynesian post-war welfarism, the impact of Thatcherite monetarist principles, and the subsequent declining role of the state, are examined with regards to the implications of the rise of a new regulatory state (Braithwaite, 2000: 49).

As observed by Held (1989), in reality citizenship is an arena of political struggle, particularly at times of restraints upon social expenditure and this was demonstrated during this period by the significant shift in the concept of citizenship from one of "social" to "active" citizenship. Embedded within these shifting concepts are value-laden notions relating to the deserving and undeserving citizen, powerful notions that implicitly influence social policy initiatives and in particular criminal justice policy. Explored within this wider political context are the subsequent attempts to accommodate the interests of victims within an emerging ideology of managerial justice, driven specifically by the need to improve efficiency and cost effectiveness. Current emphasis is now upon achieving a new integrated approach between the various criminal justice agencies. Although it is stated that the purpose of this new strategy is to improve the services provided to the public (Home Office, 1999), this chapter considers the ability of the criminal justice agencies to achieve their organisational goals whilst meeting their responsibilities towards victims. In doing so it questions the tensions that arise from the redefinition of victims as consumers and whether a balance can be achieved between the needs of managerialist justice and the needs of victims through the provision of services.

Chapters Four to Nine focus on the different stages of the criminal justice process as the cases proceeded. As the primary aim of the research is to gain a victim's perspective, the voices of the victims are presented first by using direct quotes from the case material, followed by a discussion and a critique of the previous literature. As referred to on p.6, if the victims are still experiencing similar problems to those identified in earlier studies, it is questioned as to whether this would be expected given the range of reforms and initiatives introduced during the last two decades.

Chapter Four focuses on the impact of victimisation, in particular the loss of control felt by victims and the shattering of cognitive beliefs. Essentially the criminal justice process should play a crucial and fundamental role in restoring those tarnished beliefs by acknowledging the important role of victims and validating this through

recognition, participation and respect. The ability of the criminal justice agencies to achieve this can be judged by victims' perceptions of the responsiveness of those with whom they have contact and the subsequent services they receive. However, as indicated above, gaining access to criminal justice services depends upon a complex process whereby attaining victim status is determined by the interpretations of the criminal justice agencies involved distinguishing between notions of the "deserving" and "undeserving" victim. Such interpretations impact upon the concept of the "psychology of the victim", often perceived as an unattractive role with an "assumed culpability". This concept is used to explore these notions further by utilising the different theoretical perspectives within victimology: from positivist victimology, with its emphasis upon human agency, to feminist victimology, focusing on both human agency and the impact of wider structural processes.

The data reveals that it is at the initial stages of the criminal justice process where these distinctions are made and affect whether individuals do, or do not, have conferred upon them the legitimate label of victim. If this label is successfully applied, access to the criminal justice process is gained by passing from the initial status of "good citizen" to that of "deserving client", although this status remains open to question throughout the subsequent procedures. Ultimately, the decisions made by the criminal justice agencies will affect whether victims are able to gain access to their expected entitlements of redress for the harm they have suffered. As indicated in the present study and supported by recent academic literature (Johnstone, 2002), victim satisfaction is determined more by their experience of the actual process than by the final outcome.

Chapter Five, through empirical research, assesses whether the redefinition of victims as consumers has improved their ability to engage with the criminal justice process, as advocated by the political rhetoric. It does this by offering a comparison between the framework of victim care as outlined in the official guidelines and the actual experiences of the victims themselves. Official guidelines consist of those documents published by the Home Office at the time of the fieldwork and include the Victim's Charters, police and probation Home Office circulars, reports by HM Inspectorates and other Home Office and local reports. By examining the cases of those respondents whose cases did not reach the prosecution stage, as no arrest was subsequently made,

the comparison reveals some of the tensions that exist between new managerialist public sector reforms and the implementation of victim initiatives. In particular, it begins to explore the notion of "rights" and how these are accommodated within the wider political framework of consumerism rather than within a framework of citizenship.

By following the experiences of those respondents whose cases did progress to the pre-trial and trial stages of the criminal justice process, Chapter Six begins to explore further the appropriateness of the redefinition of victims as consumers. As a consequence of the consumerist model, the data begins to indicate a resistance on behalf of the agencies involved to recognise victims as citizens with valid entitlements, instead revealing a process that encourages the construction of victims as "passive consumers".

Central to this construction of the "passive consumer" is the absence of any consistent communication between victims and the Crown Prosecution Service (CPS) and its advocates, despite earlier changes in policy intended to address this. Subsequently, Chapter Seven explores in greater depth the role of the CPS and how this underpins the relationship between the victim and the state. Governed by the "offence against society" model, prosecutions are undertaken on behalf of the state, thus subsuming the interests of the victim within the wider interests of the dominant criminal justice model. As a consequence, it is argued that the role of the CPS assists in determining the status of victims, although this role is now becoming increasingly challenged. In particular, this chapter questions the assumption that victims' interests can be equated with those of a predominantly crime control model of justice, as imposed by managerialist principles.

Chapter Eight focuses on the attempts of the courts to improve the provision of services to victims as witnesses. By exploring the respondents' experiences as witnesses and the service provided to them by the Witness Service, this chapter discusses the ability of respondents to gain access to their entitlements under the Victim's Charter initiatives. It also demonstrates how notions of the "ideal" victim still pervades the court process, thus challenging the respondents' status as "deserving clients" during the prosecution process. The chapter concludes with an overall

assessment of the respondents' satisfaction with the court process and the final sentences given.

Chapter Nine explores more widely the support and services available to respondents throughout the process and focuses on the importance of both informal and formal support. In particular, it considers whether the formal services were able to fulfil both victims' expectations and their entitlements as outlined in the Charter initiatives. As citizens, victims should be accorded recognition and respect thus empowering them to make informed decisions. However, the data indicated that as "passive consumers", victims tended only to receive the support and services thought appropriate by the criminal justice agencies, further constrained by the organisational priorities imposed by the new managerialist principles. Consequently the study found that the services respondents received were provided predominantly by local Victim Support Schemes, the Witness Service and independent counselling services sought by the respondents themselves, rather than the professionals operating within the system. Subsequently, the data demonstrates the need for an increased responsiveness to the experiences of victims by the criminal justice system as citizens with specific needs and entitlements, rather than as consumers of criminal justice services.

Chapter Ten focuses on the respondents' overall experiences of the criminal justice process by asking how their experience could have been made better. By briefly summarising some of the main issues identified in Part III, this chapter essentially illustrates the gap that exists between victims' expectations as citizens and their entitlements as "deserving clients". The chapter also reflects upon the respondents' involvement with the research and how this affected their experience. In particular, it focuses on the role adopted by the researcher thus highlighting the gaps in service provision that this role subsequently filled.

In conclusion, Part IV offers an explanation for the implementation failure of recent reforms through the development of a theoretical framework using contemporary notions of citizenship as the conceptualising tool. In particular this framework focuses on the relationship between the state and those citizens who become victims of crime. The thesis proposes that the redefinition of victims as consumers has failed to acknowledge the needs and rights of victims and is incompatible with the

organisational priorities consistent with a managerialist model of criminal justice. Reviewing briefly further government reports aimed at modernising the criminal justice system, the way ahead is then considered. To ensure a balance between the rights and obligations of the state, victims and offenders, the thesis concludes that the time has come to reinstate victims as a legitimate third party to the criminal justice process by acknowledging their rights as citizens, rather than as consumers of service standards.

PART I

REDISCOVERING THE VICTIMS OF CRIME - A HISTORICAL PERSPECTIVE

CHAPTER ONE

THE RISE OF VICTIMOLOGY

Victimology as a Discipline

'Even criminology and the sociology of deviance – disciplines concentrated most squarely on the analysis of crime, criminals and criminal justice – tended somehow to obliterate the victim for a very long while, failing to see what, in retrospect, should probably have been evident all along. Such omissions occur continually. They are an ineluctable part of any discipline, a consequence of the truth marked by Burke when he said that "a way of seeing is always a way of not seeing."'

(Rock, 1994: xi)

Whilst criminology as a discipline has latterly extended its criminological gaze, making amends for its previous neglect of crime victims and becoming increasingly victim-focused, the emphasis of criminology remains focused on the relationship between the offender and the state and the powers of the state to control crime. Although the study of crime victims may now appear 'obvious and axiomatic' (Fattah, 2000: 23), and accepting that victimology as an academic discipline is still relatively young, it can be argued that the lack of theoretical development concerning the relationship between the victim and the state remains an omission. This should relate not only to a consideration of the powers of the state to protect its citizens from crime, but also its responsibilities towards citizens should they become victims of crime. However, the concerns of earlier theories of victimology concentrated on the individual relationships between the victim and the offender, thus neglecting wider structural processes including the responsibilities and role of the state. Whilst the earlier theories have been challenged by more radical and critical theories, the original emphasis upon human agency has persisted and can be evidenced in the construction

of notions concerning "deserving" and "undeserving" victims, which are still influential in contemporary thinking. As these notions are intrinsically linked to the wider concept of citizenship and the state, discussed in Chapter Three, it is helpful to briefly consider the historical context of some of these influential ideas.

In a review of the historical roots of victimology, Walklate (1992; 2001) locates the discipline's origins in the work of von Hentig and Mendelsohn, although the term was first coined in 1949 by an American psychiatrist, Frederick Wertham (1949). Both von Hentig and Mendelsohn had backgrounds in law and criminology and both writers attempted to understand the relationship between the victim and the offender by constructing "victim typologies", although the focus of these typologies was very different.

In the first systematic treatment of victims, Von Hentig (1948) insisted that many crime victims contributed to their own victimization, either by inciting or provoking the criminal, or by creating or fostering a situation likely to lead to the commission of the crime. Concerned primarily with categories of victim proneness, Von Hentig (1948) introduced thirteen classes of victim who were considered to be either psychologically or socially more prone to victimisation. Mendelsohn's work, on the other hand, focused on culpability and he introduced a sixfold typology of victims' culpability ranging from the completely innocent to the most guilty, which also included the criminal who became the victim (Mendelsohn, 1956). Whilst such typologies, by their very nature, have been criticised for being anecdotal and lacking in empirical ratification, it was the later, more sophisticated work within this conventional perspective that successfully translated victim culpability into the influential concept of "victim precipitation", which subsequently determined 'what might be considered reasonable or rational behaviour for a victim,' Walklate (2001: 28).

From his study of homicide cases in Philadelphia, Wolfgang (1958) defined victim-precipitated offences as those in which the victim is a direct, positive precipitator in the crime. This concept was further developed by Amir's later and highly controversial study of rape in which he devised a typology of victim behaviour ranging from the "accidental victim" to the "consciously" or "subconsciously

seductive" victim (Amir, 1971). Such studies have been highly criticised for their lack of empirical rigour and Morris (1987) offers a more detailed critique of these.

It can be seen, therefore, that the early work of conventional victimology attempted to develop an understanding of victimisation through examining the relationship between the victim and the offender, consequently focusing on the behaviour of the victim, thus implicitly blaming the victim for their own victimisation. Miers (1989: 3) has placed these influential ideas within the category of positivist victimology, defined as:

'The identification of factors which contribute to a non-random pattern of victimisation, a focus on interpersonal crimes of violence, and a concern to identify victims who may have contributed to their own victimisation.'

Whilst in his definition, Miers does not make explicit the term 'positivism', close parallels can be drawn with positivist criminology, for example, the emphasis on objective identification and measurement, differentiation, determinism and pathology, combining in that same effect of "scientism" (Taylor, Walton and Young, 1973, cited in Walklate, 2001: 30).

This associated attribution of blame underpinning conventional victimology has since been strongly criticised and eschewed, particularly by feminist researchers. A critique of conventional victimology focuses on the perspective's emphasis on the notion of human agency, i.e., on the behaviour of the individual, and its failure to acknowledge the structural constraints within which individuals operate. Whilst later perspectives within the positivist tradition, e.g.; the concepts of lifestyle (Hindelang, Gottfredson and Garofalo, 1978; Gottfredson, 1981) and routine activities theory (Cohen and Felson, 1979), have attempted to incorporate structural explanations by arguing that differences in lifestyle affect the risk of victimisation, these theories have been criticised for only partially analysing the role of human action and structural constraints in the commission of offences (Mawby and Walklate, 1994).

However, as observed by Walklate (2001: 30), 'the concepts of victim precipitation and lifestyle form the core of much victimological thinking' and the prevalence of

these ideas is evident in the increasing use of victimisation surveys by criminologists, especially since the 1980s, as a way of measuring the nature and extent of crime. When linked to explanations of victimology, crime surveys have had an increasingly important role in informing policy decisions and this is discussed in more detail below.

Meanwhile, as a critique of and challenge to the earlier conventional perspectives, the late 1960s and early 1970s saw the rise in prominence of more radical perspectives within both criminology and victimology (Friedrichs, 1983; Jones, MacLean and Young, 1986). These emerged as a response to radicalising events in the larger world, e.g.; the Vietnam war and the rise in civil rights movements, particularly concerning issues of race and sexual equality. For a more detailed description of the perspectives within radical victimology, e.g.; feminism and the emergence of left realism, see Matthews and Young (1992) and Walklate (1992).

For the purpose of this study, however, an important factor when considering the different perspectives within victimology is the emphasis each places upon the notions of human agency and social structure. Conventional perspectives, as seen above, focus narrowly on human agency, whilst the more radical perspectives have attempted to incorporate the impact of structural constraints upon how individuals lead their lives. In turn, however, the radical perspectives have been criticised for adopting an overly simplistic view of structure, i.e., an insufficient recognition of the complex relationships between not only class, but also race and gender and the impact upon individuals of these power differentials that exist within society. Powerful institutions can create structural constraints on how individuals act and an important example in this study is the patriarchal nature of the criminal justice system, as commented by MacKinnon (1989: 161-2):

'The state is male in the feminist sense: the law sees and treats women the way men see and treat women. The liberal state coercively and authoritatively constitutes the social order in the interests of men as a gender – through its legitimating norms, forms, relation to society, and substantive policies.'

As such, it is important to recognise that the agencies administering and implementing criminal justice are part of a wider system operating within a deeply embedded patriarchal framework (Mawby and Walklate, 1994: 185). Thus one of the most important contributions of feminist victimology has been to reveal the implications of this and to challenge the assumptions of the earlier conventional perspectives (Dobash and Dobash, 1980; Stanko, 1985; Walklate, 1989). As a consequence, a more sophisticated analysis has gradually developed acknowledging both the relevance of human agency and structural causes and a more critical approach to victimology has been adopted (Elias, 1986; Fattah, 1986; Mawby and Walklate, 1994). This approach is based on wider theoretical, methodological and political concerns and begins to set out a framework which problematises the state and examines the complex links between political, economic and social processes, and victimisation.

By doing so, both feminist and critical victimology have challenged the notion that victims are totally passive subjects constrained by social structures, and instead examine the evidence that individuals do actively campaign against their structural powerlessness, organising and resisting collectively for the common good despite their structural position. Feminist perspectives, in particular, have focused on how individuals survive the traumatising event and how they act upon and resist their structural constraints (Walklate, 1992). Since the 1980s, Professor Elizabeth Stanko (1985; 1988; 1993) has undertaken pioneering academic work to raise awareness concerning the amount of violence suffered by women, in both the public and private spheres, and more recently, Walklate (2001: 187) reviews the contribution of feminist perspectives within both criminology and victimology, proposing 'the need for a gendered politics and a gendered debate around criminal justice policy'.

Mawby and Walklate (1994) argue that a critical victimology provides evidence and an impetus for a new approach to policy on victims. In particular, this approach needs to proceed in the policy arena based upon three key principles: rights rather than individual needs, a notion of victims as citizens rather than passive consumers, and a challenge to the individualistic and patriarchal assumptions underpinning central and local government policy making. This last concept is crucial with regards to the success or failure of policy initiatives related not only to the practices of the agencies responsible for implementing them, but of the wider role of the state in directing,

encouraging or inhibiting the implementation of policies. These important issues are addressed in more detail throughout Part III.

Thus the potential of a new victimology involves challenging the relationship between victims and the state by questioning conventional assumptions about citizenship and clarifying the relationship between obligations and rights. Whilst it has been recognised that victims have needs, they are now engaged in a struggle with the state to obtain fuller recognition of those needs and to convert these into rights. As noted by Lister (1997: 7):'Citizenship is also pivotal to the definition and interpretation of needs and to the struggle for their realisation and conversion into rights.'

Nowhere else in relation to crime victims has this struggle for the recognition of needs, their realisation and conversion into rights been better evidenced than in the phenomenal growth of what has become commonly termed as the "victims' movement" and its significant contribution to the rediscovery of the crime victim.

The "Victims' Movement"

The late 1960s and early 1970s witnessed the activities of increasingly well organised groups set up specifically to assist or campaign on behalf of victims and advocate their rights. The term "victims' movement" has been commonly used to describe this phenomenon, although it should be emphasised that whilst convenient, this term can give a misleading impression of unity and has instead been more accurately described by van Dijk (1988) as ideologically heterogeneous. For the "movement", as such, remains a loose association of groups and individuals with interests in different aspects of victimisation, ranging from far right groups to feminist groups (Mawby and Gill, 1987). Despite their diversity, however, and whether victims of crime actually represent a new social movement, it has become quite clear that these groups have become increasingly influential during the last thirty years, undoubtedly contributing towards the raising of public, media, political and criminological concern for the victims of crime.

As a consequence, this shift in focus towards reinstating victims of crime has sparked an often controversial debate concerning their needs and rights (Mawby, 1988). The symbolic strength of the term "victims' rights" has lead it to become what Fattah

(1992: 3) describes as a "valence issue", i.e., one that elicits a single, strong, fairly uniform emotional response and does not have an adversarial quality. However, whilst there has been a general consensus that the role and status of victims should somehow be improved, controversy exists within contemporary debates as regards to what that role should be.

Ashworth (1993a: 499) identifies two distinct categories concerning the rights of victims that have arisen from these debates:

1. Service – these acknowledge the victim by providing various services which offer support in order to assist their recovery, but do not afford them a means of making an impact on the process itself.

2. Procedural – these afford victims opportunities of influencing certain decisions at various stages during the criminal process, through consultation or participation in them.

This distinction can be further illustrated by a comparative analysis of the different approaches adopted by the US and the UK towards victims of crime. The victims' movement in the US has been dominated by a strongly rights-based movement, emerging in the 1960s and 1970s, primarily conservative in outlook and often seeking a more punitive response to crime (Smith, 1985). However, as observed by Fattah (1992: xi), a disturbing feature of the victim movement in the US is its distinct conservative bias and its unmistakenly punitive, retributive bent. According to Henderson (1992, cited in Fattah, 1997: 262), conservatives realised that victims can be an 'effective political symbol' and subsequently 'reinforced the image of the "victim" as a blameless, pure stereotype with whom all could identify'.

Evoking sympathy for crime victims in order to generate a backlash against criminal offenders has been a declared objective of the North American victim groups (Fattah, 1992:8), with increasing militancy and a resurgence of vigilante justice (Karmen, 1990). This has also been more recently witnessed in England with regards to public protests against paedophiles, particularly in Portsmouth in the summer of 2000. It can be argued that this public action was motivated primarily by the influence of media

campaigns, particularly the naming and shaming campaign led by The News of the World following the tragic murder of Sarah Payne in 1999. In response to this public outcry the Home Secretary announced a package of measures to strengthen the management of sex and other violent offenders in the community, as introduced through section 69 of the Criminal Justice and Court Services Act 2000 (Home Office, 2001a). The influential role of the media in shaping public opinion and the subsequent impact on public policy is discussed in more detail in Part III.

A trade mark of the victim movement in Canada and the United States has been described by Walker (1985) as the "horror story syndrome", a tactic deployed in the final report of President's Task Force on Victims of Crime (1982: 11):

'The judge sentences your attacker to three years in prison, less than one year for every hour he kept you in pain and terror. That seems very lenient to you. Only later do you discover that he will probably serve less than half of his actual sentence in prison because of good-time and work-time credits that are given to him immediately. The defendant's every right has been protected, and now he serves his time in a public facility, receiving education at public expense. In a few months his sentence will be run. Victims receive sentences too: their sentences may be life long.'

However, Fattah (1997) warns of the dangers of creating a false contest between the rights of offenders and victims, stating that the recommendations of the President's Task Force (*ibid*) can be read as: 'a damning indictment of many of the legal safeguards that the American criminal justice system has established over the years to protect against the conviction of the innocent and to uphold the rights and freedoms so deeply cherished in a democracy' (*ibid*: 267).

Fattah (2000) discusses this further in a recent article tracing the history and development of victimology. Here he describes the transformation of victimology 'from an academic discipline into a humanistic movement, the shift from scholarly research to political activism' (*ibid*: 25) and warns of the serious implications of this 'metamorphosis' on the negative impact on criminal policy. Whilst Fattah (2000) is right to criticise the use of emotive rhetoric relating to victims to provide ammunition to implement punitive political agendas, what he fails to acknowledge is the

dissatisfaction caused by the lack of status and entitlements afforded by the state to victims within the criminal justice process. Instead, in this process it can be seen how "good citizens" are denied recognition and redress for the harm suffered, whilst those accused of offences have the protection of the state prior to conviction and, if found guilty, as "bad citizens", have the continued protection of the state and the opportunity of rehabilitation.

However, contrary to Fattah's fears, research undertaken in the United States indicates that after almost a decade following the introduction of legislative reforms these have had little impact upon the criminal justice system (Kelly and Erez, 1997). Research in the US indicates that implementation depends primarily upon the attitudes of criminal justice professionals and that the lack of legal sanctions often results in victims' rights remaining privileges to be granted or denied (Kelly, 1990). Thus indicating that legislative changes will have little impact unless accompanied by attitudinal changes within organisational cultures, a far more difficult task to achieve, as will be illustrated in Part III.

In the meantime, whilst considerable emphasis has been placed upon "rights" issues in the US, there has also been an increasing tendency to integrate rights with service provision. In the US, NOVA (the National Organization for Victim Assistance) has become the prominent umbrella organisation supporting a wide variety of voluntary and community groups, as well as some professionally staffed counsellors. Its championing on behalf of crime victims has resulted in increased public funding of victim services, as well as legislative changes and it has been suggested that a similar umbrella organisation would benefit victims in the UK. However, in the UK the path of the victims' movement followed a different route to that of the US, choosing initially to focus on services for victims rather than procedural rights.

Victim Support in the UK

The early emphasis on victims' rights and the insistence on creating a contest between the rights of victims and offenders had been much more pronounced in the US than in the UK and many other countries. In the UK, victims issues have come to be primarily dominated by one major organisation, Victim Support. Originating in Bristol in the late 1960s, from an inter-professional group whose remit was

specifically to explore the place of the victim in the criminal justice system, the group found that the system tended to ignore the victim, except when required as a source of evidence (Holtom and Raynor, 1988). It was also discovered that the emotional impact of crime was in many ways more important than the physical pain or financial loss and yet there were no specific services available to assist victims in their recovery. As a result, a number of schemes aimed at providing a service to victims were set up and grew in number with increasing speed, leading to the establishment of the National Association of Victim Support Schemes in 1979, later to become known as Victim Support (VS).

For a more detailed historical account of VS and its subsequent development as a powerful and influential interest group, Holtom and Raynor (*ibid*), both early founders of the movement, discuss its origins, philosophy and practice, whilst Rock (1990) offers an insightful analysis of how victims' issues were subsequently placed on the political agenda. However, of particular relevance to the current study is the wider socio-political climate in England and Wales during the early years of VS's development. This bears a significant contribution to the subsequently rapid success of the schemes, coinciding as it did with a period of disillusionment among the agencies concerned with crime. In particular, the successful development of VS provides evidence of how the state perceives its obligations towards victims of crime.

The 1970s witnessed a period when the effectiveness of interventions based upon models of "rehabilitation" and "training" were seriously questioned, sparking off what later became commonly known as the "nothing works" debate (Priestly and Maguire, 1995). As described by Brody (1976) and Bottoms (1977), we had entered a period of "penological pessimism", which drew its strength from the demise of faith in the ability of the criminal justice system to rehabilitate offenders. Thus, 'the 1970s ended in a pervasive sense of crisis with the Conservative opposition proposing new "tough" measures in which questions of law and order featured prominently' (Jefferson and Shapland, 1994: 266).

As the concept of rehabilitation in criminal policy continued to decline, the welfare model was subsequently replaced by a justice model with its emphasis on deterrence and punishment based ideologies, such as "just-deserts" (von Hirsch, 1976). It was

against this negative background that 'the idea of services to victims struck a positive chord within established agencies, particularly the police and the probation service,' (Pointing and Maguire, 1988: 4). It is suggested that this unusual degree of co-operation with a new voluntary organisation played a major part in the phenomenal growth of VS in the UK, from only thirty schemes in 1979 to 386 in 1999 (Reeves and Mulley, 2000).

However, despite the political emphasis on law and order issues following the election of the Conservative Party in 1979, the preoccupation of VS during the 1970s and 1980s remained centred on the development of services to victims rather than with victims' rights:

> 'This single-issue approach was a deliberate device to avoid distractions and to guard against co-option by the developing theme of "law-and-order"; particularly, we wanted to avoid reinforcing illusions espoused by contemporary political rhetoric that victims would somehow benefit from tougher sentencing.'
>
> (Holtom and Raynor, 1988:24)

This approach is in stark contrast to that adopted in the US, as referred to above, where an underlying motivation for the more political activists was to achieve a more punitive sentencing framework, strongly influenced by the feminist movement. Mawby and Gill (1987) observe that while the UK movement gained major impetus from those on the right of the political spectrum, the focus predominantly centred on the needs of victims and providing services, as these were perceived as essentially non-threatening to the existing patriarchal model of criminal justice.

However, whilst the politically neutral position adopted by VS in its early development was undoubtedly a key contributory factor to its success and subsequent ability to influence government policy (Williams, 1999b), this position became difficult to maintain as victims' issues became increasingly politicised during the 1980s, fuelled by an extraordinary rise in academic and criminological interest in the victims of crime.

Criminological Concern for Victims of Crime

'While criminology used to be about crime and criminals, modern research has elevated victims to primary status, as if to exorcise the spectre of 60s deviancy theory with its "appreciative" stance towards offenders. The successors to those deviancy theorists are now earnestly scouring residential areas for people's views on crime constructing real rates of victimization and lobbying for victim's rights.'

(Grimshaw, 1989: 13-14; cited in Walklate, 1992: 102)

As observed by Grimshaw, an important factor in the regeneration of criminological interest in victims of crime was the development of national and local crime surveys, first piloted in North America in the late 1960s, in an attempt to discover the unreported "dark figure" of crime. These were followed by annual National Crime Surveys carried out by the Bureau of Justice Statistics (Zedner, 1994).

This renewed concern for crime victims had also been partly the result of research studies indicating that the criminal justice system would benefit from 'being nicer to victims' (Kelly and Erez, 1997: 232). It was time for the system to acknowledge the crucial role that victims play and its reliance on victims to report offences in the first place and then assist with any subsequent investigation and prosecution procedures if necessary. However, findings from the National Crime Survey in the US revealed that, at best, only 50% of crimes were reported to the police. Contrary to a common misconception by prosecutors, victims and witnesses were not uncooperative, but were instead intimidated by the criminal justice system, apprehensive about how they would be treated and unaware of what would be expected of them (Bureau of Justice Studies, 1983, cited in Kelly and Erez, *ibid*). Earlier research in the UK focusing on the magistrates courts also highlighted a need for the better treatment of victims, concluding that: 'Many of the people in our study were victims who reported crimes, but were left with unpleasant memories of a frustrating and unhelpful experience with the law. They may in future turn to the law only as a very last resort,'(Vennard, 1976: 381).

For many academics currently working within criminology and victimology the nature and extent of crime remains a major issue, as knowledge of this is crucial to both the understanding of crime, victimisation and the policies and practices of crime control. However, the question of the extent of crime is by no means a simple one. The predominant indicators of levels of crime in England and Wales are the official crime statistics produced by the Home Office. However, because official statistics only provide a measure of recorded crime, i.e., offences that are reported to the police and subsequently dealt with as a crime, they only represent the end product of a series of complex social processes. The reliability of such statistics is therefore doubtful, as there are significant factors that influence whether a crime is officially recorded or not. In particular, these include the decision of victims to report the crime; the response of the police; and the availability of limited resources which affect decisions as to whether further action is deemed to be in the public interest. It was, therefore, as an alternative source of information to the official statistics that the first major crime survey in the UK was undertaken in London (Sparks, Genn and Dodd, 1977), subsequently setting the agenda for the future national surveys and smaller-scale, qualitative studies that followed in the 1980s.

The primary objective of the first national British Crime Survey (BCS), funded and administered by a Conservative government in 1982, was to estimate the extent of crime independently of police recorded statistics, drawing from a representative sample of over 10,000 people, fifteen years old and over. It collected data on factors predisposing people to victimisation, the impact of crime on victims, the fear of crime, victims' experiences of the police, other contacts with the police and self-reported offending. The findings of the 1982 BCS revealed twice as many burglaries as were recorded by the police, nearly five times as much wounding, twelve times as much theft from the person and thirteen times as much vandalism. Only the figures for thefts of motor vehicles were similar and the survey concluded that for every offence recorded, four were committed (Hough and Mayhew, 1983).

Therefore, whilst official statistics provide useful insights into the extent and distribution of crime, they do not accurately represent the amount of crime actually committed and, thus, cannot reflect the true extent of victimisation. Further national surveys were conducted biannually from 1988 and since 2000 the BCS moved to an

annual cycle with interviews taking place throughout the year. This reflects the government's increasing use of the BCS as a tool to judge public opinion and to inform criminal policy, particularly in relation to identifying patterns of victimisation.

Of particular importance, crime survey data reveal that certain factors can be associated with the likelihood of being victimised, suggesting that some people are more likely to be victimised than others, due to their personal characteristics and lifestyle. The BCS is analysed in order to identify those groups of people most at risk from crime and this information is used to target crime prevention strategies more effectively (Mayhew and Hough, 1988). Information from the BCS, therefore, is used as a tool to inform the development of social policy and the term for the utilisation of crime survey data in this way has become known as "administrative criminology" (Young, 1994).

However, critics of administrative criminology argue that crime surveys belong to the positivist, conventional tradition, as outlined above, and as such hold the individual responsible for reducing their own risk of victimisation through engaging in crime prevention strategies. This again raises notions of the "deserving" and "undeserving" victim, as those victims deemed as not acting responsibly to reduce their risk of victimisation may be considered as "undeserving" of criminal justice services. Despite earlier criticisms of the lifestyle and routine activities models, researchers working within the perspective of administrative criminology continue to use these models to help explain the variables which have been found to influence the risk of victimisation, the most significant variables being class, age, race and gender (Mawby and Walklate, 1994).

As a consequence, when linked to explanations of victimisation within the administrative criminological perspective adopted by the Home Office, crime surveys have an important role in informing policy decisions and focusing resource allocation. As this criminological perspective seeks to reduce the opportunities of committing crime, rather than focusing on offenders and the causes of their offending behaviour, there has been an increasing emphasis upon the development of crime prevention strategies, which involve reducing the risks of victimisation through a range of preventative measures. Crime prevention has since become a particular feature of

criminal policy towards the end of the 1990s enmeshed with the dominant political ideology of individual responsibility (Pease, 2002).

An important influence underpinning the popular development of crime surveys in both the US and the UK was the support of the New Right movement by the government administrations of Ronald Reagan in the US and Margaret Thatcher in the UK. Under both regimes free-market policies were pursued with political arguments emphasising individualism and a reduced public sector (King, 1987). In terms of victimisation, this implies that individuals are deemed responsible for engaging in crime prevention activities that will reduce their risk of experiencing crime. This approach can be seen to purport a view similar to the earlier concept of victim precipitation as discussed above. However, as argued by the perspectives of radical and critical victimology, this notion is problematic because it does not consider structural constraints or processes. Some individuals may not be able to engage in crime prevention strategies, e.g., limited as consumers by their ability to pay. This casts doubt on the idea whether individuals should be responsible for protecting themselves from crime, as this discriminates between the different abilities of individuals to do this (Mawby and Walklate, 1994). The wider implications of New Right ideologies are expanded upon in Chapter Three, relating in particular to the balance of obligations and rights between the State and citizens.

In the meantime, whilst crime surveys can be considered as an alternative source of information to official statistics regarding the extent of crime and victimisation, as shown above, this technique has been subject to a number of criticisms and many methodological problems have been identified with their use. Zedner (1994) provides a critical analysis of victim surveys, highlighting the difficulties of gaining a representative sample and the limitations of the information obtained by such mass survey techniques. In particular, there are three major weaknesses associated with the use of mass survey techniques. The first highlights their failure to capture both the generalities of victimisation and the "lived realities" of human beings, and the second their inability to examine the structural, social and historical processes which reproduce the regularities and patterns of risk (Mawby and Walklate, 1994). In particular, the methodologies of such large-scale studies only focus on the more traditional crimes, for example, street crime, whilst being unrepresentative of victims

of more serious crime. "Hidden violence", as characterised by Stanko (1985; 1988), including cases of domestic violence and sexual assault, is likely to be grossly undercounted, as the technique of data collection does not lend itself to gaining information concerning such sensitive areas of victimisation. The third weakness, as a consequence of the first two, is that such aggregate results as are produced 'tend to wash or attenuate the overall effects of crime,' (Lurigio, 1987: 456).

In an attempt to rectify the failings of the mass survey techniques, smaller-scale, qualitative studies began to focus on specific victim groups and more serious types of crime. By doing so, academic research emerging during the 1980s began to highlight the acute stress and adverse physical, practical and financial effects suffered by many victims of crime (Zedner, 1994). This not only suggested that victimisation entailed greater costs to victims than the mass crime surveys had implied, but also began to provide evidence that the pendulum had swung too far in favour of the offender (Maguire and Bennett, 1982). The research presented a complex picture, with victims expressing dissatisfaction with various parts of the criminal justice system. Their reasons varied according to the type of victimisation suffered and the particular agency being considered. In particular, research found that victims of rape were being treated by the police with suspicion and hostility, save in cases involving brutal rape by a stranger. As a result, victims were often exposed to interrogations more suited for the perpetrator than the victim (Firth, 1975, cited in Temkin, 1997; Women's National Commission, 1985; Chambers and Miller, 1986). Public awareness of these issues was raised in 1982 as a result of a television documentary and the ensuing public outcry led the Metropolitan Police to set up a Sexual Offences Steering Committee in 1983 (Temkin, 1987).

As a result, these studies had begun to reveal the true extent of victim dissatisfaction and the loss of public confidence in the criminal justice system. Ashworth (1983) argued that the relationship between the offender and the state had come to dominate all developments in criminal justice prosecution, punishment and rehabilitation over the last century, to the exclusion of the relationship between the victim and the state. Victims' experiences of the criminal justice system following an offence began to indicate a real need to redress what appeared to be an imbalance of power between victims and offenders. Whereas offenders as citizens were entitled to the rights of a

defendant against the power of the state, victims, as citizens, appeared to have no redress from the state for its failure to protect them and no right to participate in the proceedings to restore the harm done.

In essence, there was a growing realisation that society was more concerned with rehabilitating the offender than with rehabilitating the victim (Van Dijk, 1988). Whilst the reform period of the 1960s and 1970s had done much to ensure better rights for the defendant, based predominantly on a welfare model of justice, they occurred without any consideration for the victim. Subsequently the research had discovered that victims were being exposed to insensitive treatment by the criminal justice process, resulting in what has now become commonly termed as "secondary victimisation" by the system itself. Instead, what was needed was research from the victims' perspective.

Adopting a Victim Perspective

Despite strong evidence that concern for the victim had become a powerful motif in contemporary western societal responses to crime (Bottoms, 1983), concern was mounting that little thought had been given to the experiences, thoughts or feelings of the victims themselves, whilst the few studies that had looked at victim experiences had found some disturbing results. As observed by Shapland, Willmore and Duff (1985: 2): 'the whole edifice of the "victim movement" has largely been built according to other people's ideas of what victims want or should want'.

In an attempt to remedy this apparent lack of knowledge, Shapland *et al.* (1985: 4) undertook research aimed at providing a "victim's eye view" of the experiences of victims as their cases passed through the whole of the criminal justice system. In particular, this research created an innovative approach to the study of crime as it used a longitudinal design whereby a sample of victims of violent crime were followed from the initial reporting of the case to the final outcome, whatever that may be. The advantages of this methodology are discussed in Part II, as this earlier study inspired the original intentions of the current research, predominantly to discover whether the plethora of reforms and initiatives introduced during the last two decades had actually improved the experiences of victims of violent crime.

Amongst the most significant findings to emerge from the Shapland *et al.* (*ibid*) study was the attitude of the police as a prime determinant of victim satisfaction. Other primary causes of dissatisfaction included lack of knowledge and information about the criminal justice process and information relating to the progress of their case. The study concluded that victims' problems with the criminal justice system seemed to stem from their lack of an accepted role within it and that the system was not geared to the perspective of the victim. As observed by the authors, the victims' experiences demonstrated the presence of a paradox within the criminal justice system, highlighting in particular: 'the contradiction between the practical importance of the victim and the ignorance of and ignoring of his (*sic*) attitudes and experiences by the professionals within the criminal justice system' (*ibid*: 177).

Thus the findings from this important study indicate strongly that the dissatisfaction experienced by the victims occurred as a result of the criminal justice agencies failing to recognise and respect the importance of the victim's role in the process. Instead victims were actually excluded from participating in the process by the withholding of essential information. Lack of knowledge is disempowering and not only denies victims the safety and protection they deserve, but also limits their ability to make informed choices. This process of alienation only reinforces victims' lack of status within the criminal justice system, a system whose priority should be to acknowledge and restore their status as citizens through the administration of justice.

However, at the time the findings of the Shapland *et al.* (*ibid*) study appeared to have little impact on criminal policy. Despite an awareness of the research, the subsequent recommendations of the Home Affairs Committee (1984) *Compensation and Support for Victims of Crime* were felt to be rather disappointingly low key and the issue continued to receive little or no interest (Mawby and Walklate, 1994). Thus the crucial insights borne from this important research were not to bear any significant influence until later on.

Whilst apparent that politicians were still to realise the full potential of supporting victims of crime, further studies continued to emerge supporting the findings of the Shapland *et al.* (1985) research. Such studies focused on the effects of crime (Janoff-Bulman, 1985a; Maguire and Corbett, 1987), the treatment of victims by the criminal

justice system (Adler, 1987) and the needs and services for crime victims (Mawby and Gill, 1987; Shapland and Cohen, 1987). The sheer consistency of the findings meant that the experiences of victims could no longer be overlooked, creating a surge of interest in crime victims, including increasing international pressures (United Nations, 1985; Council of Europe, 1985). Thus eventually, the Home Office began to develop a growing interest in the victims of crime culminating in the rapid politicisation of victims' issues.

The Politics of Victimisation

'The Home Office is an institution which reacts to an outside world largely of its own making. Victims entered that outer world first in the 1950s and then returned repeatedly. They had taken a number of routes and had come in different guises, but they were acknowledged as forming a group which demanded attention.'

(Rock, 1990: 333)

Whilst the government appeared to concede to the requirements of victims in some of its initial victim policy initiatives, primarily promoting the concepts of compensation and reparation, Rock (1990) argues that these were overshadowed by the increasing problems of policing and the penal crisis in England and Wales. As such, these policies 'were bestowed on victims in order to achieve political ends' (*ibid*: 327). In particular, Rock (*ibid*) identifies three main policies; first, the introduction finally of criminal injuries compensation in 1964; and secondly, reparation in the form of Community Service Orders in 1975 and the introduction of compensation orders as a penalty in their own right in 1982. The third policy emerged in the mid-1980s and focused on the provision and funding of services for victims through the voluntary organisation VS. The government perhaps now having acknowledged by this time the political potential for backing victims of crime, particularly whilst under pressure from increasing criticism in relation to some of its other criminal justice policies. These developments, therefore, led commentators to argue that victims of crime had come to serve a political purpose for New Right politicians wishing to shift the agenda away from the rehabilitation of offenders towards their punishment. In particular, they were seen to encourage harsher sentencing and to bring criminal justice professionals under firmer central government control (Phipps, 1988; Elias,

1993). Victims, it was argued, filled a vacuum and distracted attention away from the growing penal crisis and the rapidly expanding expenditure on prisons, both in Europe and America. Thus, by generating a climate of opinion sympathetic to crime victims the Home Secretary, Michael Howard, was able to justify proposing further legislation to strengthen his crime control model of criminal justice. Demonstrating the government's commitment towards being tougher on crime, policies of repressive justice were initiated based upon the "prison works" philosophy. The purpose of this, as described by Phipps (1988: 180), was 'to invoke outrage and sympathy on behalf of crime victims...to excite hostility against the offender and to discredit the "softness" of the criminal justice system'. Thus observers were led to comment that the rediscovery of crime victims, and the subsequent introduction of reforms, had been motivated primarily, not by a new found compassion for victims, but to mask a hidden political agenda aimed at promoting tougher law and order policies (Fattah, 1992; Henderson, 1992).

This approach was further evidenced by the government's response to the needs of crime victims centring on the provision of services by VS in the form of Home Office funding from 1987. This played a significant contributory factor to the phenomenal growth of the organisation and its increasing dominance of victims' services in the UK. Some commentators have linked the organisation's success to a combination of factors, in particular the non-political stance it adopted in its early development, its emphasis upon services rather than rights and its compatible philosophy with the government at the time (Williams, 1999b). Through its focus to provide services to victims by volunteers, VS represented and promoted a community-based, self-help approach whereby individuals helped each other, thus discouraging a dependency upon the state. This philosophy was, therefore, compatible with the political philosophy of the New Right, in that it encouraged individual responsibility, a crucial element in the success of a free-market economy and reduced the responsibilities of the state.

However, Williams (1999b) argues that an intentional consequence of this was the expansion of VS at the expense of what he terms the "hidden wing" of the victims' movement, namely the more politically critical groups such as the feminist organisations Women's Aid, Refuge and Rape Crisis. From the 1970s onwards the

feminist movement raised increasing awareness of the problems facing women, particularly rape, sexual assault and domestic violence. These developments not only constituted a challenge to dominant patriarchal values, but also challenged the concept of "victim blaming" and the government's attempt to promote a neutral image of the victim, i.e., the "deserving" victim. In contrast to these politically active groups, VS was seen to support an "androgynous victim" (Rock, 1990: 409), the sexually neutral subject of burglary, theft and robbery. This notion of the "ideal victim" has been predominant in the subsequent development of criminal justice policy and is evidenced in the value-laden administration of the Criminal Injuries Compensation Scheme since its introduction in 1964. This powerful notion of the "ideal victim" and how it influences the criminal justice response to victims is discussed in greater detail in Chapter Four.

However, whilst the primary aim of VS has been to gain recognition for victims by raising awareness of their needs and the services required to address them, it too has contributed to the struggle for the conversion of these needs into more tangible rights. By continuously undertaking conferences and research in new areas of work, VS has gradually become involved with victims of more serious crime and during the 1980s began specifically developing services for women and children as victims of crime (Williams, 1999b). Since this expansion has been aided by increased Home Office funding, it can be considered as something of a paradox in that the state has subsequently co-opted some of the political issues raised by the women's movement during the 1970s (Williams, 1999b).

This has been evidenced more recently, following the completion of the fieldwork for the current study, with the Home Office publicising its own campaign to tackle domestic violence (*Living without Fear*, Home Office, 2000a), and encouraging in official documents a multi-agency approach to address the problem of domestic violence, including a revised Home Office circular to the police (*Domestic Violence: Revised Circular to the Police,* Home Office, 19/2000b). However, whilst these measures may demonstrate a political willingness to acknowledge the hidden victims of a patriarchal society, the effectiveness of reforms and initiatives in place at the time of the current study, reveals the failure of the state to actively engage with the structural constraints which act to condone this predominantly male behaviour. This

reluctance to act also provides evidence of the extent to which the state plays a role in directing or inhibiting the successful implementation of reforms and initiatives.

Thus, it is the aim of this thesis to explore the inherent tensions concealed within the administration of a criminal justice system which, although reliant upon the co-operation of victims to function effectively and efficiently, denies those victims access to the process if not considered "good citizens". And then, even if access is granted to the "good citizen", they are subsequently denied social justice by a system which only responds to and acknowledges them as "deserving clients". Part II now provides an outline of the research design and the methodological issues inherent in undertaking empirical research of such a sensitive nature.

PART II
RESEARCH DESIGN AND METHODOLOGY

CHAPTER TWO
GAINING A VICTIM PERSPECTIVE

As earlier research has indicated, a criminal act of violence may only last a few minutes, but if the crime is reported to the police the victim may suddenly find themselves drawn into a strangely confusing and complex process for months and even years. For many it will be their first encounter with the criminal justice system, involving unfamiliar practices by unknown authorities, expressed in a seemingly inexplicable terminology.

At the time of the fieldwork still relatively little was known about how crime victims respond to their experiences of the criminal justice system (Norris, Kaniasty and Thompson, 1997). Further research was required on victims' own beliefs and needs in order that the development of services benefited victims and served not only organisational goals (Maguire and Shapland, 1997), and more needed to be done to find out what constitutes effective intervention and counselling (Young, 1997).

As illustrated in Part I, previous research found that information on the progress of their case and how the different agencies respond to them are the crucial factors underpinning victims' experiences. It suggests that an increased responsiveness from the agencies concerned, demonstrating recognition and respect, would assist in reducing feelings of alienation and the secondary victimisation caused by the criminal justice process itself. These findings were validated in a report by the JUSTICE committee on the role of the victim in criminal justice (JUSTICE, 1998). The report outlines what it believes to be the legitimate expectations of victims and amongst its recommendations states that:

'A fundamental principle of criminal justice is that it must show integrity towards both victims and offenders. Every agency in criminal justice should comply with uniform standards which are publicly stated and which are judged to be fair and

legitimate.'

(JUSTICE, 1998: 5)

More importantly, however, the report acknowledges the need for an ongoing programme of research, evaluation and monitoring of the services provided to victims to ensure that the legitimate expectations of victims are being met:

'The initiatives undertaken under the *Victim's Charters* and by individual agencies and institutions have not been accompanied by much independent, published, evaluative research or monitoring of the reactions of practitioners or victims. Nor has there been a significant amount of research into victim needs and experiences in the last ten years. The debate therefore relies on research done in the 1970s and early 1980s.'

(JUSTICE, 1998: 117)

One of the primary aims of this thesis, therefore, is to redress this current lack of knowledge and to contribute towards an evaluation of the efficacy of recent reforms and initiatives. Essentially this study re-visits the research of Shapland *et al.* (1985) almost two decades on in an attempt to discover whether victims' experiences of the criminal justice system have improved, thus assisting them in their recovery, or whether the criminal process itself only continues to add to their distress. To achieve these aims the research focuses on acquiring an in-depth understanding of victims' experiences as their cases progress through each stage of the criminal justice process, from the initial reporting of the crime to the final outcome. This chapter describes how the research was undertaken and the methodological issues that arose from undertaking a longitudinal study of such a sensitive nature.

Gaining Access

A common difficulty when undertaking research on a sensitive topic involving potentially vulnerable people, is gaining access to the research population and Lee (1995) provides a detailed account of the problems that can be encountered. Johnson (1975, cited in Lee, 1995: 121) argues that gaining access is "situationally specific" and unpredictable, because to ensure success the one thing a researcher needs is a detailed theoretical understanding of the social organisation of the setting they are

attempting to enter. However, this can paradoxically only be acquired once actually inside the research setting.

Fortunately, I had already developed a detailed theoretical understanding of the research setting due to my recent training and subsequent employment as a Probation Officer and had, therefore, some understanding of local criminal justice practices and issues. In addition, research I had undertaken the year before had involved making contact with key people in the relevant organisations thus providing invaluable experience of the research setting. In fact, my dual status as a researcher and a Probation Officer assisted greatly in my attempts to gain access. In particular, it appeared to lend some credibility to my research as it was accepted that I would have some knowledge and understanding of the processes involved, thus reducing what Form (1973, cited in Lee, 1995: 123) describes as the "politics of distrust". The advantages of this dual role have been acknowledged by Brannen (1992) who suggests that a researcher should be seen both as an "outsider" (independent and open-minded), and an "insider" (with an understanding of the agency and the issues important to it as perceived at different levels of the organisation). However, as the research progressed, my role as both researcher and Probation Officer in the same geographical area did give rise to a number of ethical dilemmas and potential conflicts of interest, as will be discussed below (see p.88).

In addition, my task to gain access was complicated further by the fact that the criminal justice system is made up of a number of independent organisations, thus making it necessary to negotiate with several different agencies. As the study required access to the research population at the earliest point of the process, i.e., as soon as possible following the offence being reported to the police and recorded as a crime, this further limited the options available. My first choice had been to gain access through the local VS Scheme, as an agreement already existed with the police for victim referrals to be made to VS as soon as possible after a crime had been recorded. Although it was recognised that there were a number of drawbacks with this approach, e.g.; referrals are not made if the victim does not give permission, a referral may not always be made for those who do and delays may arise in the referral process, it was hoped that the local VS scheme would be supportive of research potentially beneficial to victims.

During the preliminary stages of the research, therefore, I contacted the co-ordinator of the local VS scheme to find out how this operated locally and to discuss my proposed study. I also contacted the local police headquarters to make enquiries about their policies on working with victims. However, I was only referred to the member of VS staff who worked from the main police station in the largest town of the county, and not to any police personnel who had direct responsibilities for crime victims. This gave the initial impression that the police viewed working with victims as solely a matter for VS and not a primary responsibility of the police, or alternatively perhaps indicated a reluctance to discuss their policies regarding victims with a researcher. However, as the research progressed, a number of interviews were subsequently undertaken with key personnel in the relevant agencies and these are discussed below (see p.42).

Following discussions with the VS co-ordinator, it was agreed that I would present my research proposal to the VS Management Committee in January 1998. However, my request for access was declined. Instead the Committee felt it would be more appropriate if I approached the police. Following a verbal discussion with a Detective Superintendent from the local police, who was also a member of the VS Management Committee, I formally applied in writing to the police for access. This was subsequently declined in February 1998 due primarily to legal implications. It was explained that information received from victims in cases pending trial attached to them issues which impacted on the duty of the prosecution to disclose material to the defence and that police related surveys were conducted in the light of this obligation. Concern was also raised that due to regular surveys conducted by the police for management purposes and another study already in progress by a senior officer, that a third study could possibly subject victims to what was termed as "market survey overload".

Disappointed, but as yet undefeated, in February 1998, it was suggested by the VS co-ordinator that I approach the chairperson of the local Trials Issues Group (TIG). Also a member of the TIG, the VS co-ordinator believed there would be a possibility of gaining access to victims through the police if my study had their support. Fortunately, the chairperson, a key figure in the local branch of the CPS, is very supportive of victims' issues and the TIG was already involved in developing its own

Service Level Agreement (SLA) on witness care. For a general introduction to the work of TIG refer to a special edition of the TIG Update Newsletter (Trials Issues Group, 1999).

As the TIG only met quarterly and the first meeting where I was due to present the proposal had to be cancelled, it was not until September 1998 that the research proposal finally received a favourable response and a Police Superintendent present at the meeting took my request forward. Access was supported because committee members felt that the study would complement the TIG's current research regarding the implementation of a local SLA and the national TIG Joint Performance Management Project concerning witness care. Later that month confirmation of approval was received from the police, conditional upon protecting and safeguarding the anonymity of respondents during the research and in any subsequent publications. It was explained that approval had been given because the study contained issues of great interest to the police and that it would provide an opportunity to explore relevant areas that would assist the police in the way they deal with victims and witnesses.

Due to the ongoing nature of the research, I was invited to remain as a guest member of the TIG and attended a further five meetings during the period of the research. This provided an excellent source of information regarding all national and local policy initiatives that involved the TIG and, in particular, provided an invaluable insight as to how national policy was interpreted in a local context and how the initiatives were to be implemented by the relevant agencies. In addition, my attendance at the TIG meetings provided an opportunity to discuss any issues that had arisen with regards to the implementation of local policies and the preliminary findings of my research were presented to the TIG in February 2000.

As indicated above, at the time of the research, the focus of the TIG was on the development of a local SLA. This was first published by the local TIG in July 1997, following a one-day conference on Victims and Witnesses organised by the regional Area Criminal Justice Liaison Committee in February 1997. Through my contact with the VS co-ordinator, I was invited to this conference, which was attended by Judges, Magistrates, key personnel from all the local criminal justice agencies, Victim Support, and presentations were given by two victims of violent crime. The local SLA

contains information regarding all aspects of care for witnesses, from pre- to post-trial, and the implementation of this will be referred to below in relation to the case studies where relevant. However, a reference for this document cannot be provided due to the necessity to maintain the anonymity of the research area and the research respondents. This local policy was further supported by the regional Area Criminal Justice Liaison Committee (ACJLC) publishing a *Protocol for Victims and Witnesses and Good Practice Checklist for Judiciary* (ACJLC, 1998), which also resulted from the above conference. To ensure anonymity, the exact region of the ACJLC cannot be given.

Thus, it had taken ten anxious months to gain official approval for access to be secured and at last it was time for the research to begin. However, as acknowledged by Johnson (1975; cited in Lee, 1995: 122):

'Access should not be thought of as an initial phase of entry to the research setting around which a bargain can be struck, but instead is best seen as involving an ongoing, if often implicit process, in which the researcher's right to be present is continually re-negotiated.'

This proved to be correct throughout the study, not only with those who had initially granted access, but also with those respondents who later agreed to participate in the study. However, the initial stages involved two meetings with senior police officers to discuss issues relating to how the research would be organised. This included how the victims would be contacted, which subsequently required the nomination of a member of staff with whom I could liase and who would send out details of the research on my behalf. However, following the initial implementation stages, the researcher was left to conduct the research independently.

At my request, it was also agreed by senior police officers that I would be able to interview key members of police personnel, in order to gain an insight to current practices and policies regarding victims within a local context. The majority of these interviews were undertaken during the preliminary stages of the research prior to the questionnaires being sent out. This was to ensure that the questions asked matched the initial reporting and investigation stages, thus following as closely as possible the

sequence of initial procedures experienced by the victims. These interviews are now discussed briefly below.

Interviews with Criminal Justice Personnel

To gain an understanding of the size and structure of the local Victim Support Scheme a meeting was undertaken with the local VS co-ordinator in November 1997. The local scheme was established in 1987 and at the time of the study had six paid members of staff and seventy-four volunteers. Potential volunteers received five days initial training over a four month period before becoming a volunteer and were expected to attend monthly meetings and training sessions. In 1997, the co-ordinator advised that the scheme had received over 6,000 referrals from the police, although the permission of victims of more serious offences has to be given before a referral is made. However, to encourage self-referrals, a national Victim Supportline was due to be launched in 1998, which it was hoped would encourage contact from victims who had not reported the offence to the police. A major disadvantage of the current scheme is that it relies primarily upon referrals from the police, thus only reaching some of those victims who had reported the offence.

The local scheme contacted the majority of victims by way of a letter, with victims of more serious offences often contacted by telephone or visited without an appointment, as permission had already been given to be contacted. However, in January 1997, the local scheme carried out its own satisfaction survey, which indicated that whilst 66% of victims who received a cold call were happy with this form of contact, 44% were not. Instead, the majority of victims contacted by letter (98%) or telephone (96%) preferred these methods of contact. In total, 136 questionnaires were returned and these indicated that only 16 victims had any further contact with the scheme. The main reason given for this low level of take up was no need for support (66) and enough support elsewhere (51). Others found the information contained in the leaflets provided sufficient (19). Those victims who had contact with the scheme gave favourable comments of the service provided, although it appeared that victims preferred to be contacted so that a visit could be arranged. With regards to victims' contact with VS, there were some similarities in the findings of the current research with those of the local survey and these are discussed further in Chapter Nine.

In December 1997, I interviewed the VS worker based at the main police station. In addition to discussing the general referral process and the procedures for contacting victims, as discussed above, she also advised me of a number of schemes operating locally, particular with regards to the increasing number of crime prevention projects, although VS volunteers were not specifically trained in this area. However, the VS worker was herself involved with the Suzy Lamplugh Trust, and had given public talks on personal safety to local groups in the community. We also discussed my proposed research and questions asked by the VS worker about initially contacting the victims, the structure of the questionnaire and how the information would be used, all assisted in the continuing development of my ideas.

In June 1998, I interviewed the Witness Service (WS) co-ordinator, also a member of the TIG, and responsible for co-ordinating a total of 19 volunteers at the two Crown Courts in the county. WS volunteers received five days training over a period of two weeks and ongoing training throughout the year, with monthly volunteer meetings. The WS was established in the local Crown Courts in 1985 and a pilot project had begun in May 1998 to consider the setting up of a scheme in the local Magistrates Courts. The WS is advised of the witnesses due to attend court by a weekly list (three weeks in advance) provided by the Court Service. Although this does not identify those witnesses who are also victims, additional information received from the CPS enables these victims to be identified. These witnesses are then written to by the WS and advised of the service that is offered. (There are special procedures undertaken for the care of child witnesses, but these are not discussed here, as it is not relevant to the current study). Victims are also notified of the WS when the police witness liaison unit sends notification of their requirement to attend court as a witness. Included with these letters should be a *Witness in Court* leaflet (Home Office, 1997) and a leaflet outlining the local SLA of witness care.

The WS co-ordinator advised that the majority of prosecution witnesses took up the service offered, with just over 1000 witnesses being offered support in 1997. Whilst pre-court visits are offered, the majority of witnesses prefer to be shown round the court on the morning of the hearing. The WS co-ordinator confirmed that since he had being working with the WS, when first introduced in 1985, witness care had improved significantly, particularly with the provision of specialised support and separate

waiting areas. Good relations had also been developed with the police, CPS, court staff and probation. This co-operation appeared to be assisted by weekly listings meetings, quarterly Court Users meetings and the role of the TIG. Court Users meetings helped to identify those hearings that may have potential problems, including the identification of vulnerable witnesses and those with special needs. However, he did comment that there was still some reluctance amongst barristers to see victims before the trial, although caseworkers do provide them with a copy of their statement to read before giving evidence. This reluctance to speak to witnesses is contrary to the local SLA (1997), which states that during the trial: "Generally you will be able to meet the defence or prosecution representative before you give evidence. They should be able to deal with concerns you may have." This is reiterated in the ACJLC protocol (ACJLC, 1998), referred to above, which acknowledges that whilst such contact is regarded as a big help by witnesses: "It can be controversial (for non-vulnerable cases) and time intensive, but considered to be a way forward. Where in place now (for vulnerable witness cases) and if extended in the future, better guidance is needed as to who should take the initiative to sort it out." This protocol demonstrates the growing recognition of the special needs of intimidated and vulnerable witnesses, and in June 1998 the government published the findings of a Working Group set up specifically to examine these issues in a report entitled *Speaking Up for Justice* (Home Office, 1998a). The changing policies in relation to the role of the CPS and it's advocates with victims and witnesses, together with the experiences of the research respondents at court, are discussed in more detail in Chapters Seven and Eight.

Following confirmation of access to the research setting in September 1998, I interviewed three members of police personnel in different departments to gain an understanding of local police procedures. These interviews took place in October 1998 and the information gained assisted in the construction of the questionnaire. I first met the manager of the Force Crime Support Unit, who was also to be the person with whom I would liase regarding the posting of the questionnaires to the research sample. This Unit deals with the administration of completed files and is responsible for advising victims of the final outcome once the file has been dealt with and returned by the Court. It also deals with the administration of information required for criminal injuries compensation claims.

To gain an understanding of the initial procedures involved when victims reported a crime, I interviewed a WPC who worked on the Crime Desk. Each Division in the local Police Service has its own Crime Desk, taking calls from members of the public. Some of these matters can be dealt with over the telephone, whilst others require officers being sent to the scene, for example, more serious offences, such as burglaries and assaults. Officers will attend the scene to gain more information and may bring the victim back to the station to make a statement, or this may be done at a later time. For minor crimes, the WPC advised that the victim would be sent a standard letter, providing a crime number and the number of the Crime Desk. In response to cases of domestic violence, uniformed officers are sent to investigate and if the incident is recorded the paperwork should be forwarded to the Domestic Violence officer. The contact details of the Domestic Violence officer are also sometimes given to the victim to use as a contact number. More "serious offences", described by the WPC as assault, robbery and rape, are dealt with by CID, including emergency 999 calls received in the Control Room. Although statements need to be taken as soon as possible, particularly if a suspect has been detained, this may depend upon the victim being in a fit state to do so. If injured then medical attention will be sought immediately and a statement will be taken when the victim is able to do so.

When discussing the assistance given to victims, the WPC stated that all cases are allocated an officer, this normally being the first officer who deals with the incident, unless they are due to work odd shifts or take leave and will, therefore, be unavailable. For the families of murder victims an officer has always been allocated, although at the time of our interview an advertisement had just been made for a Family Liaison Officer to take on this specialised role. The allocated officer system described by the WPC is in accordance with that recommended in the Home Office circular *Victims of Crime* (Home Office, 20/1988), which is discussed in more detail in Chapter Five. The WPC had a good understanding of current victim issues and she believed this was due to her having undertaken joint interview training. Whilst she confirmed that information leaflets were given to victims, including advice on other support groups and compensation, she did not believe this was standardised procedure, but instead tended to depend on the knowledge and experience of the officer dealing with the incident. However, she did state that there was now an increasing focus on working with victims, although this was limited by the level of

resources available. She commented that the priority of the police has always been in dealing with offenders, their detection and arrest, therefore, when an arrest is made the police feel they have done their best for the victim. However, she commented that it is now recognised that more could be done and efforts were being made to achieve this.

To gain an understanding of the work of CID, I interviewed a Detective Chief Inspector who provided information regarding the types of cases dealt with and the various procedures involved. This highlighted the procedures in place for dealing with serious sexual assaults, including the use of specially trained officers and the availability of a special interview suite. Officers are allocated to keep the victims informed and the eight-hour shift patterns worked by CID officers facilitate better communication with the victims. The Inspector advised that often a common complaint is that victims are unable to get hold of the uniformed officer because of their shift patterns. Evidence of this was found in the current study and is discussed in Chapter Five.

The Inspector advised that although some officers might ask a victim if they wish charges to be made, an assumption is often made that they do because the victim has contacted the police. Also, if a statement is made this is often taken as an indication that the victim would be prepared to go to court to give evidence if required. However, the Inspector acknowledged that there were often difficulties in cases involving domestic violence and sexual assaults where the victim knows the offender, resulting in the victim wishing to withdraw their complaint at a later time. The Inspector also referred to the new joint Charging Standard, recently agreed by the police and the CPS (Crown Prosecution Service, 1998), a copy of which I had received from the local CPS office. The stated purpose of the Charging Standard is to make sure that the most appropriate charge is selected at the earliest opportunity. However, the Inspector described it as "a governmental push which tends to minimise the injury and could cynically be viewed as a way of reducing costs". An example supporting this concern was found in the current study in relation to a case of domestic violence and is discussed in more detail in Chapter Seven, p.206.

The Inspector believed that there was now a greater awareness of victims amongst the

police and that if CID was involved there tended to be "a more personal ownership of the case with victims being regularly kept up to date with the progress of the case". However, she acknowledged that there was sometimes a danger of promising the victim too much and promising things that could not be guaranteed. Examples of this were found in the current research, although examples of good practice were also found in a case involving a victim of very serious violent offences. However, the Inspector did recognise that whilst a number of initiatives had been introduced to assist victims, these were still not happening in all cases and that improvements still had to be made.

This was found in the current study in relation to a number of the participants and in particular relating to a victim of domestic violence. Therefore, in order to gain an understanding of local policy regarding domestic violence, I interviewed the Domestic Violence Liaison officer in November 1999. It became apparent from this, that whilst the Service had its own policy on how domestic violence incidents should be responded to (last updated in July 1998), these guidelines were not always being adhered to. The officer agreed that old prejudices and institutional barriers still existed, with officers "wrongly leaving the decision to take action up to the victim, suggesting the victim comes to the station in the morning to make a statement." However, this is contrary to the local policy, which clearly states that if there is a person with a visible injury then the perpetrator of that crime must be arrested and the victim spoken to away from the perpetrator. During our discussion I referred briefly to a number of concerns raised by my own research. However, when asked by the officer if I could give the names of the victims, I had to decline, stating clearly that I was unable to break the confidentiality of the respondents. This raised an important ethical dilemma, because as professional criminal justice colleagues we would normally be willing to share information, however, in my role as researcher it was important that the anonymity of the respondents be protected. This was essential, not only for the respondent, but also to prevent identification of the cases taking part in the research, as this could subsequently effect the response of the criminal justice agencies, thus damaging the validity of the findings.

The officer advised that she was currently updating the policy, although she described the process as "teaching them to suck eggs, as I'm having to go into the real minutia

of detail. I feel as though I'm telling them what they already know, but if they're not doing it, obviously they need to be told again." The officer confirmed that practice at the present time was inconsistent and that further training was needed to address this. However, whilst probationers are given some training on domestic violence in their first two years, any additional training was on an ad hoc basis, as it was "difficult finding somewhere amongst all the other stuff to fit it in." This could be considered a consequence of the new managerialist agenda, with priorities firmly focused on issues of cost effectiveness and efficiency. These issues are addressed in greater detail in Chapter Three.

As a Probation Officer, I was already aware of the local Probation Service policy on victim contact work and a greater insight of this was gained when I undertook an evaluative study of victim contact work on behalf of the Service in 2000 (Tapley, 2000). This research involved working closely with the Probation Victim Liaison Officer and provided a good understanding of the issues and problems involved.

In order to gain a wider national and international perspective of victim policies and practices, I first contacted the Procedures and Victims Unit at the Home Office in 1997 (now known as the Justice and Victims Unit) and have since kept up to date with the wide range of policies and initiatives subsequently introduced. I also attended a Home Office conference on Restorative Justice in 1997 and a Home Office seminar in September 1999 concerning the processing of rape cases in the 1990s. In 1998, I attended a conference on *'Integrating a Victim Perspective within Criminal Justice: An International Conference'* in York, which included a number of eminent academic speakers and this broadened my understanding in a number of areas. In 1998 and 1999, I attended the annual conferences of the National Association of Victim Support, which provided an invaluable insight to the national structure and policies of VS, whilst also giving me the opportunity of listening to the experiences of volunteers from all over the country. I also presented papers on my current research at the British Society of Criminology conferences in 1999 and 2000. All of these experiences contributed to my wider knowledge and deeper understanding of research, policies and initiatives involving the victims of crime.

Towards the end of the fieldwork, in March 2000, I liased with the manager of the Crime Support Unit to confirm which respondents had been officially informed of the final outcome of their case, as some had stated they had not received this information. Two further meetings were held in 2002, following the completion of the research, to discuss the findings and the implications of more recent initiatives. The first was with a senior member of the CPS and the second with a Chief Superintendent of the local police service, both of which are discussed in more detail in Part IV. In the meantime, this chapter now outlines in detail the research methods adopted in the study.

Adopting a Multi-Method Approach

As the most important factor influencing the methods chosen is the purpose of the research, a predominantly qualitative, longitudinal design was employed in order to gain an in-depth understanding of the experiences of victims of violent crime from a *victim perspective* as their cases progressed through the criminal justice process.

Whilst the term "qualitative research" is surrounded by 'a complex, interconnected family of terms, concepts and assumptions' (Denzin and Lincoln, 1998: 2), these authors offer a generic definition useful for the purpose of the current study:

> 'Qualitative research is multimethod in focus, involving an interpretive, naturalistic approach to its subject matter. This means that qualitative researchers study things in their natural settings, attempting to make sense of, or interpret, phenomena in terms of the meanings people bring to them. Qualitative research involves the studied use and collection of a variety of empirical materials that describe routine and problematic moments and meanings in individuals' lives.'
>
> (*ibid*: 3)

In addition, the primary advantage of a longitudinal design is that, whereas most previous studies have employed the method of asking victims about their experiences retrospectively, a longitudinal design allows an analysis of the effects during the weeks and months following the offence. This captures victims' perceptions as they actually experience them, rather than relying on victims' recollections of events that may have happened months, or even years, before. More importantly, as found by Shapland *et al.* (*ibid*: 4), it enables the researcher to identify how 'later experiences

may override and alter victims' perceptions of the earlier parts of the system', due to the treatment and services received as their cases progress.

Thus, whilst a more complicated task in its undertaking, a longitudinal design allows for a consideration of the total impact of criminal justice processes on victims, rather than a piecemeal examination of the different responsibilities of the individual agencies towards victims in isolation from one another.

Such a task, therefore, required the use of different qualitative research methods and a range of interpretive practices, including semi-structured interviews, repeat in-depth interviews and observational methods. Burgess (1982) chooses the term "multiple research strategies" to describe the use of diverse methods in tackling a research problem and encourages researchers to be flexible in selecting a range of appropriate methods. In the past this strategy has been referred to as "triangulation", (Denzin, 1970), primarily used as a way of ensuring the validity and reliability of qualitative research.

The methodology was supported by a feminist theoretical perspective in order to develop an interpretive framework in which the conditions for an "authentic understanding" (Denzin, 1998: 325) of the victims' experiences could be created. Reinharz (1992) identifies ten themes common to a feminist perspective and some of these have been incorporated within the methodology. The first theme describes feminism as a perspective and not a method, whereby feminism supplies the perspective and the disciplines supply the method. As Gelsthorpe (1994) points out, there is no one definition of "feminist" research, merely a host of methodological preferences. In contrast to a positivist approach, whose theory is essentially speculative and does not reflect knowledge grounded in lived experience, 'feminist research is concerned with theory which arises out of experience' (*ibid*: 94). Feminist researchers, therefore, use a variety of styles whilst sharing the same basic assumptions held generally by qualitative and interpretive researchers, that interpretive human actions can be the focus of research (Olesen, 1998).

The second theme is the valuing of multiplicity, which allows feminist researchers to adopt the most appropriate method to meet the research question and also underpins

the use of multiple methods in a single project. In this study multiple methods were used because different methods were appropriate to the different stages of the longitudinal design.

By adopting a primarily qualitative, ethnographic approach I have sought to develop a theory that is "conceptually dense", i.e., with many conceptual relationships (Strauss and Corbin, 1998: 169). In qualitative research these relationships are presented in discursive form: 'Discursive presentation captures the conceptual density and conveys descriptively also the substantive content of a study far better than does the natural science form of propositional presentation (typically couched as "if-then")' (*ibid*: 169).

This theoretical conceptualisation was central to the current study as it assisted in revealing patterns of action and interaction between the various actors involved, i.e., the victims, the criminal justice professionals and the other agencies involved. This assisted in developing the theoretical framework whereby concepts emerged from the data concerning the role of the victim and how this role changed as their cases progressed through the criminal justice process. These emerging concepts are discussed in greater detail in Part III.

Essentially the research comprised of three main phases, the postal questionnaire, semi-structured interviews and repeat in-depth interviews, with court observations being undertaken in those case studies which reached this stage of the criminal justice process. Each of these phases will be discussed in greater detail below and will make transparent the process involved in the selection of a research population that would fulfil the aims and purpose of the research, as clearly outlined above. As it was intended that the study would consider victims' experiences of *all* the stages of the criminal justice process, it was necessary that the research population included cases that would proceed to the prosecution stages, resulting in a conviction and a sentence. Although this outcome can never be guaranteed, a necessary pre-requisite to accessing the later stages of the criminal justice process is that an offender is arrested and charged, therefore, it was these cases that were chosen to form the core research population.

Selection of the Research Population

The study was undertaken in a southern county of England comprising of two large conurbations in the East and mainly rural areas in the West, between December 1998 and February 2000. The choice was governed by both my professional and personal knowledge of the area, earlier contacts I had established which facilitated my ability to gain access, and of course, the final official approval to undertake the study in that county. I had originally thought to make a comparison of two counties, but decided this would have been an overly ambitious project for a lone researcher to undertake. In order to draw some comparisons with the earlier research of Shapland *et al.* (*ibid*: 4), this study focuses on 'the experiences of those brought most immediately to mind by the word "victim"' i.e., those individuals over the age of eighteen years who have experienced offences of violence, rather than property crime because this offers:

1. A directly identifiable personal victim who suffers obvious harm and whose evidence is usually necessary for the detection of offenders and the prosecution of cases;

2. The only category of victims who are eligible for State compensation, which has been one of the major aims of the victim movement;

3. A high proportion of cases in which the offender is detected fairly rapidly, so that the victim's reactions can be assessed as soon after the offence as possible;

4. A series of offences graded in seriousness, including a high number liable to be tried in the Crown Court, so that the experiences of victims with all parts of the court system can be ascertained;

5. A considerable proportion of cases in which the offender is likely to be known to the victim or in which the victim-offender relationship may pose questions about the victim's participation in the incident. This enables the study to examine the problems the victim may face in dealing with the offender and in establishing his credibility with the police; and, lastly;

6. Offences which incorporate different elements such as physical assault, sexual

> assault or the loss of property (robbery). The inclusion of sexual assault victims is felt to be particularly important, as the problems of rape victims have been instrumental in focusing attention on the experiences of victims in the criminal justice system.
>
> (Shapland *et al.*1985: 5)

In addition to those listed above, it was initially thought that a further benefit of including all types of violent crime (instead of focusing on a particular offence, as previous studies had done), would provide a sufficiently diverse range of victims' experiences, given the small scale of the study. It was hoped that from this, an exploration could be made of the local criminal justice responses towards victims and the services available to assist them, and whether these were in accordance with both local and national policy. In particular, it was also hoped that given the number of reforms and initiatives introduced during the last decade, the experiences of the participants in the current study would demonstrate an improvement upon those found in the previous research literature on victims of crime.

An additional concern was the possibility that if the sample was restricted to a specific offence in a relatively small geographical area, there may not be a sufficient number of incidents from which to draw a large enough sample for the purposes of the study. Particularly when bearing in mind that only a very small percentage of reported crime actually proceeds to a conviction (JUSTICE, 1998). Referring to the police central records in the preliminary stages of the study confirmed that gaining a sufficient number of victims of violent crime could prove difficult due to the low number of reported incidents at that time. It was decided, therefore, due to the combination of factors discussed above, that the research sample would be drawn from victims of all types of violent crime rather than one specific offence.

Fortunately, this indeed proved to be the right decision, as it later transpired that an unforeseen benefit of sampling a range of violent offences and, therefore, the different scenarios in which victimisation can occur, was that it demonstrated how differently victims of violent crime are responded to. This was according not only to the nature of the offence, but also the individual circumstances and the "worthiness" of the victim, as interpreted by the criminal justice professionals. This subsequently proved to be

essential data for the development of the theoretical framework in which the data was analysed. From the richness of the data emerged the concepts of the "good citizen" and the "deserving client" and how these effected the ability of victims to gain access to the criminal justice system.

As referred to above, access to the sample was required at the point at which the offence was reported to the police and recorded by them as a crime. The "victim" is therefore defined as the person recorded as the injured party on the original police crime report form. As a consequence, this study does not examine incidents which are not reported to the police or which are not officially recorded as a crime, for whatever reason. A study exploring assaults prior to entry to the criminal process has been undertaken by Cretney, Davis, Clarkson and Shepherd (1994) and the wider implications arising from this are discussed in Chapter 3 (p.113).

Phase One - Postal Questionnaire.

Following the initial stage of gaining access I decided to approach the potential research sample by way of an introductory letter accompanied by a postal questionnaire (see Appendix A). A purposive sampling strategy was utilised as this is central to a qualitative, naturalistic approach:

'Random or representative sampling is not preferred because the researcher's major concern is not to generalize the findings of the study to a broad population or universe, but to maximise discovery of the heterogeneous patterns and problems that occur in the particular context under study.'

(Erlandson, Harris, Skipper and Allen, 1993: 82)

As Patton (1990: 169, cited in Erlandson *et al.* 1993: 84) writes: 'The logic and power of purposeful sampling lies in selecting *information rich* cases for study in depth. Information-rich cases are those from which one can learn a great deal about issues of central importance to the purpose of the research, thus the term *purposeful sampling.*'

The selection of 'information rich' (*ibid*) cases for the purpose of the current study was achieved by arranging for a designated member of the Crime Force Support Unit to send out questionnaires to *all* those victims that fitted an agreed criteria during the

specified period. The criterion used was that all victims must be over eighteen years old, regardless of gender or race, using all categories of offence against the person under Home Office classifications. These cases were selected from police central records on a weekly basis, until a large enough research sample was gained. It was hoped that from this purposive sampling strategy a sufficiently wide range of offences would be captured in the research sample. All questionnaires sent out were recorded on a sheet including the crime number, date sent, details of offence, and victim's gender, age and postcode. Attached to the sheet was a printout of each case with the victim's name removed, which I collected weekly. I was careful to protect the anonymity of victims and only came to know of victims' names if they completed and returned the questionnaire, providing a name and contact number if they wanted to participate in the research further. This process assisted greatly in matching up cases when questionnaires were returned.

The main principles underlying the use of a questionnaire were to introduce potential respondents to the aims of the research, to gain information about the incident and the initial response of the police and, most importantly, to encourage respondents to participate further in the study by speaking to the researcher in person about their experiences. The design and construction of the questionnaire was, therefore, crucially important, even down to its colour (a calming, relaxing pale green), as it was the main introductory tool of the research to encourage individuals to respond. The design included consideration of question order and the use of closed and open-ended questions (May, 1997). As the topic was of a sensitive nature, it was essential to reduce the possibility of "question threat" (Foddy, 1993: 124). As discussed above, to ensure the most appropriate questions were asked in an unambiguous way, key police personnel had been interviewed to ensure that the questions asked matched the initial reporting and investigation stages, thus following the sequence of procedures experienced by the respondents. To further ensure the questionnaire's relevance, a final draft was put before the TIG and comments were sought from other experienced researchers. The response to this quantitative method provided a basis for the identification of cases that would fit the required criteria to move on to the next phase of the study. However, an analysis of all the questionnaires returned is discussed first.

Questionnaire Response

A total of one hundred and ninety questionnaires were sent out during a ten-week period from 11 December 1998 to 25 February 1999. The period the questionnaires were sent out was governed by the earlier stages of the research process rather than personal choice, i.e., securing access and finalising the research tools and methods. Once the process began, questionnaires continued to be sent out until sufficient responses had been received to constitute a large enough research sample. This was difficult to assess, due to the impossibility of knowing how each case would progress, but equally the need for a manageable sample meant that a decision had to be made. Fortunately some of the questionnaires returned indicated that either an offender had been identified or that an arrest had already been made, thus already fulfilling the criteria necessary for moving on to the next phase of the study. Whilst this was no guarantee that a prosecution would follow, it was at least an indicator that the case may progress to the later stages of the criminal process.

Graph One (see Appendix B) provides a breakdown of the total sample of 190 cases sent a questionnaire, according to gender, age and offence, and demonstrates the broad range of victims and offences achieved from such a relatively small sample. For ease of analysis the offences of violent crime have been broken down into four categories: Physical Assault; Robbery; Sexual Assault and Harassment. The category of Physical Assault includes offences of common assault, wounding, other wounding, actual bodily harm and grievous bodily harm. It also includes six cases of domestic violence. For the purposes of this study, domestic violence is defined as a physical assault against a partner or ex-partner, male or female. In this study four cases were against females and two were against males. The category of Sexual Assault includes offences of rape, attempted rape, indecent assault, gross indecency and buggery. In four cases the victims were subjected to more than one offence category.

A total of forty-three questionnaires were returned via a local PO Box number providing a response rate of 22.63%, which is a favourable response in comparison to other similar studies (Temkin, 1999). Graph Two (see Appendix C) breaks down the sample of forty-three questionnaires returned according to the same categories of gender, age and offence as in Graph One for ease of comparison between the two groups. Graph Two demonstrates a similar range of offences across gender and age to

that of Graph One, thus indicating no obvious bias between those who received a questionnaire and those who responded. The category of Physical Assault includes five cases of domestic violence, three against females and two against males.

Questionnaire Analysis

The first empirical data to be collected was, therefore, through the administration of the questionnaires. As stated above, a weekly record was kept of the questionnaires posted and a case printout attached. This assisted greatly in matching up the cases when the questionnaires were returned and also provided background information relating to the nature of the offence and the victim. The combination of closed and open questions contained in the questionnaire brought the data immediately to life with the richness and the variety of responses.

The questionnaires were analysed using a relational database management system. The advantage of this system is that it is able to sort records on any numeric, Boolean, or text field, or combinations thereof, and is able to filter records, extracting certain ones with desired values in various fields (Richards and Richards, 1998). Database tables can then be related to one another to find patterns in the data. Preliminary analysis of the questionnaire provided a useful overview of the research population and their initial experiences of the criminal justice process. The questionnaire data revealed that:

- 72% of respondents were satisfied with their initial contact with the police;
- 18.6% required immediate hospital treatment following the offence;
- 25.6% required some form of medical treatment later;
- 51.2% knew the offender;
- 20.9% of cases an arrest was made at the time;
- 32.6% an arrest was made later;

As discussed above, the main purpose of the questionnaire was to encourage respondents to take part in the study and to provide information concerning the nature of their victimisation and the initial response to this by the police. The fact that 44.2% of the sample required some form of medical treatment indicated to some extent the

serious nature of the offences. Also the high percentage of offenders known to the victims is not unusual in cases of personal violence and this is subsequently reflected in the high number of arrests, although these did not necessarily result in a conviction. The questionnaire, therefore, provided the researcher with essential background information, which was later used to assist in the undertaking of the semi-structured interviews where the initial experiences of the respondents were explored further.

Information obtained from the forty-three questionnaires returned indicated that for 23 of the respondents it was their first experience of being a victim of crime. Those respondents indicating their willingness to participate further were contacted by telephone, or in writing if no number was given, and if appropriate a date for an interview was arranged. Initially, 34 of the respondents indicated that they were happy to be interviewed, whilst nine stated that they were happy to complete the questionnaire, but did not want to be interviewed. Seven of these nine gave no reason, but one female respondent said it was because of the personal nature of the offence (a sexual offence) and the other, a male victim of a physical assault, said he was a very private person.

However, out of the original 34, nine of those who had initially agreed on the questionnaire to be interviewed, were subsequently unable to be interviewed for the following reasons. In four cases the researcher was unable to make any form of contact with the respondents who had left only their addresses as their contact details. These respondents were written to twice and then it was assumed that they had changed their mind and their privacy was respected. The researcher had contact with another two of the respondents by telephone, one was in the Royal Marines and his father subsequently contacted me to advise that he had since been posted out of the country and would no longer be able to take part in the study. The other was an elderly lady and when I telephoned the contact number I spoke to her sister. I left my name and telephone number, but was careful not refer to the study to ensure confidentiality, however, no contact was made. I wrote to the lady, but no further contact was received, therefore, I assumed she had changed her mind. Three respondents agreed to be interviewed, but two were not in when the researcher visited as arranged. These two were written to again offering another interview, but no further contact was made. The third respondent, a female victim of a physical assault,

was in when visited, but advised that she had withdrawn her complaint to avoid any further harassment from the female perpetrators. It was difficult to pursue this conversation any further as it was being conducted from the first floor window whilst the female was in the bath and I was stood on the pavement outside. I felt that if the respondent had still wanted to talk about her experience she would have made herself more available, therefore, I thanked her and left.

This then left a total of twenty-five respondents to be interviewed, as illustrated by Graph Three (see Appendix D). This again demonstrates a similar range of offences and victims as shown in Graph One and Graph Two, thus indicating no obvious bias in the sample agreeing to be interviewed. The category of Physical Assault includes three cases of domestic violence, two against females and one against a male. Twelve of the respondents had already indicated on their questionnaires that whilst they would be happy to talk to the researcher, no arrest had been made and no further action was going to be taken. All twelve were contacted by telephone and although the respondents indicated that no further action was going to be taken, the researcher still offered to visit. This offer was accepted by seven of the respondents, whilst five were happy to be interviewed by telephone as they did not think they would be able to give me very much information.

These twelve respondents will be identified as respondents R1 to R12, so that when their initial experiences with the police are discussed further in Chapter Five, their cases can be identified by the reader without having to repeat the circumstances of each case. The details of the telephone interviews are discussed first briefly below.

Telephone Interviews

Four telephone interviews took place when the first call was made, whilst one respondent was contacted the following day at a more convenient time. The format of the telephone interviews followed the same structure as the semi-structured interviews, which followed the format of the questionnaire focusing on the offence and the initial response of the police. The telephone interviews were recorded in note form and written up straight away afterwards, so that no details were forgotten. May (1997) compares the advantages and disadvantages of telephone interviewing with that of face-to-face interviews and the researcher found that whilst the telephone

interviews yielded the basic facts of the victims' experiences, the lack of a visual-interactional component resulted in a failure to achieve the same richness in the data. This was not unexpected, as talking to a stranger about a sensitive issue over the telephone is not always conducive to sharing ones own personnel experiences in any great depth.

The first respondent (R1), a female, had witnessed a man who was drunk and lived in the same road physically abuse his wife in the street. R1's partner and son went to help, but the man was verbally abusive and kicked out at them. She called the police who came and arrested the perpetrator, but he was released shortly afterwards. He then returned to R1's house a further three times on the same night before the police arrested him under the Harassment Act 1997. R1 made a statement the following day, but did not want any action to be taken against the offender at that time and the offender was released. However, the police advised that if the harassment continued he would be arrested and charges would be made. R1 commented that she was very happy with the police response, and as there had been no further incidents, no further action had been necessary. Although the incident had now occurred over three weeks ago, I still left my contact details in case the situation should change, but no further contact was made.

The second respondent (R2) was a female who suffered an assault (kicked and punched) by her boyfriend, following an argument on their way home from an evening out. A neighbour called the police and they arrested the perpetrator at the time. The following day R2 made a statement at the police station and was advised of the consequences should charges be made, including the prosecution procedures, and upon this advice R2 decided to withdraw her complaint. R2 was very happy with the response by the police and received a letter from the domestic violence officer three days later. Knowing that the support was there, R2 said she would contact the police should a similar incident be repeated in the future.

The third respondent (R3) was physically assaulted by her ex-husband's girlfriend. Following the advice of her solicitor she reported the matter to the police and made a statement. However, having interviewed the perpetrator, the police advised that no further action would be taken, as the perpetrator's story was in contradiction to hers,

and as there were no witnesses "it may be seen as six of one and half a dozen of the other". However, R3 was advised to contact the police if there were any further incidents and as there had not been, no further action was necessary. Whilst happy with the initial police response, the respondent would have liked some action taken against the perpetrator.

The fourth respondent (R4) had suffered verbal threats and damage to her car by a client during her employment with social services. As she felt her employers were not taking the matter seriously enough she reported it to the police. However, R4 stated that the decision whether to prosecute was taken out of her hands by her employer. Although the client was eventually prosecuted (he was a sex offender who had been released on licence) this was not directly in relation to the offences against her and he was recalled to prison. However, R4 did advise that the cost to repair the damage to her car had been reimbursed by her employer.

The final respondent (R5) was a male victim who suffered an assault (pushed and bitten on the finger) by an unknown male whilst walking home from work late at night. Once home he called the police who visited to take a brief statement and advised that he take medical advice. R5 went to make a full statement two days later, but no one was available to take it. He left his details, but had received no further contact apart from a standard letter and a leaflet. R5 advised that he would not be making further contact with the police, as there was little they could do because he had been unable to give a description and there was very little information to go on. R5 concluded that he would "put the matter down to experience", but thought it would have been "common courtesy" of the police to have got back to him. I left my contact details with the respondent should he hear anymore, but no further contact was made.

As no further action was to be taken by the police in these five cases, from R1 to R5, they no longer fitted the purpose of the research, although in all cases the researcher left her contact details should the respondents wish to contact her if the situation changed. The seven respondents requesting an interview, even though no perpetrator had been arrested, went on to the next phase of the research.

Phase two - semi-structured interviews

The researcher contacted the respondents who indicated their willingness to be interviewed according to the details provided on the questionnaire. Interviews were arranged for a mutually convenient time and the majority took place in the respondents' homes. Semi-structured interviews were used at the beginning of the study and also at the end for those respondents whose cases had resulted in an arrest and prosecution proceedings had been initiated. These not only offered comparability between respondents' experiences, but also provided an opportunity to identify any changes in the views of respondents towards the criminal justice system as a result of their experience.

The first semi-structured interviews primarily followed the format of the questionnaire. The benefit of having already administered a questionnaire was that a "layer of understanding" was already in place when the interviews were undertaken (Miller and Glassner, 1997: 106). Respondents already had an idea as to what the interview would involve and I had some information with regards to their initial experiences. Whilst the decision to participate in the study was entirely voluntary, it was important to acknowledge issues regarding "informed consent" (Lee, 1995: 103) at all stages of the research. From the beginning of the study respondents had been given a number of options as to how much they may wish to participate. For example, they could choose not to participate at all by not completing the questionnaire, they could just complete the questionnaire and return it, or they could complete it and indicate their agreement to an interview by providing their contact details. It was also made clear to respondents that they would be able to withdraw from the research at any stage.

The first seven interviews involved those respondents where no arrest had yet been made, R6 to R12, but who still wanted an interview with the researcher. These interviews were used as a pilot study, not only to test out the questionnaire, but also my interviewing skills. With their consent, interviews were tape-recorded for transcription later and all respondents agreed to this. The respondents were assured of confidentiality and anonymity at all times and that I would be the only person who would listen to the tapes.

The first interview (R6) involved a lady aged 77 years old who had been the victim of a robbery whilst walking home from her cousin's house during the early evening. Whilst very satisfied with the initial police response there was a lack of information thereafter. However, the police were "quite insistent" that VS visit her, although she did not really want them to and found them "of no real assistance" when they did visit. Although her handbag was subsequently found, she was only informed of this when the member of the public who had found it telephoned her. Upon contacting the police, this was confirmed, but the perpetrators had not been found, although there was evidence that they had used her mobile phone. R6 was also awaiting the return of her coat, which had previously been taken for forensic examination. At the end of the interview R6 agreed to contact me if she received any further information and I left my contact details with her. I telephoned R6 myself six weeks later but no further progress had been made, although her coat had since been returned. R6 said she would contact me if she heard anything, but no further contact was made.

The second interview (R7) involved a lady aged 60 years old who had suffered harassment from a group of youths causing trouble in a local supermarket and when a female security guard came to her assistance, the youths pushed her aside and ran off. Whilst R7 said she was reluctant to get involved as it was "unlikely the police would do anything about it", she agreed to make a statement when the police visited her the following day. However, R7 has heard nothing during the last four weeks and although she "didn't think it was that serious" she would have liked to have been advised of the final outcome, as she had given up her time to make a statement. R7 agreed to contact me if she heard anymore, but when I telephoned her four weeks later no further information had been received.

The third interview (R8) involved a man aged 31 years old who was physically assaulted by two males known to him. The perpetrators lived on the same estate and had a reputation for causing trouble. Whilst the police spoke to the perpetrators, they in turn said the victim had assaulted them and the police were unable to find any witnesses prepared to make a statement. Although there were further incidents of harassment, the police response was that he seek a restraining order. However, R8's solicitor advised that he could not get legal aid for this, thus, could not afford to take this action. R8 was dissatisfied with the police response and believed that this had to

do with the fact that he himself had a criminal record and was currently on a Probation Order, although he said the police denied this. Due to ongoing trouble on the estate, R8 and his family had applied to the council to be re-housed and were awaiting a decision. I contacted R8 six weeks later and was advised that the police would be not taking any further action, as there was insufficient evidence. However, R8 advised that the harassment had stopped and that he was still hoping to move in the near future.

The fourth interview (R9) involved a 34 year-old male who had been the victim of a robbery. Whilst very satisfied with the initial police response, he had received no further information since making his statement the day after the incident. His father had telephoned on his behalf on a few occasions, but the only information received had been a standard letter from the Crime Desk and a leaflet. R9 said he was happy to participate in the study if an arrest was made and would contact me if he heard any more from the police. As R9 did not have a telephone, I wrote to him four weeks later, but received no reply. I, therefore, assumed that no further information had been received.

The fifth interview (R10) involved a 48 year-old male who had been physically assaulted by his partner's ex-husband. R10 went to the local police station following the offence, as he wanted "the police to take the appropriate action to prevent it happening again". Following making his own statement, he was advised that the police would invite the perpetrator to make a statement. He contacted the police a week later and was advised that they had interviewed the perpetrator, but due to insufficient evidence and a lack of witnesses no further action would be taken. R10 was satisfied with the initial response, although he would have preferred the police to have contacted him to advise of the outcome, rather than him having to contact them. However, he hoped that the subsequent police intervention would prevent it from happening again.

The sixth interview (R11) involved a taxi driver who was robbed of his money and the keys to his taxi by two youths whilst working early one evening. Anxious not to lose his taxi he went to a nearby house where he called his wife to bring the spare keys and then he contacted the police. R11 stated that it took over 10 minutes just to

get through to the police, but that they arrived within 10 minutes following the call. The police took a short statement at the time and offered to drive him around to see if they could find them, but R11 thought it would be too late. Instead he went to the police station the following day, made a full statement and went through some photographs to see if he could identify them from police records. Five weeks following the incident R11's wife received a call from the police at home advising that they "hadn't got anywhere with the investigation and didn't hold out a lot of hope". However, they did advise that if there were any similar incidents they would review the case. R11 was satisfied with this, given the limited evidence they had to go on, but said he would contact me if he heard anymore. I contacted R11 three months later, but he had heard no more from the police.

The final interview (R12) involved a 36 year-old lady who had been physically assaulted by a friend's husband whilst returning from a darts match by coach. R12 first contacted the police when she got home, but once the police had confirmed she had been drinking, they suggested she contact them in the morning. After some deliberation and talking to her sister, she went to the police station to make a statement the following evening, although was then asked why it had taken her so long to report it! The police then advised that they would interview some of the other people on the coach and R12 gave the names of some witnesses. Four weeks later the police telephoned her and asked her to come to the station, where she was advised that: "the perpetrator had denied it and the people they had spoken to said they either did not see it, would not be willing to talk unless pressed, and if they were they would speak against me." The police then advised that if the matter did go to court it might not look very good and there would be a lot of people giving evidence against her. There was also the possibility that the perpetrator may make a counter charge against her husband, as the perpetrator was stating that her husband had hit him, although R12 was unable to remember this. Given the circumstances, R12 decided that she did not want the matter to go to court and withdrew her complaint, although she was not at all satisfied with this outcome.

As no further action was going to be taken by the police in these seven cases, from R6 to R12, they no longer fulfilled the necessary criteria for the research. That is, that an offender be arrested in order to enable the case to be followed through to the next

stage of the criminal justice process. However, on every occasion the researcher left her contact details with the respondents. This was in case they wanted to advise of any later developments, if they wanted to find out more about the research, or if they should need information about any other organisations for further support or advice. However, no further contact from these respondents was received.

This left thirteen cases where a perpetrator had been identified and arrested, and these are illustrated in Graph Four (see Appendix E). This is presented in the same format as the previous three graphs to allow for a comparison between the four groups. Graph Four demonstrates that despite the sample being reduced from 190 to 13, the sample has retained a diverse range of offences across gender and age in accordance with the aims of the research. However, Graph Four does demonstrate that the case studies that went on to the prosecution stage were those officially classified as the most serious offences, i.e., those involving physical violence and sexual assault. This finding is not unexpected, as previous research confirms that only a small minority of offences actually reach court and that these include a higher proportion of offences involving violence or sexual assault (JUSTICE, 1998:58). In the remaining sample, the category of Physical Assault includes one case of domestic violence against a female respondent.

During the first semi-structured interview with the remaining thirteen respondents the aims and implications of a longitudinal study were explained in greater detail. Respondents were asked if they would like to continue to participate in the research, which would involve ongoing contact with the researcher by telephone, observations of court proceedings and a further interview at a later stage in the process. I was careful again to emphasise that they could withdraw from the study at any time. As observed by Shapland *et al.* (*ibid*: 4), in a longitudinal study there is no control over the outcome of the cases to be studied. However, I was fortunate that in the thirteen cases where an arrest had been made, all respondents were prepared to continue on to the third phase of the research.

Phase Three - Repeat In-depth Interviews

A salient feature of a longitudinal design is the necessity to maintain contact with respondents over a longer period of time. The nature and the purpose of the research

will obviously influence the level and the frequency of this contact and in the current study the contact was guided by the often lengthy and complicated procedures dictated by the idiosyncrasies of the criminal justice system. As the individual circumstances of each case study were very different, the level of contact with each respondent varied significantly, ranging from one case involving only 3 telephone calls and 2 in-depth interviews to another case involving 23 telephone calls, 3 in-depth interviews and 4 court observations. Throughout the period of fieldwork, the researcher's contact with the respondents totalled 217 telephone calls, 31 in-depth interviews and 32 court observations. Contact relating to the final thirteen case studies is discussed in greater detail below (see p.77). For the research to be successful, therefore, the researcher needed to secure continued co-operation over a period of time that could be months, or possibly even longer.

Silverman (1993: 91) describes the purpose of in-depth interviews as a way 'to generate data which give an authentic insight into people's experiences'. This is achieved by allowing respondents to talk about their experiences within their own frames of reference, i.e., drawing upon familiar ideas and meanings to them, thus providing a greater understanding of the individuals point of view (May, 1997). From an interactionist perspective, Miller and Glassner (1997: 100) suggest that whilst 'research cannot provide the mirror reflection of the social world that positivists strive for...it may provide access to the meanings people attribute to their experiences and social worlds'.

However, difficulties may arise in a researcher's ability to gain access to the meaningful worlds that people create through their interactions and experiences within it. Much qualitative research attaches great importance to the development of what it terms "rapport", a concept which Oakley (1981: 35) and Reinharz (1992) describe as ill-defined in the literature. However, it is a concept that has remained central to qualitative studies. Miller and Glassner (*ibid*: 106) identify "rapport building" as the key process that enables the knowledge of social worlds to emerge from ' the achievement of intersubjective depth and mutual understanding.' Spradley (1979, cited in May, 1997: 118) views the establishment of rapport as a four-stage process in which trust and co-operation can be built up. These four stages involve the use of descriptive questions, exploration, co-operation and participation that evolve

over a period of time.

Whilst the important underlying features of rapport can be recognised as 'establishing trust and familiarity, showing genuine interest, assuring confidentiality and remaining non-judgemental' (Glassner and Loughlin, 1987: 35), Blumer (1969:22, cited in Miller and Glassner, *ibid*: 106) suggests that it primarily involves the interviewee feeling comfortable and competent enough in the interaction to "talk back". The importance of this social interaction is noted by Miller and Glassner (*ibid*: 106): 'When respondents talk back they provide insights into the narratives they use to describe the meanings of their social worlds and into their experience of the worlds of which they are a part'. Therefore, they propose that interviews 'have the capacity to be interactional contexts within which social worlds come to be better understood' (*ibid*: 109).

This interactional perspective relating to the interview is discussed by Holstein and Gubrium (1997: 113) who suggest that 'recently heightened sensitivity to representational matters - characteristic of poststructuralist, postmodernist, constructionist and ethnomethodological inquiry - has raised a number of questions about the very possibility of collecting knowledge in the manner the conventional approach presupposes'. These alternate perspectives hold that meaning is socially constituted and consider the process of meaning production to be as important for social research as the meaning that is produced, bringing into play concepts relating to "active interviewing" and "interpretive practice" (Holstein and Gubrium, 1997: 114), where both parties to the interview are 'necessarily and ineluctably active'.

This raises important issues concerning the roles of both the interviewer and the interviewee within the research process and how this affects the data collected. This resonates with the core principles of a feminist perspective, with its emphasis on trust, empathy, subjectivity and meaning construction, facilitated by non-exploitative, non-hierarchical relationships, which according to Punch (1998) has materially affected the ethical dimensions in undertaking research. In the past, researchers have implied the role of the respondent to be a passive one (Sjoberg and Nett, 1968). However, postmodernist perspectives suggest that the interviewer has multiple intentions and desires, some of which are consciously known and some of which are not, as can also

be true of the interviewee (Sheurich, 1997). The roles of both interviewer and interviewee take on greater significance when undertaking a longitudinal study because of the ongoing contact required, thus necessitating the development of a relationship between the two. These relationships were further intensified in the current study as the interviews were undertaken by one researcher. This resulted in a substantial amount of time being spent in contact with those respondents whose cases progressed through all stages of the criminal justice process, as indicated above.

The qualitative data obtained from the on-going contact is described in greater depth in Part III and includes data gained from the questionnaires, relating in particular to the respondents' initial contact with the police and the levels of satisfaction with this contact. However, before the findings of the research are discussed, the methodological processes involved in the collection and analysis of the qualitative data gained from the telephone conversations, the in-depth interviews and court observations with the remaining thirteen respondents is described in more detail. In particular, the development of the research relationship is considered and the implications of this upon the subsequent role of the researcher.

The Research Relationship

The requirement of the longitudinal research design for prolonged contact over a period of time placed additional emphasis upon important concerns regarding the balance of power between the interviewer and interviewee, one of the core principles underpinning feminist research. A further theme identified by Reinharz (1992) concerns the role of the researcher, who tends to become more involved with those individuals being researched. This is an ethical issue regarding power and control in the research process, with a preference for not treating those being researched as "objects". Rather than minimising the personal involvement of the interviewer, this approach relies on forming a relationship between interviewer and interviewee, as an important element in achieving the quality of information required (Gelsthorpe, 1994). This emphasises, therefore, as a matter of ethical commitment, a style of interviewing based on reciprocity and a process of mutual self-revelation.

Adopting the core principles of a feminist perspective in the current study, I emphasised the importance of developing non-hierarchical and non-exploitative

relationships with respondents. Central to this theme is that although hierarchical relationships are not denied, they are questioned, as it is regarded as unreasonable to adopt a purely exploitative attitude towards interviewees as sources of data. Subsequently, a partially collaborative approach was adopted, as the study required a great deal from those individuals taking part. This involved not only demands on the respondents' time, co-operation and hospitality, but also the emotional cost of disclosing their personal, and for some very painful, feelings and experiences.

However, different forms of qualitative and participative research involve different levels of collaboration. Co-operative inquiry (Reason and Rowan, 1995; Heron, 1996) undertakes research *with* people, inviting respondents to be full co-enquirers involved in operational decision making. Other methods of naturalistic inquiry affirm the mutual influence that researcher and respondents have on each other and, whilst the dangers of reactivity are not ignored, propose that:

> 'Formal methods can never be allowed to separate the researcher from the human interaction that is the heart of the research. To get to the relevant matters of human activity, the researcher must be involved in that activity. The dangers of bias and reactivity are great; the dangers of being insulated from relevant data are greater.'
>
> (Erlandson *et al.* 1993: 15)

Whilst in the current study respondents did not become full co-enquirers, I did begin to view the thirteen core respondents with whom I came to work with very closely as participants to the research process, ensuring that fully informed consent was sought at all times. This, I believe, reflects more accurately their role in the research with regards to the sharing of information and their active involvement in the study. This is reflected in the change of terminology subsequently adopted for the remaining core respondents, who I prefer to refer to as "participants".

Whilst the advantages and disadvantages of repeat interviews are not extensively discussed in the methodological literature, they have in the past been acknowledged by Laslett and Rapoport (1975: 968, cited in Lee, 1995: 104). These authors suggest that repeat interviews enable the researcher to collect more information in greater depth than would otherwise be possible and is partly made by 'being responsive to,

rather than seeking to avoid, respondent reactions to the interview situation and experience' (*ibid*). Such an approach, therefore, does not seek to minimise the personal involvement of the researcher, as do the more conventional research methods, but instead relies very much on the formulation of a relationship between interviewer and interviewee 'as an important element in achieving the quality of the information required' (Rapoport and Rapoport, 1976: 31).

However, the development of relationships between interviewer and interviewee due to the use of repeat interviews has been subjected to criticism. McCracken (1988) states that the most obvious danger of a collaborative approach is that a respondent who is given the terms and objectives of the research may try to be over-helpful and try to "serve-up" what they think is wanted. A second danger is what McCracken (1988: 68) describes as "over-rapport", as there can be an advantage when the interview is relatively anonymous, as the respondent 'is blessed with the opportunity of candour.' This opportunity is diminished if a more substantial relationship is established. However, the sensitive nature and design of the current study necessitated the development of a more substantial relationship, particularly as one of the most often cited anxieties of victims of crime is their sense of loss of control over the whole process (Victim Support, 1995). Therefore, it was essential to ensure that the participants felt in control of their involvement in the research in order to prevent feelings of exploitation and, in particular, to avoid any further victimisation by the research process itself.

In a further critique of repeat interviewing, especially relating to sensitive topics, Brannen (1988: 559) argues that interviews of a one-off character are not only essential to ensure trust, as this benefits anonymity, but are also less demanding on the respondents themselves. However, as observed by Lee (1995: 112), the disadvantage of this rather "transitory relationship" is that the researcher cannot be used subsequently as a source of help or support. This appears to support the view of Oakley (1981: 44) that the single interview encourages what she describes as an "ethic of detachment". In her account of undertaking a longitudinal study she discusses the importance of developing a relationship between the researcher and interviewees:

'A different role, that could be termed "no intimacy without reciprocity", seemed especially important in longitudinal in-depth interviewing. Without feeling that the interviewing process offered some personal satisfaction to them, interviewees would not be prepared to continue after the first interview.'

(Oakley, 1981: 49).

This, I believe, was particularly relevant to the current research and to facilitate the process of in-depth interviewing in this study I set out to develop with participants a relationship founded upon a sense of mutual respect, trust and understanding. Interviews were arranged by telephone and the majority took place in their own homes. This provided a safe, private and comfortable environment and I was fortunate that a friendly hospitality was always extended to me. With participants having previously completed the questionnaire, a layer of understanding had already been provided for both parties upon which to base initial expectations of the interview. The content of the questionnaire was discussed in greater depth, encouraging the participant to tell *their story* and describe their experiences in *their own words.* Together with normal conversational skills, verbal and non-verbal, I used a process of "sequential interviewing" (May, 1997: 120), which permits a greater flexibility for the participant to answer in their own terms. Using a chronological format it enabled them to reflect on the event as it unfolded and on their experiences of the event. As stated by May (*ibid*: 120), 'this method of "reflecting back" allows interviewers to confirm their interpretations and to seek elaboration's upon the person's account.'

This chronological method of interviewing can be associated with the earlier social research methods of the Chicago School (see Bulmer, 1984) involving life history and biographical interviews, focusing on the idea of a person's "career". This does not relate to changes in a person's occupational status, 'but the transformations people undergo in adopting particular roles as the result of new experiences' (May, 1997: 120). This can be considered particularly relevant to people who unexpectedly find themselves the victim of a violent crime and how the experience may change their perception of themselves. Research has shown how this perception can be considerably influenced by the reactions of others towards them, in particular the response of the criminal justice agencies. Importantly this can affect how victims cope with their victimisation and ultimately their ability to recover. The impact of

victimisation and the complex social processes implicit in achieving legitimate victim status and access to support is discussed in greater detail in Chapter Four.

To assist in the interview process, I found the professional skills I had developed in my earlier training to be especially useful, in particular the ability to listen effectively and to remain non-judgemental. I was encouraged and felt humbled by the participants' willingness to discuss sensitive, personal and often painful experiences, including those not directly related to the research. This again raises the issue of informed consent, as Brannen (1988, cited in Lee, 1995: 103) argues that in-depth interviewing poses more acute problems than survey interviewing and participant observation because:

'Disclosure of sensitive or confidential information is usually only possible in situations once trust has been established. Where this has been done consent becomes implicit. Moreover, there is no guarantee that informants will realise before an interview begins what they might reveal, in what ways, or at what risk.'

The above was particularly relevant to the core group of participants whose cases were followed throughout the process once an arrest had been made. Repeated contact necessitated negotiating and defining a role that was mutually acceptable to both parties that could be maintained throughout the research. At all stages of the research, therefore, I remained respectful and sensitive to the needs of the participants and was careful not to be considered as intrusive. This was of particular importance when attending Court hearings, especially for those required as witnesses. However, the majority of participants actually expressed a preference for my attendance at Court to provide a primarily supportive role i.e., a familiar and friendly face and someone to whom they could turn to for information if required.

The role of the interviewer as a possible resource for the interviewee is acknowledged by Sheurich (1997). Adopting a postmodernist perspective of interviewing, Sheurich (*ibid*) stresses the complex ambiguities of language, communication and interpretation and criticises conventional approaches for underestimating the complexity of one-to-one human interaction. Questioning the asymmetry of power, he suggests that 'interviewees are not passive subjects, they are active participants in the interaction.

They, in fact, often use the interviewer as much as the interviewer is using them,'(*ibid*: 71).

This use of the interviewer by interviewees was strongly reflected in the current research as I subsequently adopted the dual role of researcher and resource as the study progressed. Concerns relating to possible power differentials between researcher and researched appeared absent. Instead, my attempts to ensure that participants did not feel used and exploited by the research process were often brushed aside by their overriding need to ask me for information and advice. This, I believe, was indicative of the existing feelings of powerlessness amongst participants, a consequence not only of their victimisation, but also their lack of knowledge and information concerning the criminal process. This need to use the researcher as a resource thus confirmed their status as "passive consumer" imposed upon participants by the criminal justice process, and their subsequent need to actively seek support from other sources. This, therefore, imposed a dual role as researcher and resource.

A Dual Role – Researcher and Resource

As acknowledged above, my interest in victims of crime developed through a combination of professional, academic and personal concern for the apparent neglect of victims in a system that paradoxically relies on them for both its efficiency and success. This utilisation of a researcher's personal experience is a distinguishing feature of feminist research and is, therefore, included as one of the themes identified by Reinharz (1992: 259):

'Many feminist researchers describe how their projects stem from, and are part of, their own lives...[and]...frequently start with an issue that bothers them personally and then use everything they can get hold of to study it.'

This approach of "starting from one's own experience" (*ibid*) has been criticised by those supporting more conventional methods of research, advocating instead that the researcher be detached, objective and value neutral. However, a core principle of feminist research is that it disclaims any pretensions to "value free" research, the researcher instead deliberately setting out to make explicit their own values. This is seen as integral to a feminist approach, which has subsequently lead to accusations of

a lack of objectivity, although, 'it is precisely this notion of "objectivity" which feminist researchers aim to question and hold up to scrutiny' (Gelsthorpe, 1994: 93). The importance of acknowledging what the researcher brings to the "interpretive moment" is recognised by Sheurich (1997: 73) in his postmodernist critique of interviewing, although he suggests that this alone cannot reduce the fundamental indeterminacy of the interview interaction itself.

However, my professional experience of the processes involved, combined with my personal interest in victims' experiences of those same processes, provided a framework of knowledge in which to explore the issues in greater depth. In recognition of the "baggage" (*ibid*: 74) that I would bring to the research, I decided to be open with the participants about my professional background. Whilst aware of the risk that participants may then perceive my professional role as being in conflict with them, i.e., identifying me more with the offender due the perceived role of probation officers, I decided that honesty and the establishment of mutual trust far outweighed this risk. Consequently, at the beginning of the first interview I explained to participants my background and how I first became interested in victims' experiences of the criminal justice system. From this initial introduction I perceived no hostility with regards to my professional role, in fact the reactions I received tended to indicate the exact opposite. Being seen by participants as "part of the system" seemed to enhance my credibility, in that it was assumed I would have some knowledge of this extremely complex system in which they now unexpectedly and apprehensively found themselves.

However, the acknowledgement of this dual role in the research process begins to raise important ethical issues. In particular, it was essential not to falsely raise participants' expectations, so it was made clear from the very beginning that in no way would I be able to influence the outcome of their case and neither would their participation in the research. However, it could be argued that my subsequent advocacy on behalf of some of the participants (see p.5), and the support provided to participants during the fieldwork, did have some indirect influence on the case studies, although this role had not been originally anticipated. As the research progressed potential conflicts of interest did arise on occasions and how these were dealt with is discussed in more detail below.

However, as Corbin (1971, cited in Oakley, 1981: 53) importantly acknowledges, the exact type of relationship formed is something the interviewer cannot entirely control. At the initial stages of the research I was unable to predict how the relationship with the participants would develop as this depended on the progress of their case and the level of contact maintained. I was, however, very aware from the beginning and throughout the study that they could withdraw their co-operation at any time. However, it became obvious during the initial interviews that the majority of the participants were overwhelmed and confused by their enforced involvement in the criminal justice system and this highlighted their need for information, not only relating to their case, but criminal justice procedures generally. Their general lack of knowledge regarding the criminal justice system became apparent from the types of questions they asked and due to my ability to provide that information I soon adopted the dual role of researcher and resource. This resulted in the development of what I believed to be a mutually beneficial relationship with the group of core participants. My subsequent involvement with the participants could be criticised by those preferring more conventional methods as "contaminating" the research. However, given the sensitive nature of the research, if I had been perceived as unhelpful or obstructive, refusing to give information or advice, participants would have understandably withdrawn their co-operation and I would have lost not only the richness of my data, but the very data itself. As acknowledged by May (1997: 122):

'To expect someone to reveal important and personal information without entering into a dialogue is untenable. For these reasons, *engagement*, not disengagement, is a valued aspect of the feminist research process.'

Primarily participants wanted information regarding the processes involved, e.g.; what happens now?; how can I find out?; will I have to go to Court?; do I need a solicitor?, etc; Taking into consideration my social work background, I found it instinctive to want to offer help and support, but consciously decided not to do things on behalf of the participants, but instead gave them the information they required to make decisions for themselves. If I did not have the information they required, I would find it from the relevant sources. However, I remained vigilant at all times not to raise participants' expectations and never attempted to guess the possible outcomes or sentences of individual cases. An illustration of the equality achieved in my

relationship with participants was, I believe, their willingness to contact me, not only when requiring support or advice, but also to tell me of some further development in their case or to pass on information useful for the research. The relationships developed were, therefore, essentially reciprocal as without this there would have been little incentive for participants to continue to invest their time and emotion into such a study. The development of a reciprocal, therapeutic relationship with participants when undertaking longitudinal research was also found in a study undertaken by Acker, Barry and Esseveld (1991), discussed further on p.89. Before moving on to discuss the findings of the research, a description of each case study for the remaining thirteen core participants is outlined below.

The Core Participants

It was the case studies of the thirteen remaining core participants (as illustrated by Graph Four, Appendix E and discussed on p.66) that were subsequently followed through the criminal justice process from the beginning to the final outcome, and the participants' experiences analysed in detail. These cases are described briefly below to give an indication of the level of contact with each participant following the first semi-structured interview, although a more detailed analysis and discussion of the qualitative data is provided in Part III.

The level of contact with each participant depended upon the complexity of their case and their subsequent involvement with the criminal justice process. In particular, it was found that those participants who may be required as witnesses tended to keep in regular contact, especially if there were a number of preliminary court hearings before the trial. This highlighted their need for information and reassurance at these particularly anxious times, which could not be readily accessed from other sources. The subsequent two-way communication, often instigated by either party, illustrated the involvement of the participants in the study, encouraged by the sharing of information in the reciprocal relationships that had developed. Contact with participants was maintained primarily by telephone conversations, during their attendance at court and a final interview following the outcome of the case. I attended court hearings with six of the participants. Four of these cases also involved attending preliminary court hearings and all six cases resulted in a trial where the participants were required to attend as witnesses, although two were not subsequently required to

give evidence. The participants' experiences of being required as witnesses are discussed in greater depth in Chapter Eight.

For ease of identification and to ensure anonymity and confidentiality, the core participants are referred to as P1 through to P13 for the remainder of the thesis. In addition, a summary of the thirteen case studies, including the offences, charges and final outcomes are outlined in Table One (see Appendix F) to assist the reader in identifying the individual participants when their cases are discussed in more depth in Part III.

Participant One (P1)

P1, an eighteen year-old female, had been headbutted by an unknown male in a nightclub on Christmas Eve and had suffered severe bruising to her right eye. Although the offender had been arrested following the offence, P1 had not been informed of the charges or any bail details until a police officer visited her at home in February and confirmed that the offender would be charged with Common Assault. The first interview took place in March and P1 was happy to take part in the research. She advised that she would contact me when she had been informed of a court date. P1 telephoned me two weeks later to advise that she was required as a witness at the Magistrates court in two weeks time and would be glad if I could go. Unfortunately the case was dismissed and I telephoned P1 a week later to arrange a final interview, which took place in May. It was agreed that I could call P1 in a few months time to see whether she had received any compensation from the CICA and this was confirmed by telephone in October. A "thank you" card was sent to P1 one week following the final interview.

Participant Two (P2)

P2, a 42 year-old female, had been physically assaulted whilst in her car by the ex-girlfriend of a male friend in January. A week later the same offender also damaged her car. The offender had been arrested and was on police bail until the first hearing in February. The first interview took place the day before the first hearing and P2 agreed to continue with the research and would advise me when she had heard the outcome of the hearing. P2 telephoned a week later to advise that the offender had only pleaded guilty to the Common Assault, the case had been adjourned to the end of March and

she would be required as a witness. P2 was very anxious about this and telephoned me on three occasions before the trial for information on court procedures, possible outcomes, general advice and support. P2 had also been suffering further harassment from the offender, although this was in breach of the offender's bail conditions.

I was due to attend court with P2, but on the day of the trial she called to advise the CPS had advised her that the offender had changed her plea to guilty and there was no need to attend. The case was then adjourned for the preparation of a pre-sentence report (PSR). Following sentencing in April, I called P2 who had not been informed of the outcome yet and she advised that she would contact me once she had. P2 telephoned two weeks later stating she had received a letter from the Magistrates Court advising of a Compensation Order, but not of any other sentence. P2 subsequently visited the Magistrates court to find this out for herself, although contacted the researcher to find out the implications of the sentence as a community sentence had been given. The final interview was arranged for a date in May. Following this, I asked if I could call in a few months to find out if the CICA had awarded compensation and this was confirmed by telephone in November. A "thank you" card was sent to P2 one week following the interview.

Participant Three (P3)

P3, a 27 year-old female, had been physically assaulted, and suffered severe bruising to the face, by her estranged husband in her home whilst her three children were present. Although the offence had occurred in early December, the offender had only been arrested the week before the first interview, at the end of January. P3 was happy to participate in the research and I agreed to contact her in a couple of weeks to see if she had heard anything. I contacted P3 twice in March and on the second occasion she advised she had received a letter requesting her to be a witness in two weeks time and she was happy for me to attend the Court with her. On this occasion the matter was adjourned to a date in April as the case had been double booked and the first case had overrun. I attended the second hearing with P3, but on this occasion the offender changed his plea to "guilty" and the matter was adjourned for a PSR. I telephoned P3 prior to the sentencing date. She did not want to go, but confirmed that I would be. The offender failed to attend and P3 called later to advise she had heard from his parents that he had gone to the wrong court and the matter was now adjourned until

the end of May. I attended court on this day to hear the final sentence and P3 telephoned me that evening to find out if I had gone and what had happened. I advised her of the final outcome and arranged a date for the final interview in June. In early July P3 telephoned to say that she had received a letter from the police advising of the sentence. A "Thank you" card was sent to P3 in early August.

Participant Four (P4)

P4, a 34 year-old female, had been suffering ongoing harassment from her ex-sister-in-law, which had resulted in a common assault and criminal damage to a window in her house. The offence had occurred at the end of December, at the time of the first interview at the end of January there had already been a preliminary hearing when the offender had pleaded guilty. However, P4 called me a week later to advise that her daughter had been assaulted by a friend of the ex-sister-in-law and advised that the police had been informed. Although this case did not form part of the current study, P4 did like to keep me up to date with what was happening, in addition to her own case. In February a Compensation Order was made for the original case and a final interview was undertaken in March and a "thank you" card was sent a week later. P4 called in June to advise the outcome of her daughter's case.

Participant Five (P5)

P5, a 20 year old male, had been attacked and knocked unconscious by three unknown youths whilst returning from a club one night late in January. At the time of the first interview in early March the offenders had been identified and P5 was waiting to hear that they had been charged. P5 was happy to continue with the study and I agreed to contact him in a week to find out whether he had heard from the police. I contacted P5 the following week and he advised that the offenders were to be charged that evening. I called two weeks later and P5 advised that the police had visited last week to get more information regarding the incident and that the first hearing had been yesterday, but he had not been advised of the outcome. The following week, now April, I contacted P5 and he had still heard nothing from the police, but two weeks later P5 called me to say he had contacted the police and been told that two youths had pleaded "guilty" and one "not guilty". P5 contacted me two days later to advise that the police had told him that the two youths pleading "guilty" had received custodial sentences, but P5 had not been told previously about the court hearing. The same day

P5 was contacted by the CPS, as he was required to be a witness in the trial of the third youth who had pleaded "not guilty", and this was in seven days time. P5 was very anxious about this and I offered to visit him the following day. During this visit we discussed court procedures and P5's concerns about being a witness. Unfortunately there was no Witness Service at the Youth Court and P5 was more than happy when I asked if I could attend.

I attended the Youth Court with P5 and this is discussed in more detail in Chapter Six. The following week P5 contacted me to discuss how he felt about this and I arranged to visit him in two days time to talk about it in more detail. In May I telephoned P5 to find out if he had heard the outcome of an appeal made by the two youths who had been convicted, but he had not. I contacted the courts the following day to find out and telephoned P5 to advise him of the outcome. The final interview was arranged for in two weeks time. By this time P5 had already received the outcome of his CICA claim. A "thank you" card was sent a week following the final interview.

Participant Six (P6)

P6, a 26 year-old male, had been brutally assaulted by an unknown male on the way home from a night out with some friends and suffered extensive facial injuries. The offence had occurred in mid-December and at the time of the first interview at the beginning of February, although some of the offenders were known, no arrests had been made. P6 agreed to participate in the research and I agreed to call him in a few weeks time to see if he had heard from the police. I called four weeks later and P6 advised that he had attended an identification parade last week and that the offender had been arrested. P6 took my contact details and said he would contact me when he next heard from the police. As I had not from P6 for two months, I contacted him in June, but he advised that he had not been advised of a court date yet. Early September, P6 telephoned to advise that he had received a court date for October and was required as a witness. P6 was happy for me to attend the court, which I did, and this is discussed in greater detail in Chapter Seven. Following the trial I arranged to meet P6 in November for the final interview. A "thank you" card was sent the following day.

Participant Seven (P7)

P7, a 57 year-old male, had been attacked by a man living in a neighbouring room in a multi-occupancy house. The offence had occurred in mid-December, and at the time of the interview at the end of January, the offender had been arrested and charged with Wounding, and had been given police bail. The offender had since been asked to leave by the landlord and was due to appear in the Magistrates court in February. P7 was happy to be contacted again and I said I would call him after the hearing. I called P7 a week following the hearing and P7 advised that he had contacted the police and been told that the offender had failed to attend the court and a warrant had been issued. P7 said he would contact me if he heard again from the police. Two months passed and in June I contacted P7, but he advised he had heard nothing from the police. In September P7 called me to advise that he had witnessed the offender being arrested locally for another offence and when he contacted the police he had been advised that the offender had been given police bail, but had failed to attend. Another warrant was issued. I contacted P7 in January and still no action had been taken. P7 had contacted the police who advised they had no record of the warrant, although this was later found. As it was coming to the end of the fieldwork I arranged a final interview with P7 in February. It was now thirteen months since the offence occurred and no prosecution had been made and a warrant remained outstanding

Participant Eight (P8)

P8, a 50 year-old female, had been attacked and robbed in a public toilet by an unknown male. The offence occurred in January and I interviewed P8 four weeks later. The offender had been arrested four days after the offence and was charged with Attempted Rape, False Imprisonment and Robbery, and was remanded in custody. The story had been reported in the local newspaper. P8 was now waiting to hear from the police about the court dates and was happy to be contacted again. I contacted P8 two weeks later, but she had not heard anything. Two weeks later P8 contacted me to advise that the CID officer had said the offender was due to go to the Crown Court in four weeks time, but no date had been given. I contacted P8 again two weeks later for a general chat and to see how she was. The CID officer had confirmed the charges and which Crown Court the matter would be heard at, but the date was not known. Four days later P8 called me to advise she had received a witness notice letter asking her availability to be a witness. As P8 felt quite anxious about this I arranged to visit

her the following week. Whilst in a local shop the week after the visit I heard details of the case on the local radio stating the outcome of a hearing that day. Before I had an opportunity to call her that evening, P8 called me and advised that CID had called her today to advise that the offender had pleaded guilty and was remanded in custody for the preparation of reports. I contacted P8 regarding the next hearing in May, she did not want to go and I said I would.

The matter was adjourned in May as the offender had failed to co-operate with the preparation of the reports and in a letter brought to the attention of the court had made threats to kill involving two criminal justice females and the victim resulting in further charges. This raised an ethical dilemma as to whether I should inform P8 of the additional charges and how this situation was resolved is discussed below (see p. 92). The matter was finally heard for sentencing at the end of July and the CID officers visited P8 at her work, telephoning in advance, to advise her of the outcome. P8 telephoned me that evening to advise of this and a final interview was arranged in three weeks time. Further contact was maintained following the final interview to find out if compensation had been awarded and whether contact had been made by the Probation Service. I contacted P8 in November and the CICA had written again asking for information on long-term effects of the offence and I agreed to contact her again in one months time.

I contacted P8 in early February and she had not heard from the CICA or Probation. P8 invited me to go out with herself and a friend, which I accepted. I contacted P8 again in April and she had received a compensation award from the CICA, but had still not heard from the Probation Service. Shortly afterwards I was contacted by the Probation Victim Liaison Officer and the details of this are discussed below (see p.92). Following this the case was concluded and I sent a "thank you" card, but continue to have the occasional telephone contact when P8 calls.

Participant Nine (P9)

P9, a 43 year-old female, had been indecently assaulted by an unknown male whilst walking to meet her partner in a pub near their home on Christmas Eve. The first interview took place at the end of January and at this time the offender had not been arrested. However, an identification parade had been arranged for the following week.

P9 was happy to take part in the research and I agreed to contact her after the identification parade. I made three further calls to P9 the following month, but she had heard nothing from the police since the identification parade.

P9 was beginning to get very frustrated by the lack of information, so I attempted to find out some information for myself, although this proved difficult at first. The ethical issues relating to my ability to gain information are discussed below (see p.91). However, it transpired that the offender also went by an alias and from then I was able to follow the case. I liased with the Magistrate court and got the date of the next hearing, of which I informed P9. However, the police did advise her of this date two days before the hearing. P9 was becoming increasingly anxious, as she had still not been advised whether or not she would be needed as a witness. During the next six months, from April to October, I made six telephone calls to P9 and six calls to the local courts. P9 called me on three occasions. This contact all related to information regarding court hearings, from the Plea and Directions hearing to the final date of the trial, which had been delayed due a previous trial running over. It was eventually confirmed by the police witness liaison unit that P9 would be required as a witness, but only one week before the trial.

P9 was happy for me to attend court with her in October, but the first hearing was adjourned because the offender failed to attend and a warrant was issued. I liased with court officials to find out what was happening and relayed this back to P9. I also called P9 shortly afterwards to discuss what had happened. The offender was arrested on the warrant two weeks later and remanded in custody until another trial date was listed for December. I attended the trial with P9 who was required as a witness, but a verdict was not reached that day. I returned to hear the verdict the following day. P9's daughter and partner came, but P9 did not want to attend. The matter was adjourned for four weeks for a PSR to a date in January. I contacted P9 shortly before the sentencing date, but she had heard nothing since attending as a witness. I attended the court for sentencing and P9 contacted me that evening to find out the final outcome. The final interview was arranged for the week after and P9 agreed to further contact to discuss the compensation award and any subsequent contact with the Probation Service. A "thank you" card was sent in the meantime.

In May, P9 contacted me to advise that she had heard from the Probation Service. As there had been some problems arising from this contact, I visited P9 to discuss this in July. As P9 had still been waiting to hear regarding her claim for compensation, I followed this up in January and was advised that confirmation of an award had been received in December.

Participant Ten (P10)

P10, a twenty-six year-old female, had been indecently assaulted by a male youth whilst walking home one early evening in December. The first interview took place in early February and at this time P10 had attended an identification parade and the offender had subsequently been arrested and charged. P10 was advised that as the offender had pleaded guilty she would not be needed as a witness and had heard nothing from the police since. P10 said she would liked to have known the outcome and agreed to contact me if she received any more information from the police. As I had not heard anything from P10 by May, I contacted the Results Section of the police and was advised that the offender had been sentenced at the Crown Court earlier that month. I telephoned P10, who had subsequently moved out of the area, but her friend, who I had met during the first interview, gave me a contact number. I contacted P10, who was pleased to hear from me, and the final interview was conducted by telephone in early June.

Participant Eleven (P11)

P11, a twenty-nine year old female, had suffered sexual abuse from the age of seven by a family friend over a period of years. The perpetrator was arrested and charged in January and the first preliminary hearing was due in the Magistrates court at the end of February. The first interview took place at the beginning of February and P11 agreed to participate in the research. P11 advised that there were two other victims involved in this case and that one of these victims, who lived locally, had also expressed an interest in participating in the research (see Participant Thirteen below). I attended the first hearing at the Magistrates court and we went back to P11's house afterwards to talk about what had happened and what the next procedures would be. A "not guilty" plea had been entered and the case adjourned for four weeks for a committal date. There were two further preliminary hearings in the Magistrates court in April, which I attended with the participants, before a date was set in May for the

PDH. I called P11 on two occasions during this period to confirm hearing dates and to advise what these were for. At the PDH a trial date was fixed for August and P11 called to advise of me of this.

The level of contact increased during the pre-trial stage as P11 was beginning to feel very anxious. She contacted me on three occasions to advise that she had had contact from the police, a letter requesting her availability to be a witness and a letter from the Witness Service. I also contacted her on two occasions in response to questions about court procedures. P11 then called a week before the trial was due to start to advise that it had been cancelled and I made a number of calls to find out why and to pass this information on to P11. In September P11 called to advise of the new trial date and had a lot of questions, some of which I was unable to answer, therefore, I liased with the CPS and they eventually contacted P11 directly. Two further calls were received from P11 just before the trial to confirm travel arrangements and calm nerves. The trial lasted six days and I attended on every day. The final interview was held two weeks after the trial, just before Christmas, and I gave P11 a "thank you" card and a present. P11 called four weeks later to update me on things that had been happening and, following a call in May, a final visit was made in June to discuss her contact with the Probation Service.

Participant Twelve (P12)

P12, a twenty-eight year old female, and her sister had been sexually abused by their father as children and had decided to contact the police when they were concerned about the contact he was having with two of another of their sister's children. The first interview took place in February and at this time her father had already pleaded guilty at a preliminary hearing in the Magistrates court. However, P12 was interested in the research and wanted to participate, therefore, I agreed to remain in touch to follow the progress of the case. Two calls were made prior to the hearing in the Crown Court in May, one from P12, as she had been upset by the reporting of the matter in the local press, and one from myself to confirm that I would be going to the hearing. P12 did not want to attend herself. P12 called to discuss the final outcome and to advise that the allocated officer had visited to discuss this and complete the CICA form. The final interview was undertaken in June and a "thank you" card sent the following week. Further contact was made in August, but P12 had not received any contact from the

Probation area responsible for the case.

Participant Thirteen (P13)

P13, a thirty-five year old male, had been sexually abused as a child over a period of years by a family friend. P11 and P13 had been abused by the same perpetrator and although both had been sent a research questionnaire, P13 had only decided to become involved in the research after P11 had told him about her meeting with me. He then asked her to ask me to contact him. The first interview took place in February shortly before the first preliminary hearing in the Magistrates court, which I attended with both P11 and P13. I received a call from P13 before the next preliminary hearing in April and arranged to meet at the court. During the interim period before the trial due to take place in August, P13 called to ask advice on court procedures and the role of the WS. P13 could not remember receiving a letter from them, although P11 and his sister (the third victim in the case, but who lived in another area now) had. I explained this to him and contacted the WS, who advised that a letter had been sent, but that they would send another.

The level of contact with P13 was less than that maintained with P11, and this may have been due to P11 having ongoing contact with a counsellor at the time and also being in a supportive relationship. Although P13 had a close circle of friends, she had the added pressures of being a single parent of four children and did not have the support of ongoing professional counselling. (The importance of support networks and professional counselling are discussed in Chapter Nine.) However, P13 did contact me to discuss the pre-trial visit and called immediately following the news that the trial had been postponed. He then called in September to confirm the new court dates and again shortly before the trial to ask if I would be going. I then attended the six-day trial in December with both P11 and P13. P13 also contacted me the day after the trial to discuss the outcome and how he was feeling about what had happened. A final interview was arranged for a week later, where a "thank you" card and present was given as a small token of my appreciation. P13 then called in January to talk about a report in the national press, which related to the case and again in June to ask if I would help him to complete a CICA form. I visited P13 in June to help complete the form and P13 called me in March to advise of the amount received.

Having formed quite close relationships with some of the core participants during the fieldwork, it was important not to end the research relationship abruptly and to achieve some form of closure that satisfied both parties. Following the final interviews further contact was still required to await the outcomes of state compensation. I had also offered to provide participants with a copy of the research once it had been completed. Whatever the situation, a card expressing my appreciation for their contribution to the study was sent to all participants following the final interview and occasional telephone contact has continued with some of the participants.

As highlighted during the brief discussion of the case studies above, the dual role of the author as both researcher and Probation Officer gave rise to what could be considered as a number of conflicting interests. In a discussion of ethical problems and dilemmas focusing predominantly on social work practice, Banks (2001) describes an ethical dilemma as a choice between two equally unwelcome alternatives involving a conflict between ethical principles. However, 'for the experienced practitioner it may be obvious that one alternative is less unwelcome than the other, or that one principle has priority over another' (*ibid*: 163). This, therefore, requires the professional to take some action based upon a moral choice or decision and Banks (*ibid*) states that rather than by random choice, this decision is based upon a process of critical reflection. A discussion of some of the ethical dilemmas arising from the research and how these were managed are now considered below.

Ethical Dilemmas – a Reflective Account

It should first be clarified that the author's perception of herself in the research process was primarily that of a qualitative researcher. My dual role as a Probation Officer was in some ways incidental and although my interest in victims of crime had arisen from my professional training, my intention had not been to undertake the research from a practitioner based perspective. The reality was, being a single parent, I needed to work part-time to fund my full-time research degree and, having recently qualified as a Probation Officer, it seemed an obvious choice as temporary work was always available. However, as already discussed above, my professional role did carry with it some immediate advantages, including a good understanding of the research area and a knowledge of the relevant organisations, which assisted in gaining access

to the research area in the first place.

It was essential, therefore, to remain aware from the outset of the research of the privileges that my role as Probation Officer in the same geographical area as the research also carried with it. The first of these being my ability to gain access to information regarding the individual cases and subsequently the perpetrators involved. This information could be accessed through Probation Service records, both electronically and in files, and through my contact with other criminal justice agencies, using my Probation Officer status to gain the information required. It was essential, therefore, that throughout the research I remained aware of the boundaries that existed between my professional responsibilities and my responsibilities towards the participants, relating in particular to issues of confidentiality.

Recognition of these boundaries was important, as it became apparent from the initial contact with participants that their knowledge of the criminal justice system was very limited and some time was spent during the initial interviews explaining general terms, practices and procedures. This assisted greatly in my ability to build a rapport with the participants, as they immediately viewed me as a credible source of information. As the research progressed many participants became increasingly dissatisfied with the criminal justice process, due primarily to a lack of information and support, unexplained delays and what was perceived as impersonal treatment by the agencies concerned.

It was due to my ability to bridge this gap, as both researcher and professional, that I gradually undertook the role of offering support to participants, by discussing with them their concerns, providing information and attending preliminary court hearings and trials. This development of a reciprocal relationship has been acknowledged in other feminist research adopting the use of repeat in-depth interviews (Acker *et al,* 1991), but also highlights the 'unarticulated tension between friendships and the goal of the research...thus the danger always exists of manipulating friendships to that end.' (*ibid*: 141). Thus whilst adopting this supportive role did not come unnaturally, due to my professional role, it was important not to exploit this relationship for the purposes of the research.

As acknowledged by Taylor (1999: 158), a Family Group Conference co-ordinator, there are dangers associated with this approach: 'working with families in a state of crisis is a task fraught with possibilities for misunderstandings and for the projection of negative feelings'. This could equally be applied to working with any vulnerable group, including victims of crime. It was essential, therefore, that any information I gave was accurate, reliable and understood, and that I presented myself to both participants and the relevant criminal justice agencies as neutral, respecting my responsibilities to both.

Central to achieving this is the notion of reflexivity, a key principle for both the qualitative researcher and professional practitioner. Banks (2001) emphasises the importance of developing a capacity for critical reflection as part of the process of becoming a reflective practitioner. This assists in the development of a critical and informed stance towards practice, which can only come about through the doing of practice (*ibid*). This in turn emphasises the importance of practitioner experience, as acknowledged by Brookfield (1987:156). A particular advantage of my professional experience was perhaps crucially, a familiarity with 'the ethical problems and dilemmas inherent in the practice of social work' (Banks, 2001: 21). This enabled me to clarify the distinction between my dual roles and allowed me with some confidence to act on my own principles, guided by my professional experience.

This particularly assisted in my ability to continually reflect upon my dual role and this remained an important aspect during both the fieldwork and the subsequent analysis of the data. Central to the feminist perspective adopted by the methodology are the concepts of self-awareness and self-criticism. This includes the continual monitoring of the researcher's own feelings about the research process and viewing their own involvement as both problematic and valid: 'the researcher can never escape the subtle and not-so-subtle influence of her or his values, beliefs and experiences' (Hudson, 1985: 120).

Another potential tool to resolve these ethical conflicts was the undertaking of the research overtly, thus attempting to reduce the potential for misunderstandings and conflicting interests. As access was gained through the local TIG, senior criminal justice professionals were aware of the research, including my employers, the

Probation Service. All criminal justice personnel interviewed were informed of the purposes of the research and my status as a Probation Officer and, as described above, participants were also informed that their participation and my involvement would not influence the outcome of their case. Some specific examples of ethical conflicts arising from the research are now discussed below, whilst others are incorporated within the wider discussion of the research findings in Part III.

A dilemma that regularly arose as the research progressed was the sharing of information. It soon became evident that participants were not receiving the information they needed regarding court hearings and their outcomes, despite their own attempts to do so. As a Probation Officer I was able to get access to this information and on occasions I would do so on behalf of participants. This was also particularly useful for myself as the researcher, as I did not have to rely solely on the participants or other agencies to keep me up to date with the progress of each case. However, difficulties sometimes arose when deciding what information I should share with the participants and the implications of this upon the research. Whilst providing information that *should* have been given by the relevant agencies did not cause ethical dilemmas, it could be argued that it effected the participants' experiences of the process and contaminated the research. However, dilemmas sometimes arose when I was in possession of information that I thought participants were entitled to, but questioned whether it was my responsibility to do so and the implications of this on the research process. Stacey (1988: 22, cited in Oakley, 2000: 66) frequently found herself in a position of knowing things about informants that they did not know she knew and wondered whether: 'the appearance of greater respect for and equality with research subjects masks a deeper, more dangerous form of exploitation.' In the current study this mainly occurred regarding information I had concerning the offenders which I could not share with the participants, due to professional boundaries of confidentiality.

One example, which is discussed in greater detail in Chapter 6, p.185, concerns information I received through a colleague at work, whilst having a general conversation, who advised that the two youths previously sentenced to custody in the case of P5, had subsequently been released on bail pending an appeal. I was due to attend court with P5 the following day for the trial of the third youth who had pleaded

"not guilty", and was left wondering whether to tell P5 this information beforehand, or wait to see if he would be told by the police or the CPS. Not wanting to cause P5 any further distress the day before the trial (he was already very anxious about being a witness) I decided not to tell him. As it turned out, when we arrived at the Court the CPS caseworker did hurriedly tell P5 of this news, albeit not in a way that enabled P5 to understand. Thus it was left to me to explain what had happened in greater detail, just before P5 was confronted with the two youths in the foyer of the court.

A further example was found when I attended a court hearing in the case of P8. The matter could not proceed because the defendant had not co-operated with the preparation of psychological and probation reports. Having introduced myself to the court Probation Officer I was informed of a letter written by the defendant making threats to kill a female solicitor, the female probation officer and the victim. It was then agreed in court that these threats would be added to the existing charges. However, I then faced the dilemma of whether to inform the victim of these threats or wait for her to be informed by the CID officers. Eventually I decided I would not tell P8, as the defendant posed no risk to the victim because he was remanded in custody and I was concerned that this news may only cause further unnecessary distress. I also felt it was the responsibility of the police to do this. However, the dilemma was resolved by a conversation with P8 the next day which revealed that due to the Court Probation Officer being a local MP's wife, the story had been in the local paper that day which P8 had seen. I was then able to listen to and discuss with P8 how she felt about this. However, this issue raised serious concerns about the appropriateness of victims reading about their cases in the press, when their allocated officer should be keeping them informed.

Another later example arising from this case was information I received from the local Probation Victim Liaison Officer (VLO) who was also a work colleague. Aware of my research, although not of the individual participants I was working with, she informed me that an offender had committed suicide in custody in a case where she should have made contact with the victim. However, the VLO had been on prolonged sick leave and consequently no contact with the victim had been made within two months of the sentence being passed, as required by the Victim's Charter (Home Office, 1996: 12). Therefore, the VLO was asking, that if I had been in contact with

the victim through my research, would it be better if I informed her of the news. As this case had involved a number of serious offences and had subsequently had quite a serious psychological impact upon the victim, I agreed that I would inform P8. The dilemma here, was that in doing so I was disclosing the details of a participant to a colleague. However, on balance, I decided that as my colleague already had access to the relevant case material and knew of the victim (and was bound by the same professional rules of confidentiality), the benefit to P8 of being told this news by someone familiar to her, rather than a stranger, outweighed the risk of my disclosure in a case that had already been concluded.

A further dilemma involved one of my main tasks as a Probation Officer of preparing Pre-Sentence Reports (PSR) for the courts. During the research I was given a report to write on an offender which subsequently turned out to involve one of my case studies. This became obvious as I read the advanced disclosures received from the CPS and, as I could not be considered impartial due to my prior knowledge of the case and subsequent involvement with the victim, the Senior Probation Officer agreed to allocate the PSR to another officer.

One final example to be discussed here highlights the legal aspects specific to working with potential witnesses pre-trial and pre-sentence. When undertaking court observations in the local courts where I also worked as a Probation Officer, I always informed the Court Clerk and the Usher my reason for attending, so they were aware I was not attending in my normal professional capacity. However, when attending a Crown Court out of the county with P11 and P13, where they were both required as witnesses with two others, I did not think it necessary to make my role known to any of the court personnel, although my role was known by the allocated police officer who also attended. This was a very serious trial being presided over by a Circuit Judge and I observed the proceedings from the public gallery. However, it was only when one of the defence team in the court looked up and recognised me as a Probation Officer from one of the local Magistrates Courts, that I became concerned that my presence may in fact jeopardise the trial. For example, if it was considered that I might be in any way coaching or influencing the witnesses I may have been called to give evidence myself. At the next adjournment I spoke to the solicitor and explained my presence at the court, making known my responsibility not to discuss

any of the evidence with the witnesses. With great relief my explanation was accepted, but this was a salutary lesson for myself as this could have had serious implications for the outcome of the trial.

However, despite having to manage carefully some of the ethical conflicts that arose, I found my dual role actually added to the richness of the data, particularly as I was being used to bridge the gaps left by other criminal justice professionals. I was also able to identify with the experiences of both parties, which provided an opportunity to offer alternative perspectives to each party. Although a number of the participants appreciated the constraints within which the agencies had to operate, it was helpful to remind the criminal justice professionals occasionally to appreciate the victim's perspective. In my dual role as an "insider" (Probation Officer) and that of an "outsider" (researcher), I felt confident to question some of the practice issues that arose as the research developed, although I took care not to do this in a confrontational manner. An example is given in Chapter Six, p.190, where I make the decision to contact the CPS on behalf of P11. However, this can be a difficult choice to make when actually working within an organisation. As observed by Banks (2001: 166) who discusses the dilemma of a trainee who was uncomfortable with the practices found in a residential care home, but did not question them due to a fear of being seen as "rocking the boat too much" (*ibid*). Whilst the majority of professionals I encountered did present a sympathetic attitude towards victims in theory, this was not always evident in practice, as demonstrated in Chapter Six, pp.183-7.

Another ethical consideration central to the research process is how the participants' involvement in the actual research affected them. These issues are addressed in Chapter Ten when participants were asked how they thought their involvement had affected their experience of the criminal justice process.

A final consideration is now given to an often neglected aspect of the research process, that being the effect of the research on the researcher. To assist in adopting a thorough reflexive account I kept a research diary in which I recorded all stages of the research, including what my feelings were and what effect I thought I had on the situation. As acknowledged by Brannen (1988), the affects of interviewing respondents in-depth about sensitive topics have been largely ignored and

consequently researchers have to cope with the stresses and strains as best they can. I was fortunate in that both my professional training and experience had provided me with a good understanding of some of the issues regarding victimisation, in particular domestic violence and child abuse. I was thus prepared for some of the issues that subsequently arose without having to deal with the initial shock that can sometimes accompany such difficult revelations. However, I did find myself responding to the pain and confusion felt by some of the participants, and I dealt with this by listening to them, demonstrating empathy and reassurance, and offering practical support and information. In some of the most serious cases, feelings I experienced during the interviews would often return during the transcribing of the tapes and the repeated analysis of the data. Fortunately I had colleagues with whom I could discuss these feelings without compromising the anonymity and confidentiality of the participants.

Although there are a number of particular experiences that have quite powerfully remained with me since the completion of the fieldwork, perhaps the most difficult time arose during the trial involving P11 and P13. Having come to know the participants very well during the proceeding months, I felt genuine compassion for them when as witnesses they were made to recall the specific details of their abuse and to have their evidence cross-examined. The trial lasted six days, with the decision of the jury being made over a weekend, therefore, returning on the final day to await the verdict. Over the weekend I became extremely concerned about how I would cope if a "not guilty" verdict were reached, and what I could possibly say to the participants to comfort them after all they had been through.

I realised that in fact I in some way felt responsible for them and that if a "not guilty" verdict was reached, I would have in some way let them down. Still now I can recall my anxiety when the bell signalled that the jury were ready and one of the participants, joking with me later, commented on how my face had gone completely white at that moment. Fortunately the verdict was found in favour of the participants, but it took me a good week to recover from the emotional affects of the trial and it still raises powerful emotions now. This experience, and those of the other participants throughout the study, has provided me with an incredible insight as to the impact of victimisation and what victims have to endure in their attempts to achieve justice. This has only reinforced for me the importance of the research and has often

provided me with the motivation to complete the research so that their voices may be heard.

The Analysis of Qualitative Data

As stated above, the initial interviews were semi-structured following the format of the questionnaire and allowed participants to talk about their initial experiences in more depth. The five telephone interviews were recorded by way of hand-written notes, whereas the twenty interviews undertaken in person with the respondents were tape-recorded. The tape recording of the initial interviews and all subsequent in-depth interviews assisted greatly in the collection of the data, as this facilitated the natural flow of conversation without the distraction of the researcher making copious notes. Participants did not seem to mind the presence of the tape recorder and appeared to forget about it, often only reminded as it stopped noisily when it needed turning over.

The tapes were transcribed soon after each interview, whilst the conversation was still fresh in the researcher's mind. This helped if any part of the interview was unclear due to background noise or in parts where the speech was indecipherable. The transcribed tapes provided a more accurate account of the interviews, providing the views of the participants in their own words, together with notes relating to the participants' tone of voice and body language. Although a very time consuming task, this was a very important stage of the analysis as the process allowed the researcher to become extremely familiar with and close to the data. In addition, the advantage of using semi-structured interviews was that it enabled a comparative analysis to be undertaken to see if there were any similarities between the participants' experiences. Similar responses and expressions used were then categorised under particular headings and topics, using a process of coding mechanics, as described by Wiseman (1990).

Initially the emerging similarities were colour coded and highlighted on the scripts as they were continually revised. The data was then stored on a word processor in files and a system was developed for the indexing and cross-referencing of topics and sub-topics. This system was based on the code and retrieve method now incorporated in most qualitative data analysis software packages, recently reviewed by Richards and Richards (1998). The process of analysis was further assisted by using the technique

of "sequential interviewing", as described by May (1997: 120), and strategies for cross-case analysis (Huberman and Miles, 1998). The format of the initial interviews primarily moved chronologically through the participants' accounts of the incident and their experiences of it, thus constructing an overall picture. This allowed for a comparison of accounts and was enhanced by focusing on the different ways participants related their experiences according to their individual circumstances.

The process of data analysis involved the constant interplay of data collection and analysis, using the different modes of inquiry at the different stages of the research process. This included interviews, telephone conversations and court observations. With the exception of the initial planning stages, this meant all aspects of the research process were interrelated and being undertaken almost simultaneously. Wiseman (1990: 113) likens the role of the qualitative researcher to that of the detective in the classic murder mystery, starting with a few clues, asking questions, developing hunches, asking further questions on the basis of those hunches, until a picture begins to emerge, which can then be further elaborated or modified: 'until finally the unknown is known.'

Such an exploratory-based approach required a wide focus to be retained at the early stages of the research, guided primarily by sensitising concepts gained from my own previous experience, knowledge of the research setting and information from previous research findings. This provided a preliminary basis on which more definitive operational concepts could later be developed from the themes that were starting to emerge. The emergence of themes assisted in the generation of categories for analysis and as the initial data were reviewed the list of topics to pursue was expanded. This contributed towards the development of theory by producing new ideas and concepts to explore.

Developing a Theoretical Framework

During the process of ongoing contact with the participants and the analysis of the data, important themes and sub-themes began to emerge, in particular with regards to the responsiveness of the criminal justice agencies to the participants. This related to all stages of the criminal process from the initial responses of the police, to the treatment of victims at court and the services provided at the post-conviction stage.

Whilst the original intention of the research had been to evaluate the effectiveness of recent reforms, the data began to reveal the underlying tensions and processes which appeared to be undermining the implementation of these. In particular, this raised important questions relating not only to the status of victims within the criminal justice process, but the wider implications of the relationship between victims as citizens and the responsibility of the state to protect them. Consequently the research began to focus on the notion of citizenship and this became the conceptual tool with which to explore the implications of these processes on the experiences of victims.

Part III begins by examining historical and contemporary notions of citizenship within a political context, raising important questions regarding the rights and responsibilities of both the state and citizens. In particular, it focuses on the shift in the relationship between the state and citizens due to the ideological construction of the consumer and the impact of this upon the status of the victim of crime within the criminal justice system. An analysis of the *victim's perspective* is provided in greater depth by following the individual case studies through the different stages of the criminal justice process.

As the primary aim of the research is to convey participants' experiences *in their own words*, the predominant focus of the data analysis is placed upon using direct quotes taken from the case studies. The use of quotes enables the voices of participants to be heard, illustrating clearly *their own feelings and experiences* of the criminal justice process. To achieve this the quotes of the participants are presented first and italicised in order to distinguish them from the rest of the text. Each quote is identified by the participant's number, e.g.; P1, and the context from which the quote is taken, i.e., interview, telephone conversation, court observation, and at what stage of the process. Where appropriate, the analysis and interpretation of the quotes are then followed by a discussion and critique of the previous research literature. If similar problems are identified to those of earlier studies it is questioned as to whether this is what would be expected given the subsequent introduction of both local and national initiatives.

PART III
VICTIMS' EXPERIENCES OF THE CRIMINAL JUSTICE PROCESS

CHAPTER THREE
A 'CONTESTED CONCEPT OF CITIZENSHIP'

'It was in melancholy recognition of the depth of Britain's social malaise and erosion of rights that all three major political parties latched on to the concept of citizenship in 1988.' (Heater, 1990: 298)

Following the demise in faith in post-war welfarist principles governed by Keynesian politics and an alarming rise in social disorder during the early 1980s, citizenship as a concept re-emerged politically as a possible panacea for society's ills. However, agreeing on a definition of this concept is problematic, as citizenship can be interpreted as meaning many different things depending on the historical and political context, and has been more accurately described as 'an essentially contested concept' (Lister, 1997: 3). The most influential interpretation which shaped post-war thinking about citizenship was T.H Marshall's definition which incorporated both classical and social-liberal notions of citizenship rights based upon three elements: civil, political and social rights:

'The civil element is composed of the rights necessary for individual freedom – liberty of the person, freedom of speech, thought and faith, the right to own property and to conclude valid contracts, and the right to justice. The last is of a different order from the others, because it is the right to defend and assert all one's rights on terms of equality with others and by due process of law... By the political element I mean the right to participate in the exercise of political power, as a member of a body invested with political authority or as an elector of the members of such a body... By the social element I mean the whole range from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilised being according to the standards prevailing in the society.'

(Marshall, 1950: 10-11, quoted by Lister, 1997: 15)

However, the 1980s witnessed a challenge to the values of social citizenship due to increasing economic crises and political backlash. In particular, as described in Part I, issues relating to law and order assumed political dominance due to the apparent failure of the rehabilitative ideal and rising levels of crime. As observed by Lister (1997: 16):

'The renaissance of classical liberalism in the form of the new right, which accords primacy to property rights over all other forms of citizenship rights, has reopened the debate about the nature of rights and the validity of their extension beyond the civil and political spheres.'

Central to this debate are opposing views regarding the nature of freedom and the role of the state in protecting and promoting this freedom. Defining freedom in negative terms, the New Right emphasises the absence of coercion and interference by the government, so that the role of the state is limited to the protection of the freedom of individual citizens. However, the eschewing of social citizenship has been critiqued by Raymond Plant (1988), who argues that if negative freedom is to protect individual autonomy by enabling individual citizens to pursue their own ends, then it cannot be separated from the *ability* to pursue those ends (cited by Lister, 1997: 16). Whilst accepting some of the undoubted benefits of market forces, Plant argues:

'Nevertheless, within this context, social rights must be recognised as being as absolute as civil and political rights. The state must improve its provision within the economic and welfare sectors so that the citizen's reciprocal obligation to contribute something to society can realistically be demanded.'

(Plant, 1988, cited in Heater, 1990: 302)

Recognising the strength of public opinion opposing the dismantling of the welfare state, the New Right have thus tempered the absolute effects of market forces by acknowledging an obligation on society to ensure that individual members are able to meet their basic needs. Thus the notion of social rights cannot be totally disregarded, as without them gross inequalities would undermine the equality of political and civil status inherent in the idea of citizenship. However, what Lister (1997: 19) describes as an increasingly influential "duties discourse", is now replacing the dominant social

rights paradigm in the late twentieth century, and central to this is an emphasis upon citizenship obligations over rights and, in particular, the relationship between obligations and rights. Whilst few would dispute the suggestion that rights should in turn entail responsibilities, it is ensuring that a balance can be achieved between both the state and citizens. In Marshall's definition (*ibid*) he talks of 'the right to justice... the right to defend and assert all one's rights on terms of equality with others and by due process of law'. This definition speaks from the perspective of the defendant, but should also represent the perspective of the victim who equally deserves the right to justice on equal terms with others. It is the perspective of the victim and the balance between reciprocal obligations and the absence of victims' rights which is central to the underlying theoretical approach of this thesis.

Strongly linked to the New Right's concern with a reduction in welfare dependency and an emphasis upon citizenship obligations over rights, has been the introduction of the concept of "active citizenship". This concept was first defined by Douglas Hurd in 1988 when he curiously linked it to the values of Victorianism and what he recalled as the social cohesion enjoyed in that age:

> 'Underpinning our social policy are those traditions – the diffusion of power, civil obligation, and voluntary service – which are central to Conservative philosophy...The diffusion of power is ...the key to active and responsible citizenship.'
>
> (Douglas Hurd, 1988, quoted in Heater, 1990: 299)

This chapter explores the implications of the changing nature of the relationship between citizens and the state and the impact of the following reforms, not only on the wider criminal justice agenda, but in particular on the specific relationship between the state and those citizens who become victims of crime. In particular, it questions the rise in political rhetoric demonstrating public concern and sympathy for the victims of crime, whilst at the same time emphasising individual responsibility for protecting oneself and one's property from crime. It will be argued that the two aims could be considered contradictory if an equal balance between obligations and rights is not achieved and, as a consequence, questions the government's sincerity in its

stated objectives to 'place victims at the heart of the criminal justice system' (Home Office, 2000c).

The analysis focuses upon what has become termed as the rise in managerialism in the public sector (Crawford and Enterkin, 1999). Most significantly, it examines how these reforms have attempted to redefine victims as "consumers" of the criminal justice system, the emphasis now being that it is the victims and the public who are the customers of the criminal justice system. However, findings from the study suggest that the demands of managerialism tend to prioritise organisational needs above those needs of the victims, thus reducing the impact of the stated aims to improve services to victims to trivial and meaningless political rhetoric. To understand the implications of managerialist principles on the administration of criminal justice, the analysis begins by examining the transition from welfarist to free-market principles.

From Welfarist to Free-Market Principles

The instigation of revolutionary public sector reforms were initially guided by the political and ideological imperatives of Thatcherism and the emergence of the New Right, following the 1979 election and continued to remain dominant throughout the 1980s and 1990s. However, despite the election of a new Labour government in 1997, the ideology of the New Right has continued to be pursued by New Labour and privatisation within the public sector has remained a priority. Whilst the initial targets of reform focused on health and education, scrutiny of the criminal justice system latterly followed. Embracing free-market principles, new public management reforms encompassed a series of initiatives and ideas based on cost efficiency and service effectiveness, largely borrowed from the private sector (Hood, 1991; Stewart and Walsh, 1992), with clear political objectives that public sector services should be run as businesses in a mixed market economy.

Most significantly, the advent of Thatcherism incorporated two complementary ideologies – monetarism and authoritarian populism (Phipps, 1988), and thus marked a fundamental departure from the post-war welfare consensus governing state economic and social policy. In particular, the long-held view that crime and other forms of social deviance were a result of disadvantage and injustice was challenged:

'Moreover, whereas welfarism and social Toryism had maintained that social order could only be secured through social justice engineered by government, the basic premise of the new conservatism was that justice could only be secured by the maintenance of a firm social order, and that this indeed should be seen as the first duty of government.'

(Phipps, 1988: 179)

As a consequence, this denial that social deviance is a result of disadvantage and injustice acted to reduce the government's responsibility towards offenders as citizens, and their right to be rehabilitated. Thus, a crucial factor underlying the shift from welfarist to free-market principles was the necessary transformation in the relationship between the government and those being governed. In particular, this marked a significant reduction in the state's prime function as protector, against internal or external assault, on behalf of its citizens (Heater, 1990: 250). Central to Conservative ideas of imposing and maintaining social order was, as described above, the political revival of the concept of citizenship: 'For the New Right, citizenship is a splendid concept in so far as it brings out the virtues of good, law-abiding behaviour and enthusiastic national loyalty' (Heater, 1990: 101). According to Zedner (1994, cited by James and Raine, 1998: 79):

'Debates about citizenship became less about rights and more about obligations; less about state responsibilities than personal failure to protect oneself from crime. Examples include the advertising of "active citizenship" to promote crime prevention campaigns such as Crime Stoppers, and Neighbourhood Watch, which effectively transferred responsibility from the police to local communities.'

Thus the notion of "active citizenship" when applied to criminal justice has particular implications for the relationship between the state and the individual. Whilst James and Raine (1998: 20) acknowledge historically that the public has grown to expect their Government to take responsibility for issues concerning law and order, the authors document the changing role of the state in criminal justice and identify three significant changes in the contract between the state and citizen. The first refers to a shift in what the contract covers and, quoting Garland (1996), emphasises a move in

the Government's agenda away from issues of "law and order" to one of "managing crime":

'According to Garland, the inconsistency of "government-speak" during the 1970s and 1980s amounted to backing-off from over-optimistic claims originally made about tackling law and order in the face of a rising tide of dissatisfaction among the electorate and against the background of slim majorities in the House of Commons.'

(James and Raine, 1998: 21)

The second shift in the contract concerns with whom it was made. James and Raine (1998: 21) refer to the social changes which led to the collapse of the welfare consensus and which was replaced by the infrastructure and culture of "the market" and a new pattern of arms-length agencies. Central to this has been the rise of what Braithwaite (2000: 48) and other scholars have referred to as "the new regulatory state":

'The nightwatchman state which preceded the Keynesian state will be conceived as one where most of the steering and rowing was done in civil society. The Keynesian state that succeeds it has the state do a lot of rowing, but was weak on steering civil society. The new regulatory state that is most recent in this chronology holds up state steering and civil society rowing as the ideal.'

The criminal justice system has not been immune to this de-centring of the state and the "rule at a distance" approach. As commented by Braithwaite (2000), the most important feature of the new regulatory state is that most of the regulation is neither undertaken nor controlled by the state, thus this ruling at a distance would appear to reduce the states responsibilities for these functions. This has implications with regards to the nature of citizenship, as whilst the state is reducing its responsibilities towards citizens, at the same time it is exercising more control over the behaviour of citizens in both public and private domains through the imposition of regulatory codes. Simultaneously, whilst the state continues to loosen its regulation over private providers of welfare services it is increasing the regulation of the public sector. These regulations act to increase the obligations of citizens whilst reducing the obligations of the state.

In the criminal justice system this is reflected in the emphasis placed upon individuals to protect themselves as "active citizens", whilst the obligation of the state to protect its citizens from crime is reduced. In particular, the disparity between these obligations is demonstrated when citizens become victims and their rights as citizens are denied. As such, the demands of victim advocates for victims to have certain rights and entitlements contests the concept of citizenship, rejecting the passive status imposed upon victims as consumers of criminal justice and demanding instead that victims be recognised as citizens with equal rights to justice.

The third shift then relates to how these changes were implemented by a Government who eschewed traditional policy making processes through recognised institutions and with the support of key professional bodies and academics, preferring policy to be formulated by political action committees and advisors. This approach favoured the delivery of policies through the medium of management and the mechanisms of the market. As a result, policy measures became 'constructed in ways that privilege public opinion over the views of criminal justice experts and professional elites' (Garland, 2000: 350). Subsequently, criminal policies became reduced to the now familiar sound-bite statements of "Prison works" and "Three strikes and you're out", to be easily consumed by the public and the tabloid press. An important consequence of these quickly thought up statements to appease an increasingly dissatisfied public, is that the resulting initiatives are often under-researched and under-funded, the implications of which will be discussed in later chapters.

As observed by James and Raine (1998), this represented an agenda quite removed from traditional notions of governmental responsibility for civil society and for public protection. 'Indeed what we find by the mid-1990s is government, far from capturing and owning these notions, actively "exporting" responsibility for public safety and protection to communities' (*ibid*: 22). Therefore, consistent with the ideology and practice of the new mixed economy, the role of the government is thus reduced primarily to managing the market. This has been evidenced by the privatisation programme of the prisons and much more dramatically by the expansion of private sector security, with most developed economies having today more private than public police (Button, 2002). There has also been a significant increase in community

crime prevention strategies together with the funding of certain voluntary organisations, (e.g., Victim Support, as referred to in Part I).

Feeley and Simon (1992: 452) describe this paradigmatic shift as the emergence of a "new penology" which is:

'Markedly less concerned with responsibility, fault, moral sensibility, diagnosis, or intervention and treatment of the offender. Rather, it is concerned with techniques to identify, classify, and manage groupings sorted by dangerousness. The task is managerial not transformative...It seeks to regulate levels of deviance, not intervene or respond to individual deviants or social malformations.'

Feeley and Simon (*ibid*) suggest that this new penology is actuarial in character, not seeking to discipline and reform individual offenders, but instead to minimise the risk of criminal conduct by reshaping the physical and social environment in which individuals live. Thereby re-emphasising the shift in the political agenda away from attempting to tackle crime towards managing crime and, of particular significance, an increasing acknowledgement of the effects of crime, i.e., the costs of crime, rising fear of crime and victims. This emphasis on the effects of crime, particularly on victims, links in nicely with the government's subsequent demonstrations of concern for victims. It can be argued that such concern regarding the effects of crime strengthens its crime prevention strategies by encouraging individuals, all of who are potential victims, to take responsibility for protecting themselves from victimisation. This can be said to relate to obligations, because if the state is raising awareness with regards to the effects of crime and is putting resources into crime prevention strategies, then there is an obligation on individuals to practice these prevention strategies themselves. This also emphasises the government's shift in responsibility away from reforming offenders to managing their risk, thus reducing their rights as citizens to rehabilitative intervention. As suggested by Feeley and Simon (*ibid)* the task is now managerial, no longer transformative.

This argument is developed further by Rose (2000) in his analysis of government and control and his belief that the existence of contradictory contemporary programmes, strategies and techniques for the government of conduct are characteristics of what he

terms as "advanced liberalism" (*ibid*: 186). According to Rose (*ibid*: 186) there has been:

'A widespread recasting of the ideal role of the state, and the argument that national governments should no longer aspire to be the guarantor and ultimate provider of security: instead the state should be a partner, animator and facilitator for a variety of independent agents and powers, and should exercise only limited powers of its own, steering and regulating rather than rowing and providing.'

As such, it becomes the responsibility of individuals and communities to protect themselves against the risk of crime. Rose terms these ideas as "reactivated technologies of prudentialism" and that this "responsibilization" of the subjects of government extends to all individuals in both their private and public lives 'none of whom can now allocate responsibility for crime control to an all powerful state' (Rose, *ibid*: 192).

Instead, responsibility for the administration of criminal justice has now been devolved to the criminal justice agencies and, in line with market style reforms, such agencies are responsible to the "consumers" of their services. This consumerist perspective conforms to the wider Citizen's Charter initiative, introduced in 1988 by John Major's Conservative government. The Citizen's Charter aimed not only to improve service delivery, but additionally to impose a new culture upon public sector agencies, one of "customer service" (Bellamy and Greenaway, 1995: 479).

However, who the "consumers" of the criminal justice system are is indeed a contestable issue. Many would deem this to be the offender and throughout the past four decades the roles of the various agencies were aimed specifically towards the offender, albeit whether in their detection, prosecution, punishment or rehabilitation. However, the emphasis on managing crime, and more importantly the effects of crime, has resulted in the victims of crime being accorded a greater degree of prominence, and it is now they and the wider communities who have become deemed as the consumers of criminal justice. The notion of victims as "consumers" of criminal justice is perhaps more understandable since victims might reasonably regard the case as "theirs" and look for a particular outcome to satisfy their interests. Indeed,

Tuck (1991) suggests that the rise of victimology is closely linked to the consumerist perspective whilst, at the same time, justice is also dispensed for the benefit of society as a whole and, therefore, to this extent society is the consumer.

As observed by Crawford and Enterkin (1999: 3): 'the refashioning of victims as rational choice customers, albeit only tentatively as in the Victim's Charter, has given victims a new standing as consumers of a public service'. A further demonstration of this has been the change in terms from the police force to a "police service" and the courts to a "courts service". However, there are a number of commentators who have expressed concern regarding the application of consumerist principles to criminal justice settings. In particular, it has been viewed as a subversive strategy in so far as it involves a redefinition of criminal justice as a service industry concerned with customer care, rather than as a responsibility and regulatory function of government:

> 'The idea of consumers of the criminal justice system is one of the more important initiatives of the 1980s. Agencies, for the first time, are being conjoined to care about lay people using their "services".... Consumerism has also had a certain pay-off economically. If the cost of controlling a rising crime rate were apparently spiralling out of reach, demonstrating consumer satisfaction might just prove a more feasible (cheaper) alternative.'
>
> (Jefferson and Shapland, 1990: 12, cited in Mawby and Walklate, *ibid*: 81)

Williams (1999b) suggests that the language of consumer standards, as framed in the statements contained within the Victim's Charters, (Home Office 1990a: 1996), conceals a number of political assumptions and motives of the then government. Most notably, he suggests that it is an attempt to shift any blame for the inadequacy of provision for victims onto the local services responsible for providing them. By devolving difficult decisions about priorities to the local level, this serves 'to draw attention away from the fact that these services are under funded and subject to competing, even contradictory, requirements imposed by central government' (Williams, 1999b: 78). This supports Braithwaite's (*ibid*) analysis of the new regulatory state, whose ruling at a distance appears to reduce the state's responsibilities for these functions.

However, what is neglected from the equation here, is that criminal justice agencies cannot operate as independent agencies within a market economy, as they are reliant upon the state not only for their funding, but are also dependant upon social policies determined by government as to how they operate. Thus as the sole provider of funding and operational policies, I would argue that the state remains ultimately responsible for the functions of its criminal justice agencies. If the state does not provide adequate funding and facilitate the implementation of its own policies, then it is difficult for the criminal justice agencies to provide the necessary services to its "customers". As such, Williams (1999b) argues that the changes should be seen as part of a wider project of imposing discipline upon public sector agencies, using the Charter Initiative as a tool, rather than a genuine attempt to improve customer satisfaction:

'Without significantly increased spending, the Victim's Charter offers a method of holding criminal justice agencies accountable to central government priorities and leaves individual victims to police the process by making complaints... [consequently].. bureaucracies can be regulated without any new mechanisms being created to enforce what few rights citizens have in this area.'

(Williams, 1999b: 79)

A further difficulty has been the misconception of the criminal justice system to actually function as a system able to provide a cohesive service to victims. Shapland (1988) originally identified this failure by more accurately describing the various criminal justice agencies as independent "fiefs" operating under a feudal system. Extending this analogy further, Crawford and Enterkin (1999: 2) describe the position of victims as "peasants" unable to penetrate the medieval castle walls, thus being left largely on the outside and that: 'moreover, the difficulty for victims is that their needs span several fiefdoms who rarely communicate between each other. In such a context, effecting real change...becomes heavily problematic.'

Crawford and Enterkin (1999) go on to argue that this situation is only further exacerbated by the introduction of new managerialist reforms, in that the need to meet financial and management performance targets has only acted to increase the isolation and introspection of many criminal justice agencies. As a consequence, 'victims are

only considered relevant in so far as they relate to the narrow core responsibilities of each individual agency, with little regard to the relation between the victim and criminal justice as a "systematic" whole' (*ibid*: 89).

This has led several commentators to suggest that, as a consequence, victims are becoming the passive consumers of services which are being increasingly defined by the relevant agencies to fit in with their own organisational priorities. As a result, 'those receiving the services are at best reactive partners (complaining if the services are inadequate)...and at worst passive recipients of whatever the agencies and institutions have decided should happen' (JUSTICE, 1998: 112).

Empirical data from this study has found evidence of victims remaining subject to an enforced acquiescence, with services being provided at the discretion of the agencies concerned, rather than receiving the entitlements expounded in Home Office official documents. An outline and discussion of these reforms and their effectiveness in ensuring that victims receive their entitlements is the focus of Chapter Five. In the meantime, from the analysis above of the changing role of the state and the transformation of citizen to consumer, it could be argued that the introduction of the free-market model has resulted in the ultimate privatisation of citizenship itself. The impact of this in relation to the subsequent treatment of citizens who become victims of crime is explored further below, when the initial processes involved in the transformation of crime victims from "good citizens" to "deserving clients" is considered.

From "Good Citizen" to "Deserving Client"

The changing nature in the relationship between the state and its citizens has redefined the citizen as a consumer through the imposition of private sector managerialist reforms on public sector services. Thus for the New Right the central notion underpinning the concept of citizenship is the law-abiding citizen who actively undertakes the obligations of citizenship with its emphasis placed upon individual responsibility:

'The individual is now "presumed to be an active agent, wishing to exercise informed, autonomous and secular responsibility in relation to his or her own

destiny." One aspect of this process is that "strategies no longer seek to ensure [security, tranquility, national well-being] by acting to enhance the social bonds that link one individual to another, but [work] through activation of the self-promoting strivings of individuals themselves, in which each is to become an entrepreneur of his or own life."'

(Rose, 1996: 322, cited in Ellison, 2000: 5)

Rose's analysis supports the idea of the privatisation of citizenship by proposing that the emphasis upon individualism and human agency creates circuits of "inclusion" and "exclusion" that are subject to practices of social control (Rose, 2000: 190). Rose argues that to attain social inclusion citizenship is not primarily realised in a relation with the state, rather it 'entails active engagement in a diversified and dispersed variety of private, corporate and quasi-corporate practices, of which working and shopping are paradigmatic. In this context, the securitization of identity is a control strategy that operates by securing the obligatory access points for the exercise of active citizenship' (*ibid*: 190). Conversely, whilst those excluded are not merely cast out, as there are strategies employed which seek to reaffiliate them, those deemed impossible to reaffiliate are subject to strategies of control which 'seek to manage these anti-citizens and marginal spaces through measures which seek to neutralize the dangers they pose. Here one can locate "three strikes" policies, the upsizing of the penal complex, the increase in the prison population and strategies for the preventive detention of incorrigible individuals such as paedophiles' (*ibid*: 195).

Thus by focusing on the inclusionary and exclusionary mechanisms of citizenship, Rose argues that the status of citizenship becomes *conditional upon conduct* (*ibid*: 202). This is extremely important as the notion of conditional conduct can be equally applied to citizens who become victims of crime in a climate where emphasis is placed upon "active citizenship" and an individual's obligation to minimise their own risk of victimisation. Thus conduct considered as detrimental to the protection of oneself or ones property may ultimately affect that individual's status as a good citizen and their legitimate label as a victim. This revives earlier distinctions between deserving and undeserving victims which have continued to influence social policy, but with this heightened emphasis on individual responsibility only serves to sharpen the distinction further. This illustrates the subsequent transformation in the concept of

citizenship from the "social" to the "active" citizen. It is this emphasis upon the law-abiding citizen, i.e., the "good citizen", which provides the epistemological base for the current research. It is only as a "good citizen" that the victim is able to gain access to the services of the criminal justice system and subsequently achieve the status of "deserving client".

Taking into consideration the key concepts identified above, this thesis explores how this transformation from "good citizen" to "deserving client" operates as a process and how it affects those individuals who subsequently become victims of violent crime. It questions whether the redefinition of victims as consumers actually enhances their treatment within the criminal justice process, as advocated by the political rhetoric, or whether the organisational needs imposed by managerialist reforms are incompatible with the needs of victims, as has been suggested by Crawford and Enterkin (1999: 4):

'There are elements within the managerialist "revolution" which run counter to the relational and human dynamic which advocates of a victim perspective hold dear. Notions of "empathy", "sensitivity" and "warmth" sit uncomfortably within this new emphasis.'

Concluding from their own research, Crawford and Enterkin (*ibid*: 4) found that 'victim services still lack coherence, co-ordination and synergy, and that instead, they tend to manifest a lack of clarity, confused and often conflicting aims and overlapping priorities.' This observation suggests that the demands and priorities of managerialist reforms often act to restrict the abilities of criminal justice agencies to fulfil their increasing roles and responsibilities towards victims and, as such, create a tension between attempts to accommodate victim services within an emerging ideology of managerial justice. As a consequence, initiatives to assist victims are not being consistently implemented by the various agencies and victims are not receiving the recognition, reassurance and protection to which they are entitled.

A possible explanation for the apparent implementation failure of reforms could be the tension created by the imposition of a consumerist model upon the existing model of criminal justice. Central to this existing model is the underlying notion that an

offence is treated not as an offence against the individual citizen, but as an offence against the state. The implications of this are explored below.

Questioning the "offence against society" model

The reduction in the role of the state's responsibility for law and order and the subsequent emphasis on victims now as consumers of criminal justice services brings into question the classic conception of crime as an offence against the sovereign authority. Ashworth (1986, cited in Cretney, Davis, Clarkson and Shepherd, 1994: 16) argues that the processes of prosecution, conviction and sentence are matters for the state, acting in the public interest and suggests that 'it must remain open whether the particular victim's interests should count for more than those of any other member of the community.' However, Cretney *et al.* (1994) suggest that this tentativeness regarding the victim's place in the criminal process only serves to disguise the divergence between the interests of victims and those of the police, the CPS and the courts.

In their analysis of interactions between the police and victims in a study of assaults, Cretney *et al.* (*ibid*) discovered two models in play. The first is a "complainant" orientated model at the initial stage of the process, when proceedings are only initiated by a complaint from a victim. The second is an "offence against society" orientated model that comes into play at the prosecution stage, when decisions are then taken in the public interest and the interests of the victim become subsequently marginalised.

Their research found that if no complaint was made to the police by the aggrieved party then generally no action would be taken – even in respect of very serious offences and assaults. Although recognised that this may be a pragmatic decision made by the police (no "complaint", no successful prosecution), 'it is inconsistent with a view of crime as an offence against the sovereign authority [and] it is also inconsistent with the marginalisation of the victim interest thereafter' (*ibid*: 15). According to Cretney *et al.* (*ibid*) if an offence against society model were in operation, it would apply to every stage of the proceedings, in which case the police would respond to the *offences* and not just to *complaints*.

Participants' experiences in the current study not only supported the findings of Cretney *et al.* (*ibid*), but also revealed tensions relating to how the police responded to victims depending on their perception of them as "good citizens" and their status as "deserving victims", depending on the circumstances of their case. In addition to this, consideration also appeared to be given to managerialist concerns and the effective use of resources when responding to victims.

Evidence of this can be found in the case of P6, a victim of a brutal unprovoked attack resulting in the need for major maxillofacial surgery:

"When I was in hospital I got telephoned by one of the detective constables who said, 'look, you know, I understand from other officers what happened and that you're in hospital now, um, do you want to press charges?', and I was actually surprised that he asked me. I just assumed, probably naively, that he would say 'right, well we're taking this forward', but when I said 'yes', he said 'now are you sure?'" (P6: first interview).

This case highlights the fact that the responsibility is on the victim, acting as a "good citizen", to report the crime and thus initiate criminal proceedings, whilst the questioning of the victim's decision to want to press charges indicates that the police are not acting in the public interest alone. Despite the very serious injuries sustained, the police were leaving the decision whether to investigate the offence further to the victim. A factor influencing the police response may have been an assumption concerning the victim's own culpability in the offence. P6 admitted himself that it could have looked very much like the result of a pub brawl as it happened late at night when he was returning home from the town with a few male friends. However, despite initial appearances, the attack was in fact unprovoked and extremely brutal. Therefore, in accordance with the "offence against society" model, the response of the police should be to investigate the offence in the wider interests of the public as well as those of the victim. Instead, at this initial stage, the victim was required to actively request that the police take action and press charges.

A further example was found in the case of P2, a forty-two year old married female victim of an assault by the estranged girlfriend of a male friend. This was the

participant's first experience of the criminal justice system and at the initial stages of the process felt that the police were very definitely trying to put her off from pursuing the matter further. This impression was given by the advice offered to her by the officer dealing with the case:

"He looked me straight in the eye and he said, 'if the CPS take it any further you will have to go to court, stand up there and basically be pulled apart over why you were there and, of course, you will be painted as the wicked lady'... and I said, 'hang on, I'm not on trial am I?, and he said, 'no, but it won't be a pleasant experience and it will be a long drawn out time scale...the easy way is if she pleads guilty, but you have no control over that'..." (P2: first interview).

Once again, in this case a degree of culpability on behalf of the victim may have been assumed by the officer as the victim was known to the offender, albeit indirectly through a mutual friend. P2 was conscious that the police officer appeared to be making his own judgements of the situation and of her relationship with the male friend, thus it could be argued questioning her status as a "deserving victim". Regardless of this, P2 decided to pursue the matter and the perpetrator was arrested, and subsequently released on conditional bail pending a court hearing. However, during this time the perpetrator contacted the victim on numerous occasions by post and telephone, making threats against the victim and her family, thus breaking her conditions of bail not to contact the victim. Eventually P2, on the advice of a friend, decided to contact the police, who again were initially reluctant to take action. Instead they appeared to leave the decision of what action to take up to the victim, having offered her several options:

"He said the ball was in my court and that he couldn't advise me or tell me what to do, and that I would have to tell him what I wanted him to do. The options were a) I could ignore it, b) I could go in and report it, in which case she would be arrested, and c) I could go in, talk it over and she would be given a caution." (P2: first interview).

Eventually P2 did decide to report the breach of bail conditions due to the fear and anxiety caused by the continuing threats. Subsequently the police advised P2 that the

perpetrator had been arrested for failing her bail conditions, and also contacted her shortly afterwards to check that no further contact had been made. This again illustrates how the victim was required to actively seek the services of the police at these initial stages, thus assuming the role of an active consumer. However, P2 was never informed of the final outcome of these proceedings, if indeed any further action had been taken at all.

Evidence from the research, as discussed above, appears to question the "offence against society" model, as demonstrated by the response of police officers to victims of violent crime. Instead of pursuing the crime as an offence against society, the victims appeared to be given a choice as to what should happen next. It could be argued that these cases demonstrate the proposed shift towards treating victims as "consumers", however, these choices appear contradictory to the existing model of criminal justice which still views the offence as one against the state, thus requiring that the police respond accordingly. Instead, during the initial stages of the process the burden of responsibility appears to be placed on the victim to actively seek the services of the police for further action to be taken.

As demonstrated in the case of P2, this includes decisions to take action when bail conditions are breached. If an "offence against society" model were in operation, it would have been expected for the police to have responded to the breach of the bail conditions, as this is the breach of an Order made by the court and a separate offence in itself. Instead the apparent reluctance of the police to take action and the responsibility placed on the victim to make the decision seriously questions this model. Under such a model, if a perpetrator breaches a condition of their bail it should be the responsibility of the police to act accordingly on this information on behalf of the state and not leave the victim to decide what action should be taken.

By analysing these cases closer, a number of tensions begin to appear. If the "offence against society" model were in operation, the police should have acted to protect the victims and arrest the offenders for the offences and any subsequent breaches of bail. However, in these cases the victims appeared to be treated as consumers, and as such were given choices as to what action should be taken. However, the choices given also appeared to be influenced by other important factors, including judgements made

by the police concerning the culpability of the victim, particularly in cases where the offender and the victim are known to each other. This assumption of culpability, in accordance with the earlier influential theories of victimology, questions their status as "deserving" victims and subsequently effects decisions concerning the prioritisation of resources in line with managerialist principles regarding the effective use of resources. As a consequence, in order to receive the services, victims were required to pursue these as "active consumers".

This was evidenced in the case of P2 by the reluctance of officers to respond to the breach of bail conditions. It could be argued that due to the domestic nature of the case, i.e., the offender and victim were known to each other, the situation was not deemed serious enough to warrant all the extra time in paperwork and resources. However, this highlights the tension created between organisational needs and the needs of the victim, who in this case required protection from a known perpetrator who had assaulted her and then continued to make threats against her and her family whilst on bail.

Difficulties arising from cases where the offender and the victim are known to each other have been well documented in previous research (Mawby and Walklate, 1994). Further evidence of this was found in the current research, particularly in the case of P3, a victim of domestic violence from her estranged husband. In this case the police responded to a telephone call from a neighbour who heard the disturbance. However, upon arriving on the scene the police were reluctant to take action, despite obvious and visible signs of assault, a response all too familiar in cases of domestic violence:

'It is in respect of intra-family violence that the incongruity of viewing assault as an offence against the sovereign authority is most starkly apparent. Whatever the theory, assault victims are permitted to exercise a power of veto over the prosecution; and as far as domestic assault is concerned, so much do the police anticipate that this power will in due course be exercised that they give every opportunity to victims to withdraw their co-operation at the outset.'

(Cretney and Davis, 1997: 147)

Although P3 was adamant that she wanted to press charges on the night of the offence the police were reluctant to do so:

"I wanted to press charges and they refused to let me do it, which I think was wrong. They said you need a cooling off period and I didn't find that at all helpful...y'know." (P3: first interview)

Once again, it demonstrates the reluctance of the police to take appropriate action and offer protection to the victim. Instead the police allowed the perpetrator to leave the scene still in possession of the house keys, thus leaving the victim feeling extremely vulnerable and unprotected:

"I told them he had my door keys and all they did was ask him. They didn't search him or anything and they was there when he left and said 'I'll be back, you can't stop me, this is my home'" (P3: first interview).

The lack of protection afforded to P3 and her four children on this occasion causes considerable concern, particularly as the attending officers failed to follow their own force's policy on domestic violence (see p.47). This states that the role of the first officer on the scene is to ensure that the victim and any children are no longer at risk of violence or further violence.

It could be argued that the response of the officers in this case either demonstrates a lack of knowledge concerning both the local force policy towards domestic violence and the national guidelines (Home Office 1988; 1990b), and/or an unwillingness to pursue an offence viewed primarily as domestic. This unwillingness could be supported by an underlying assumption that the victim will eventually withdraw her support for the prosecution, thus resulting in a waste of police time and resources. As a consequence, therefore, the victim could be considered as undeserving due not only to a perceived culpability based on her relationship with the offender, but also the priority given to organisational needs for efficiency and effectiveness over the protection of the victim. In particular, however, this case demonstrates a persistent lack of understanding of domestic violence issues and the low priority still given to such incidents, despite the expansive literature and research, and subsequent

initiatives aimed at tackling it, at both national and local levels. The difficulties experienced in implementing policy at a local level were discussed with the local Domestic Violence officer (see p.47). The progress of this case and the serious issues raised by it will be discussed in more detail in Chapter Five (p.161).

These cases so far demonstrate how the shift in the role of the state from protector to facilitator, and the subsequent redefinition of victims as consumers, conflicts with the existing model of criminal justice with its classic conception of crime as an offence against society. Instead, during the initial stages of the process, victims are required to demonstrate their status as "good citizens" and then assume the role of "active consumers" in order to gain access to criminal justice services.

Whilst it could be argued that as consumers the participants were offered a *choice* as to what action should be taken next, rather than the police automatically taking over in the interests of the wider public, limitations were revealed with regards to the extent of this choice. In particular, the choices available appeared to depend heavily on the perceptions and attitudes of the police towards the type of offence that had occurred and their view of the culpability of the victim. As demonstrated in the case of P3, no immediate action was taken at the time of the offence, due to the officers assumption that the victim would not continue with a prosecution, thus in this instance providing the victim with no choice at all. In the cases of P2 and P6, choices were offered not to proceed with a prosecution and later, for P2, the choice not to respond to a breach of bail. However, these choices did not appear to be provided in the best interests and protection of the victims, but instead appeared to benefit organisational priorities in line with managerialist principles.

The concept of choice, an important factor linked to the principles of monetarism and consumerism, also presumes that those given a choice have the ability to make an informed decision and to impose it. This again emphasises the notion of the "active consumer", who is expected to operate as a responsible autonomous individual agent. However, as acknowledged in Part I, many victims have only a limited knowledge and understanding of the criminal justice system, therefore, they rely upon the responses of the police officers with whom they come in to contact to help guide them. Instead, a reluctance to take action upon the part of the police illustrates how

consumer choice can be restricted, and in the case of P3 ignored, if officers impose their own assumptions and priorities over and above the wishes and protection of the victim. As demonstrated in the case of P2, the responsibility is upon the victim to be more active and to pursue their complaint, despite attempts to discourage them, and to ensure that their entitlement to protection is recognised and acted upon. However, as their cases progress, the data reveals how during the later stages of the criminal process the participants are then required to adopt the role of "passive consumers". This is particularly evident at the prosecution stage when the "offence against society" model takes precedence and the interests of crime control take priority over the interests of the victim. These issues are examined in more detail in Chapter Seven.

Thus, this limited availability of choice questions the appropriate status of victims as "consumers" of criminal justice. Instead it raises the question of what constitutes the status of real citizenship and whether the police perceive some situations more serious than others and, as a consequence, whether different individuals merit different kinds of responses, thus distinguishing between deserving and undeserving victims. This has already been demonstrated above in those cases where the offender is known to the victim and/or whether there is considered to be a degree of victim culpability. In stark contrast, when a serious offence is committed against a victim considered by the police to be entirely blameless for their victimisation, as in the cases of P8 and P10, both victims attacked by strangers, the police response is far more immediate and purposeful.

Therefore, the notion of victim precipitation, as raised in Part I, continues to remain a powerful and influential factor when responding to the needs of victims. Chapter Four now goes on to explore the impact of victimisation and how the responsiveness of criminal justice agencies can contribute towards the concept and definition of being a victim, already perceived as an unattractive role with often an assumed culpability. It is at the initial stages of the criminal process where individuals have suffered harm do, or do not, have conferred upon them by the relevant agencies the legitimate status of victim. It is the outcome of this process that determines whether they are able to gain access to the services of the criminal justice system by moving from the status of "good citizen" to that of "deserving client".

CHAPTER FOUR

THE IMPACT OF VICTIMISATION

In addition to their violently abrupt and unexpected introduction to the complex and often confusing procedures of the criminal justice system, many victims will also be experiencing and having to cope with the physical and psychological effects of their unwelcome victimisation.

Recent research has highlighted the psychological impact of crime and in particular the long-term consequences for victims and the unexpectedly pervasive nature of victimisation. Most predominant amongst victims is their sense of a loss of control and the shattering of cognitive beliefs. As noted by (Johnstone, 2002: 64), the most fundamental problem with crime is the "concrete damage" it causes to victims. This has been described by Zehr (1990, cited in Johnstone, 2002: 64), as 'mostly psychological and relational; being a victim of crime is a deeply traumatic occurrence because it damages the victim's sense of autonomy, order and relatedness'.

It is perhaps, therefore, understandable that most members of the public, as citizens, would assume that one of the main roles of the criminal justice system is to help victims and to assist in restoring their tarnished beliefs. There may also be an expectation, given that the system relies on the goodwill and co-operation of the public, that this would enable them to take part in a criminal justice process where their status as a victim is validated through recognition, respect and participation. As such, these initial assumptions and expectations begin to indicate the importance in the way criminal justice agencies respond to victims, as their response will crucially determine victims' perceptions of their own victimisation, their satisfaction with the criminal justice process and ultimately their recovery:

> 'The effects of crime may be long lasting, but the evidence shows that for most victims the initial impact is the greatest. What happens then – how different agencies and their representatives react to the immediate crime situation – is of crucial importance in underpinning victims' experiences.'
>
> (Mawby and Walklate, 1994: 95)

The aim of this chapter is to explore the impact of victimisation using the concept of the "psychology of the victim" and considers, in particular, whether the responsiveness of criminal justice professionals fulfils victims' expectations by acting to confirm their own perceived status as a victim. As will be demonstrated, attaining legitimate victim status is a complex process and depends primarily on the decisions made by criminal justice professionals. However, these decisions, whether made consciously or unconsciously, are strongly influenced not only by the attitudes and assumptions of those individuals concerned, but also by organisational needs and priorities. As part of this filtering process, distinctions are made between deserving and undeserving victims, thus fundamentally effecting whether victims have their expectations fulfilled by being able to gain access to their entitlements of redress for the harm they have suffered.

It is at the initial stages of the process, therefore, that tensions start to arise between victims' expectations, i.e., an assumption that the state will act to protect them and address the harm done, and victims' entitlements to be part of this process, i.e., to qualify for certain rights that will ensure that their interests are taken into account. These tensions will be explored further to see how they impinge upon the necessary transformation of victims from "good citizens" to "deserving clients", by first looking at the impact of victimisation and the reactions of victims to their experience. This is achieved by using direct quotes from the case studies, so as the data presented remains true to the participants' actual feelings and experiences.

The Psychological Impact of Victimisation

Whilst the most obvious effects of crime are often considered to be the extent of loss and damage which have been caused to property and the physical injuries suffered from crimes of violence, less often recognised are the considerable and unexpected emotional consequences of a criminal act (Victim Support, 1995).

According to social psychologists, what makes crime such a powerful stressor is that criminal victimisation challenges individuals' fundamental beliefs about themselves and their worlds (Norris, Kaniasty and Thompson, 1997). Theoretical explanations assert that individuals lead their daily lives around cognitive meanings about themselves and the world around them. However, the experience of victimisation

shatters three basic assumptions; a belief in personal invulnerability, a positive view of oneself, and the perception of the world as a meaningful place (Janoff-Bulman and Frieze, 1983). As a result, the victimised person feels a sense of helplessness and vulnerability, as a world they once perceived as safe and predictable may suddenly appear dangerous and unpredictable. Such feelings were described by a majority of the participants in the current study, both male and female:

"I don't think I've ever had anybody lay a hand on me...I don't like confrontation and would always talk my way out of anything...and that's a thing that's getting to me, the fact that a) she thought she could; b) she actually did; and c) I could do absolutely nothing about it." (P2: first interview).

"Normally if there is a large group of people or it looks like something's about to start, then I'll avoid it. What annoys me about it is the fact I didn't have a chance to react. I mean, because it happened so quickly, and after that I was in a vague sense of shock, I suppose, I didn't have a chance to run or fight back, or do anything. That's why I consider it so brutal and that's why I made the complaint." (P6: first interview).

In addition to feelings of helplessness and an inability to defend oneself victims may also feel a sense of incomprehension at what has occurred. Unlike victims of accidents and disease, victims of crime, whether violent or not, are often faced with the realisation that their suffering is the product of another person's intentionally singling them out for harm (Greenburg and Rubeck, 1992: 3). These feelings were particularly significant for P5, who suffered an attack by three unknown youths that left him unconscious and unable to remember exactly what happened:

"It's difficult to deal with it...what's happened and why...especially as I don't remember what happened. It's always 'Why?' Why me? Why this? Why that? Always why?" (P5: first interview).

And P8, who was physically attacked and threatened with rape by a stranger in a public toilet:

"I mean at first I toyed a lot with the idea, first of all, was he going to rape me...or was he going to rob me, or was he going to kill me? Y'know, it's all those thoughts...I'd like to actually ask him what he actually wanted. What the actual idea was." (P8: first interview).

Consequently, victims of crime suffer a number of losses in addition to the overt effects of the crime itself: 'The loss of trust in other human beings; the loss of confidence in the ability to protect oneself and one's property; and the loss of faith in an ordered and just world.' (Victim Support, 1995: 3).

Drawing from the increasing literature on the experiences of victims, Zehr (1990, cited in Johnstone, 2002: 64) identifies a pattern of reaction that is common to most victims. This pattern consists of three phases: an initial impact phase, a recoil phase and a recovery phase. The initial impact phase relates mostly to the emotional reactions where victims can be 'overwhelmed by feelings of confusion, helplessness, terror, vulnerability' (*ibid*: 64). Whilst these feelings tend to decline in the recoil phase, these are often replaced by the more powerful emotions of anger, guilt, anxiety, wariness, shame and feelings of self-doubt. During this phase it is suggested that victims undergo a 'traumatic adjustment' (*ibid*: 65) in their self-image, with those who once felt they were trusting and caring, now feeling wary and suspicious of others. This can not only affect their relationships with others, but can also affect views of their environment. A place where they once felt safe and secure has now become an unpredictable and potentially hazardous place.

The third phase involving recovery is acknowledged to only be achieved by a small number of victims who may be fortunate enough to have their needs met. Zehr also describes this as the "reorganization" phase, where victims 'recover from the emotional trauma, regain their sense of autonomy and power, and resume normal relationships with others. While their experience may still affect them, it no longer dominates them' (*ibid*: 66). However, it is argued that if the victim's needs are unmet, this will inhibit their recovery and, as a result, some may remain in the recoil phase. In observing the reactions of the participants as their cases progressed it was possible to relate them to Zehr's pattern of reaction. This was not unexpected as Zehr states that these phases are most marked in victims of violent crime and in some cases the

participants' reactions reflected the phases quite accurately, as already indicated in the participants' comments above.

In particular, by the end of the research it was possible to identify participants who were still struggling to move on from the recoil phase. In addition, the victim's needs that Zehr describes (*ibid*: 66) are also in accordance with many of those expressed by the participants. These include answers to their questions of 'why?' and 'why did it happen to me?', an opportunity to communicate their emotions and feelings and a need for empowerment as 'Their sense of personal autonomy has been stolen from them by an offender and they need to have this sense of personal power returned to them' (*ibid*: 67). An important element of this is some reassurance that the necessary steps are being taken to avoid a recurrence of the crime. The success or failure of the criminal justice system to meet victims' needs is reflected in the findings of the current study and the subsequent ability of the participants to recover from their victimisation.

However, whilst Zehr (1990) provides a useful model of the different phases which many victims may pass through, it is important to recognise that the intensity of victims' immediate reactions can vary significantly. Research on criminal victimisation reveals that most victims experience feelings of anger, fear, shock, confusion and depression (Greenberg and Ruback, 1992). However, what victims decide to do following the offence, amid confusing emotional and cognitive reactions, illustrates clearly the different reactions of individuals, which may often involve a self-questioning of one's own behaviour (Janoff-Bulman, 1985b). Evidence of this self-doubt was found amongst participants, as demonstrated in the case of P8, who suffered a particularly serious assault in a public toilet, involving attempted rape, false imprisonment and robbery. Having managed to calm the offender and make her escape on the promise that she would not tell anyone, her immediate response following her escape reflected clearly cognitive reactions of shock and confusion:

"And then I...a weird thing...I got in the car, where I had a mobile phone and there were people over the other side of the road, but ..um...I then drove around the...in my mind was 'I won't tell anybody because it's my bloody fault...I'll keep quiet about it, I won't tell anybody'...I didn't really want to bother anybody

really...but then I came to this Tesco garage and I drove in there and I even queued up where they were paying for petrol, and when it got to my turn I said, do you think you could help me, I've been robbed, and then the lady helped me from there...and then the police came." (P8: first interview).

This self-questioning of one's own behaviour and a tendency towards self-blame was very evident in the responses of a number of the participants, who examined their own behaviour in an attempt to understand if they in anyway were culpable for their own victimisation. This appeared particularly significant for victims of sexual assault, as indicated above and by P13, a male victim of repeated sexual assaults by the same perpetrator as a child:

"...like the nature of the offences you're, sort of always feel...I mean you shouldn't feel like it, but you do, you're ashamed, and you feel as though you were responsible in a way..." (P13: final interview).

The response of male victims to victimisation is an area in the past that has been seriously neglected. Much of this neglect is based upon widely held assumptions associated with notions of masculinity that men are not as seriously affected by victimisation, or at least if they are, they are unwilling to admit it (Newburn and Stanko, 1994). However, increasing research in this area explodes the myths about the impact of crime on men (Mezey and King, 2000), particularly the effect of sexual assaults on men. Especially as this experience is further complicated by the victim's view of himself as a man: 'Such attacks strike at the heart of stereotypical hegemonic masculinity in which men are in control, are invulnerable and are heterosexual' (Newburn and Stanko, 1994: 161). Importantly this study found that men can be profoundly affected by crime, are willing to admit to this and have equal needs to those of female victims in accessing services to assist them in their recovery.

As such, both male and female participants voiced feelings of self-blame. However, Williams (1999b: 19) cautions that: 'while the trend towards self-blame may become part of the recovery process for some victims, in that it can be helpful for victims to identify and change behaviour which may have led to victimisation, they also need to accept that victimisation can simply occur at random.' This process of coming to

terms with what happened can be seen in P9's assessment of her experience of sexual assault by a stranger, at first examining her own role and then rightly allocating the blame onto the offender:

"I wasn't wearing a short skirt or anything provocative. I didn't give him the come-on. At the end of the day, I try and think...well, he's just a sad person." (P9: first interview).

However, although P9 may have been assisting in her own recovery process by attempting to rationalise the situation, she was still very concerned about having to be a witness and being deemed as somehow culpable by others:

"I'm not looking forward to it. You watch so many programmes and you think, they are going to question me...make it sound as if it was my fault, when I was just innocently going out." (P9: first interview).

Very crucially, this tendency towards self-blame, shame and embarrassment at what has occurred can often influence a victim's decision whether or not to report the offence, amid concerns of the offence not being treated seriously by the official agencies and a fear of not being believed. Some of the factors effecting victims' decision-making processes have been studied by social psychologists and the key findings from one of these studies are now considered briefly below.

Reporting the Offence to the Police

As acknowledged in Part I, victims play a crucial role as gatekeepers to the criminal justice process, thus one of the most important decisions they have to make is whether to notify the police. However, reporting the offence can have important immediate and long-term consequences for victims (Greenberg and Ruback, 1992). For example, if an offender is arrested, victims may be comforted by the knowledge that the perpetrator may be punished and prevented from committing similar acts in the future. However, as has been clearly demonstrated in previous research referred to in Part I, involvement with the criminal justice process may only exacerbate the situation, causing victims to suffer what has now become commonly termed as "secondary victimisation" by the process itself. This then raises important questions concerning

the adequacy of the responsiveness of the criminal justice agencies towards victims of crime and the implications of this for both victims and the efficiency of the system.

Key findings from a series of studies exploring the decision-making processes of crime victims found that, whilst individual difference variants were not a significant predictor of the decision to report an offence, social influence, i.e., those with whom the victim spoke to directly following the offence, and the greater the perceived seriousness of the crime, were important predictors of decisions to report the offence (Greenberg and Ruback, 1992). Both these predictors also act to confirm the individual's experience of victimisation and reinforce their own perception of themselves as victims, thus encouraging them to take what is believed to be the most appropriate action by reporting the offence. Evidence from the current study supports these findings in that social influence and the importance of talking to others did assist some respondents in their decision to report the offence:

"I sort of like blamed myself and I was very upset. I ended up, sort of like, talking to quite a few people before I decided, I didn't know what to do, whether to just ignore it. In the end I went over and spoke to my sister and she told me to go to the police, and I did." (R12: interview).

Greenberg and Ruback (1992: 157) analysed delays in reporting and found that these were also subject to social influence. This was particularly evident in a case in the current study, where two victims of child abuse (P11 and P13) decided to report the offence over thirty years later, having discovered that they were not the sole victims of the same perpetrator:

"You feel frightened and isolated, thinking you're the only one this is happening to and in some ways blaming yourself. There is also the fear that if you tell someone that you won't be believed...At first I was the only one giving a statement and there was no rush at all to find out where he [the perpetrator] *was, and it wasn't until I found somebody else, that they went to take a statement from **** and his sister, that something was going to be done, and even then there was no rush."* (P11: first interview).

Although P13 had considered reporting the offences a year earlier following counselling he had received for feelings of aggression related to the past abuse, he decided it would be too painful to bring it all up again. However, when he was subsequently contacted by another victim, who thought he may know the perpetrator's whereabouts due to their own past association, he discovered there were other victims, including his sister:

*"When I met **** and she was brave enough to go through with it, I decided I would too. My sister really didn't want to at first, she wanted to just leave it and not bring it all up, but then she changed her mind and agreed to make a statement as well."* (P13: first interview).

This case clearly demonstrates victims' fears of not being believed, especially in cases that happened so long ago, but also demonstrates the importance of social influences when deciding what action to take, as highlighted in the studies of Greenberg and Ruback (*ibid*).

However, research has shown that the police, to whom crime is routine, often fail to recognise the impact of crime on its victims (Mawby and Walklate, 1994: 97). As highlighted in the case above, P11 and P13 did not feel that the police were responding quickly enough to their complaint once the statements had been made. Whilst it had admittedly taken the victims over thirty years to make their complaint, having finally taken this very courageous step they were anxious for something to be done, but the courage this had taken was not being acknowledged by the police:

"I always felt as though it didn't matter to them, because it had happened so long ago, and I always felt they had more important things to attend to...and that's how he [the allocated officer] *made me feel. I think there was a bit of insensitivity there."* (P13: final interview).

The failure of the police to respond to the complaint in the manner expected by the victims thus gives rise to a perception that the level of seriousness accorded to the offences by the victims themselves are not matched by the police. In relation to Zehr's model (*ibid*) these victims had spent the last thirty years of their lives in the recoil

stage, as the offences committed against them had never been dealt with and as a result their experience still dominated them. Subsequently, the lack of urgency displayed by the police created feelings of frustration and dissatisfaction which were only compounded further when, following his arrest two months after the statements were made, the perpetrator was given conditional bail and allowed to travel to Australia for a previously planned holiday:

"I don't see why he should be having a holiday of a lifetime in another country when we are still here suffering." (P11: first interview).

However, the biggest concern was a fear that the perpetrator would not return and, therefore, evade prosecution:

"I was gob-smacked when I heard, I was convinced he wouldn't come back..." (P13: first interview).

This case, in particular, demonstrates the apparent disparity between the status of victims and defendants as citizens. As a citizen, the defendant has rights that are duly recognised and enforced. In this case, it allowed the defendant, who despite having had very serious allegations made against him, to still travel abroad for a holiday. Whilst in English law a defendant is "innocent until proven guilty", in very serious cases the defendant may be remanded in custody if there is a concern that they may not return or conditions of bail may be given that restrict the defendant's right to travel. However, in this case no preliminary court hearings had yet taken place, therefore, the defendant remained on police bail pending the first hearing. However, from a victim's perspective, the relaxed and casual approach taken towards the defendant, in the time it took to arrest him and then allowing him to leave the country, failed to reflect the serious nature of the offences. In particular, it failed to demonstrate their equal status as citizens, but instead highlighted their role as passive consumers, dependent upon the responses of the criminal justice agencies.

It is the subsequent failure of the police to be aware of and acknowledge the impact of victimisation that is a primary cause of victim dissatisfaction and can lead to feelings of alienation. Research has found these feelings of alienation to be directly influenced

by the nature of the crime, with more severe crimes and acquaintance crimes associated with greater alienation (Norris *et al.*1997). Conversely, the same research found that greater satisfaction with the police led to lower alienation: 'actual arrests were less important in reducing alienation than was the simple assurance from police that they would investigate the crime' (*ibid*: 158). This demonstrates that a positive police response acts to reassure the victim that they are believed and that their complaint will be acted upon.

These findings are supported by the participants' satisfaction with their initial contact with the police. Data obtained from the postal questionnaire indicated that 72% of the total research sample were satisfied and that this corresponded with a positive response from the police, in that victims felt that what had happened to them was being taken seriously and that something was going to be done. In contrast, the remaining 28% of the research sample who were dissatisfied included cases where the police had demonstrated some reluctance to take action. This negative response did not act to confirm and support the views of the individuals themselves as victims, thus resulting in dissatisfaction, and was particularly found in those cases where the offender was known to the victim. Thus, these observations begin to illustrate the crucial importance that victims attach to the responses of the police, and in particular how they influence victims' reactions to the offence and their perception of their own victimisation:

> 'They [the police] are generally the first representatives of the State to come into contact with the complainant. Furthermore their intervention will come at a time when the complainant is most likely to be suffering from the immediate shock of the offence. Their attitude will considerably influence not only what the complainant decides to do but also what impression he receives of the administration of justice and of how the community as a whole regards the offence.'
>
> (Joustsen, 1987: 212)

It is at this stage of the process that an individual's own perception of them self as a victim may be confirmed or else come into conflict with those who have the power to legitimately apply the label (Miers, 2000: 80). The process of attaining victim status, often perceived as an unattractive role with an assumed culpability, and what

considerations are significant in that determination, are closely linked to the discussion in Chapter Three relating to the contemporary notion of the good, law-abiding citizen. This demonstrated how initial decisions made by those within the system strongly influences whether individuals achieve victim status.

Attaining "Victim" Status

A crucial feature of both state and societal responses to criminal victimisation is the perception of, and the ascription to, the individual of the status "victim" (Miers, 1989; Walklate, 1989; Mawby and Walklate, 1994). Whilst a necessary ingredient for victim status is the presence of harm, suffering or injury and, as such, are preconditions to being accorded victim status, 'not all such experiences are treated as so' (Miers, 2000: 80).

As illustrated above, people's reactions to victimisation are unique and unpredictable, and not all individuals on the receiving end of harm are willing to accept being classified as a victim. As a number of BCS findings have revealed, only a small proportion of violent offences are reported to the police and the reasons for this vary (Hough and Mayhew, 1983). In their earlier study, Shapland *et al.* (1985) identify two possible processes in operation, often simultaneously: first, self-definition as a victim and, secondly, the decision to involve the police, rather than forgetting about the offence or dealing with the matter in some other way. In cases involving violence against women, e.g.; domestic violence and rape, fear of further attacks and concerns regarding a negative response from the police and other agencies influence decisions whether or not to report the offence (Mullender, 1996; Lees, 1997).

As the current research sample was selected from police records, all participants had already either reported the offence to the police themselves (65%) or somebody else had reported the offence on their behalf (35%). In those cases where the offence had been reported by somebody else, the majority (74%) were by friends or relatives, whilst 26% involved bystanders, either living or working nearby. This indicates that the majority of the sample perceived themselves as a victim of an offence and thought that the matter should be reported to the police. The major factors contributing towards the decision to report the offence are given in Table Two. The reasons are taken from the responses given on the postal questionnaire. As respondents were able

to state more than one reason the total exceeds the total number of respondents in the study.

Table Two Reasons for reporting the offence to the police

Reason given	No. of victims
Aware it was my duty – it needed to be reported	7
Prevent it happening again to others – he might attack someone else	8
Assaulted and hurt badly – attempted rape – grabbed by neck and robbed	31
Needed help – fear for safety - to protect myself and family	8
Wanted action against the offender – perpetrator to be punished	5

As indicated in Table Two, a high proportion of the total respondents (15) felt it to be their duty and responsibility to report the matter in order to prevent it from happening to others. This can be considered an example of "active citizenship", whereby the actions of the participants involve a concern for other citizens, not wanting others to be victimised as they have. Eight participants were motivated by the need for help and protection, thus actively seeking the assistance of the police. However, Table Two clearly shows the high number of victims stating injury as a reason for reporting the offence. This is consistent with Greenberg and Ruback's (1992: 8) 'perceived level of seriousness' and Miers' (2000: 80) 'experience of harm' as a precondition to being accorded victim status and links this with the individual's self-definition of victimisation. This self-definition is important as 'those who do wish to claim the status will have to present themselves as victims, and this may firstly involve a cognitive process of self-labelling' (Miers, *ibid*: 81). However, claiming victim status also relies on the willingness of those who have the power to ascribe the label in actually doing so. As noted by Miers (2000), to be a victim means to suffer in a way that particularly conforms to a social definition of a victimising event: 'the determination of victim status is a social process which may conform or conflict with self-identification' (Ziegenhagen, 1978: 17, cited in Miers, 2000: 80).

This social process has given rise to what many commentators have referred to as the notion of the "ideal victim" (Christie, 1986; Loader, 1996; Rock, 1998) and the development of conventions which stereotype certain instances of suffering as victimising events. Obvious examples of "ideal victims" include elderly victims of robbery and burglary, child victims of sexual abuse and other vulnerable groups, all of which are portrayed, particularly by the media, as those deserving of victim status. However, as observed by Mawby and Walklate (1994), this process of labelling can lead to some confusion between victims' definitions of themselves as a victim and a police definition as to whether there is a "real" victim and a "real" crime:

'Essentially, when an incident is reported or discovered, the police define the situation according to their occupation-based definitions of crime and its seriousness and the moral worth of the complainant. Whether or not the police then do anything will depend on the balance between these interpretations and other demands of police time. Self-defined victims may then be deflected on the grounds that... no crime has been committed...there is no proof, or because there is little that the police can do.'

(Mawby and Walklate, 1994: 96)

This distinction between deserving and undeserving victims can be considered a legacy from the work of the early positivist victimologists, as referred to in Part I, and is particularly associated with conventional and administrative victimological perspectives. As noted by Walklate (2001: 28), this way of thinking about the victim 'reflects an underpinning view that there is a normal person, measured against whom the victim somehow falls short'. Whilst academic research, particularly from a feminist perspective, has done much to challenge and dispel some of the myths of victim precipitation and culpability, such stereotypical beliefs and attitudes continue to prevail.

Although such distinctions are often the result of a professional individual's discretion at different stages of the process, nowhere clearer is this distinction made more publicly than in the value-laden notions of the deserving victim enshrined in the conditions relating to the payment of state criminal injuries compensation. Since its introduction in the UK in 1964, 'a condition of eligibility has been that the victim is

free from immediate blame for the injury and, indeed, in other respects is a blameless person' (Miers, 2000: 89). As the scheme was originally designed to provide discretionary payments to victims of unlawful violence it was deemed inappropriate for those with significant criminal records, or whose own conduct led to their being injured, to receive public funds (Home Office, 1961: para.31). The relevance of the victim's character and conduct continue to play a significant role in the new statutory scheme administered by the Criminal Injuries Compensation Authority (CICA), introduced in April 1996, following the Criminal Injuries Compensation Act 1995. This reiterates that the scheme exists to benefit "blameless" victims, and that 'the politicisation of the victim of crime requires that the taxpayer be asked to compensate only those victims who present "deserving " characteristics' (Miers, 2000: 90). Again, this relates to the concept of "active citizenship", whereby good, law abiding citizens who pay their taxes should only be required to assist other good, law abiding citizens.

In his critique of the idealised notion of the "deserving" victim, Williams (1999b: 126) questions the artificial separation of victims and offenders and the dominant image that: 'victims of crime are usually vulnerable, engaged in respectable activities in a reputable place at the time of the offence, have no personal relationship with the offender and suffer physical harm by someone stronger than themselves.' Cases where the offender and the victim are known to each-other can be particularly problematic, as discussed in Chapter Three. As noted by Mawby and Walklate (1994), research on violence or threats by known offenders suggests that the deflection of police action is common and evidence of this was found in the current study, despite the introduction of new initiatives, as will be discussed in Chapter Five.

Of the total research sample 51% knew the offender. 37% (16) involved offences of physical assault, which included six cases of domestic violence. For the purposes of this study, domestic violence is defined as a physical assault against a partner or ex-partner, male or female. In this study four cases were against females and two were against males. 12% (5) involved offences of sexual assault, 2 by a family friend, 2 by a stepfather and 1 by a father, and 2% involved offences of harassment.

Of the 28% of the total sample dissatisfied with the initial police response, all twelve cases involved offenders known to victims, and results showed a positive correlation

between dissatisfaction and no police action at the time of the offence, with 10 cases resulting in no immediate arrest. Of the total sample, 88% indicated that they wanted action to be taken against the offender and this figure rose to 91% in cases where the offender was known. These results support the findings that in cases where the police response does not match the victim's perception of the seriousness of the offence, victims are dissatisfied, especially in cases where the offender is known to the victim and there is an assumed culpability.

In three cases out of the four involving male perpetrators of domestic violence against current and ex-partners, the participants believed that such cases were not dealt with very sensitively:

"The police make you feel it's your fault, your problem." (P3: telephone call, post-sentence).

"The police said if they was called again they would take my two year-old into care." (Questionnaire: subsequently unable to contact respondent).

"I believed a criminal offence had occurred and wanted the police to take any appropriate action to prevent a repetition, but they just said it would be his word against mine." (R10: interview).

Again, these responses indicate a lack of awareness by the police of the impact of victimisation. In particular, it demonstrates an apparent failure to adhere to both local and national guidelines with regards to domestic violence where victims may often have been abused over a long period of time before eventually calling the police (Cretney and Davis, 1997). It also indicates the victims' lack of status as citizens deserving of protection from the state, but instead renders them as "passive consumers", unable to access the services they require due to the interpretation placed upon their situation by those in a position of authority to provide or withhold those services.

Thus the findings above indicate clearly that police responses towards victims can be strongly influenced by stereotypical notions of the "ideal victim". This effect, when

combined with the budget constraints imposed by new managerialist reforms concerning cost effectiveness and efficiency, can result in victims whose offences against them are not deemed serious enough, or where the victim is considered culpable, being denied access to the criminal justice process.

Further evidence of this process was found by listening to the experiences of those respondents who were very satisfied with the police response. Unsurprisingly, these respondents tended to resemble more closely the stereotypical notion of the "ideal victim". That is, those who have suffered violence by a stranger with no evidence of victim precipitation, whilst going about their own legitimate business. As in the case of P8 described above, the police response to this very serious attack confirmed her self-definition as a victim thus resulting in a higher level of satisfaction:

"So then the police came, they were smashing. I felt very safe with them...there was no innuendo or lack of trust, they believed me. I think they were very angry and I was just really pleased at how hard the police worked, y'know, through the night and door to door. They were determined...they were really on my side" (P8: first interview).

Further examples include those victims of robbery, particularly the robbery of an elderly lady just a few meters away from her house:

"I was very shaken and returned to my cousins house, who called the police. They arrived within ten minutes and their attitude was very kindly to me. They were very concerned and called the paramedics, but I didn't want to go to hospital. Instead they took me home and fetched my neighbour so I wouldn't be alone" (R6: interview).

A final example involved a sexual assault on a young female walking home, where the offender had also attacked a number of other victims on the same evening.

"Although I had to wait a little while at the station, that was my only criticism, they were brilliant in every other way. They were very supportive and nice, and helpful and 'human'! They did everything they could to make me comfortable and

reassured, and succeeded in catching the offender almost immediately" (P10: first interview).

Thus evidence from the study so far illustrates clearly the importance of the police response in influencing victims' own perceptions of their victimisation and their levels of satisfaction. It also demonstrates how stereotypical notions of the "ideal victim" influences decisions made by the police whether to respond to the offence as a crime, thus only providing those victims deemed as "good citizens" access to the criminal justice process.

However, this process continues beyond the initial stages of reporting an offence. Research has illustrated the persistent long-term effects of violent crime and how continued involvement with the criminal justice system can either assist or aggravate further the victim's recovery. This again highlights how the response of criminal justice agencies is crucial in determining victims' perceptions of their victimisation and their overall satisfaction with the criminal process.

The Pervasiveness of Victimisation

Psychological studies have found that many victims are profoundly affected by their experience and that months later such effects as feelings of anger and upset continue to remain (Zehr, 1990; Greenberg and Ruback, 1992). A primary advantage of undertaking a longitudinal study, therefore, is the ability to capture the longer-term effects of the offence on the participants and how the criminal justice process impacts upon this. In particular, one of the most striking findings of the earlier Shapland *et al.* (1985) study was the persistence and consistency of the prevalence of physical, social and psychological effects over time, which has since been supported by further psychological research:

'In one analysis or another, we found criminal victimisation to be associated with depression, anxiety, hostility, somatic symptoms, fear of crime, avoidance behaviour, lower self-esteem, increased alienation, and need for both formal and informal social support. Violent crime in particular led to more negative schema in the domains of safety.'

(Norris *et al.* 1997: 161)

Due to the length of time it can take for cases to proceed through the criminal justice process contact with the core participants in the current study continued for between six to eighteen months. This enabled the identification of a number of long-term effects on participants and, in addition, the various coping strategies that some participants employed to assist in their recovery. In accordance with the recoil phase described by Zehr (*ibid*), the study found that some participants suffered increased feelings of anxiety and depression which impinged greatly on their quality of life, leading to changes in behaviour and a loss of interest in previously enjoyed activities.

Prior to the attack by three unknown youths, P5 had enjoyed his work at a local fast food restaurant, went out regularly with his girlfriend and friends, and played football in a local league. However, during the months following the offence, his mother described him as "reversing into a shell", as his subsequent loss of confidence resulted in him becoming increasingly withdrawn and isolated:

"I used to like working at McDonalds, now I don't want to go back no more. It's completely threw me off...and working with the public doesn't suit me. Even during the day you get a lot of abuse off the customers, now it just freaks me out." (P5: second interview, pre-trial).

Six months following the offence, with two of the offenders having been convicted and the third case having been dismissed, P5 was still suffering psychological effects from the incident:

"This has been the worst year of my life...I could crawl under a rock right now. The doctor has stuck me on all these anti-depressants and sleeping tablets, 'cos I can't sleep. I've split up with my girlfriend because I don't like going out very much and I still feel nervous at work." (P5: final interview).

The above suggests that P5 remains in the recoil phase (Zehr, 1990) and has not yet reached the recovery phase, where victims are able to 'regain their sense of autonomy and power, and resume normal relationships with others' (*ibid*: 25). In this particular case, P5's recovery was aggravated further by the response of the criminal justice agencies involved and this will be explored in more detail in Chapter Six (p.185).

The combination of many of the symptoms experienced and described by some of the participants can be associated with the condition now identified as post-traumatic stress disorder, or PSTD:

'Post-traumatic stress disorder is an anxiety disorder produced by an uncommon, extremely stressful life event and is characterised by several symptoms including: (a) re-experiencing of the traumatic event in painful recollections, flashbacks, dreams or nightmares; (b) diminished responsiveness to the environment, with disinterest [sic] in significant activities, feelings of detachment and estrangement from others; and (c) symptoms such as exaggerated startle response, disturbed sleep, difficulty in concentrating or remembering, guilt about surviving when others did not, and avoidance of activities that bring the traumatic events to mind.'

(Kilpatrick *et al.*, 1987, cited in Mawby and Walklate, 1994: 37)

Whilst all individuals react very differently to violent criminal victimisation, such symptoms as described above were most severe in those participants who had suffered violence involving a sexual assault regardless of gender. These findings are similar to those of Shapland *et al.* (1985: 98), in that victims of sexual assaults had both the highest levels of effects at the first interview and the greatest tendency for effects to persist. This persistence of effects is reflected in the statements of some of the participants:

"I still won't go out at night on my own. That I probably won't ever do again...I get a taxi, you know, I wouldn't risk it." (P9: final interview).

"I still like to think it never happened, it still haunts me, but I just get on with things. I seem to go through different stages of emotions, from feeling empowered to being lonely and sad, the experience has definitely changed my moods. I still get flashbacks and when I'm in bed I'm frightened of someone coming up the stairs." (P8: second interview, pre-trial).

Even a year following the incident, P8 was still experiencing long-term psychological effects, although she was beginning to show some signs of a gradual recovery in that whilst her experience still affected her, it no longer dominated her (Zehr, 1990: 66):

"I still get a bit tearful, and get feelings of dread and anxiety...like a dark cloud moving over. I had a bad day, bad week, on the anniversary. I still get angry and get bad depressions, but it is getting better." (P8: telephone call, after final interview).

The serious long-term consequences of child abuse have been well documented by academic research (Silver, Boon and Stones, 1983; Finkelhor, 1997). The entrenched feelings of guilt and shame were clearly evidenced by the experiences of P11 and P13, who still suffering 30 years on finally decided to do something about it, having gained support from each other:

"Although it was a long time ago, you never forget. At the end of the day, it's always in your mind. You wake up every morning and it's on your mind." (P11: first interview).

"I don't think, um...if I'm truthful, I don't think there's a day that goes by when you don't think about something that's happened." (P13: final interview).

These very serious cases support Zehr's (*ibid*) proposal, whereby victims who remain in the recoil phase may continue to be dominated by their experiences until, or if, they are able to reach the recovery phase and regain their sense of autonomy and power. In order to achieve this, research suggests that victims often utilise their own coping strategies as well as seeking support from other sources.

Strategies for Coping with Victimising Events

As noted above, attributing blame for the victimisation to one's own behaviour can be adaptive as there is a belief that by changing one's behaviour, future victimisation will be avoided, thus restoring a sense of control to the individual (Janoff-Bulman, 1985b). Such coping strategies were employed by a number of participants in the current

study who subsequently spoke of not going out alone, or of being more on their guard when they are out:

"I'm a little more wary of people now, which is not necessarily a bad thing perhaps." (P1: final interview).

"It shook me up quite a bit at the time and it makes you think twice about walking places in the evening on your own...it certainly made me a lot more wary." (P10: first interview).

"I've certainly got no problem going out whatsoever, but I try to avoid the scene and I suppose I'm a little bit more wary than I otherwise would be." (P6: first interview).

Whilst this strategy may have positive effects and assist victims to regain some control by reducing the risks of further victimisation, self-blame can have negative consequences if blame is attributed to personal characteristics which cannot so easily be changed (Janoff-Bulman, 1985b). This can especially occur in cases where there are difficulties making sense of the victimisation as there appear to be no obvious reasons, as in the case of P5. Previous research on domestic violence also shows that women often blame their own personalities for continuing to remain with an abuser and suffer repeated assaults (Glass, 1995, cited in Spalek, 1999), as found in the case of P3:

"It did make me feel stupid this time, d'you know what I mean like, giving him another go. I mean you should learn your lesson from the first time." (P3: first interview).

Other coping strategies identified in the current study include the use of simulating events whereby victims construct hypothetical scenarios where the victimisation could have been worse (Greenberg and Ruback, 1992):

"Thankfully he never pulled a knife on me, 'cos things could have been...you have to look on the bright side. You're still around, it makes you feel better." (P9: first interview).

The constructing of worse case scenarios can have a positive effect upon individuals and can be understood as a psychological defence mechanism by the fact that it minimises and makes bearable the trauma that has been experienced (Spalek, 1999). Comparing one's own experience to that of others can also be viewed as beneficial, as in the case of P8, who was grateful that her attacker was caught and prosecuted:

"It would have taken a lot longer to have gotten over it if no-one had been caught. I was very fortunate...there was a beginning, a middle and an end...and for some people there isn't..." (P8: final interview).

As this relatively small-scale study has begun to show, victims may react very differently to the victimising event, which can cause serious physical and psychological effects of a particularly pervasive nature. As previous research has documented, rather than share the burden of these effects, the criminal justice process can exacerbate them, through its failure to acknowledge victims as individuals with certain needs and valid entitlements. As contended by Zehr (1990: 30; cited in Johnstone, 2002: 68):

'Such neglect of victims not only fails to meet their needs: it compounds the injury. Many speak of a "secondary victimization" by criminal justice personnel and processes. The question of personal power is central here. Part of the dehumanising nature of victimization by crime is the way it robs victims of power. Instead of returning power to them by allowing them to participate in the justice process, the legal system compounds the injury by again denying power. Instead of helping, the process hurts.'

The crucial point identified here by Zehr is the question of power and how this is played out in the relationship between the state and victims of crime. Whilst the rediscovery of crime victims has undoubtedly increased their visibility within the criminal justice process in England and Wales, culminating in a plethora of initiatives and reforms, this thesis questions whether these have actually resulted in improving the status of victims within the criminal process. Essentially it seeks to discover whether the redefinition of victims as consumers results in a fair distribution of obligations and rights between victims and the state within a contemporary definition

of citizenship. Or put more bluntly, has their status as consumers resulted in any new rights for victims or has the concept of active citizenship simply imposed further obligations?

In an attempt to answer this question, Chapter Five begins to assess the impact of recent reforms and initiatives on the experiences of the participants and whether these have enabled them to engage with the process, as advocated by the political rhetoric.

CHAPTER FIVE

RIGHTS FOR VICTIMS OF CRIME?

'The criminal justice process is not just a process by which the State brings wrongdoers to justice on behalf of the community. It is also, or should be, a recognition that a citizen has been the victim of a crime, and a process which helps the victim's recovery, or at least does not hinder it... This is, moreover, in the interests of the criminal justice process, which depends on victims reporting crimes and giving evidence.'

(Victim Support, 1991)

The early 1990s witnessed increasing political popularity in expressing indignation for and on behalf of the victims of crime. The apparent success of VS in gaining the long overdue recognition of victims' needs and services, supported by the findings of academic research during the 1980s, culminated in a plethora of reforms and initiatives aimed at improving services to victims within the criminal justice system. The stated aims and purposes underpinning these reforms served only to fuel further the growing debate concerning the needs and rights of victims and it was during the 1990s that the terminology of rights became synonymous with victims of crime.

This chapter explores the impact of these reforms and initiatives and their effectiveness as mechanisms for the acknowledgement of victims as individuals with needs and valid entitlements within a predominantly consumerist model, as dictated by new managerialist reforms. By analysing the empirical data a comparison is offered between the framework of victim care as outlined in the official guidelines and the actual experiences of the victims themselves. Essentially, the analysis highlights some of the tensions which earlier research has identified between the apparent shift towards a more victim-focused criminal justice process and the ability of criminal justice agencies to implement these reforms. As such, the chapter begins with a brief overview of some of the relevant reforms as contained in a number of Home Office documents at the time of the fieldwork.

The Victim's Charter(s)

Perhaps the most significant of victim reforms was the publication of the first Victim's Charter, heralded as *'A statement of the rights of victims of crime'* (Home Office, 1990a). The Charter was launched on European Victims Day (22nd February 1990), five years after the General Assembly of the United Nations adopted a Declaration of Basic Principles of Practice for Victims of Crime and the Abuse of Power (United Nations, 1985).

The Victim's Charter listed the responsibilities to be met by the various professional agencies within the criminal justice system, including the voluntary agency, Victim Support, and set out a list of entitlements of what victims could expect. The Charter was one of three Conservative Government policy statements published in 1990, which were stated to represent an integrated approach towards considering the rights and expectations of the victims of crime. The other two statements were a White Paper on Criminal Justice, *'Crime, Justice and Protecting the Public'* (Home Office, 1990c), and a Green Paper on the organisation of the Probation Service, *'Supervision and Punishment in the Community'* (Home Office, 1990d). As noted by Maguire (1991), criminal justice agencies were being increasingly enjoined to pay heed to the interests of victims in their everyday decision making, as well as those of the community and the offender.

However, despite this fanfare of good intentions, more than a decade on procedural and service rights for victims of crime in the UK continue to exist only on a quasi- or non-legal basis, as observed by a number of commentators. In their development of a critical victimology, Mawby and Walklate (1994) offer three possible interpretations of the Victim's Charter. By exploring its usefulness as a policy document, a political document and an ideological document their analysis emphasises the importance of considering the broader political context in which the Charter emerged in an attempt to understand why it was formulated in the way in which it was. However, whilst they acknowledge it as a highly commendable attempt at establishing an integrated framework of good practice across all aspects of the criminal justice system, Mawby and Walklate (1994) offer a critique which reveals the limitations of the Charter in all these three areas.

Summarising their critique, Mawby and Walklate (*ibid)* conclude that the lack of legislative backing contained within the framework undermines the statement presenting it as a statement of rights. Instead, the Charter represents more accurately a code of practice, i.e., a statement of "moral rights" (Spicker, 1988, cited in Mawby and Walklate, 1994: 171), rather than legal ones. A further limitation is that the document omits a framework of accountability should any agency fail to meet its responsibilities and, clearly connected with this, is that no further resources have been provided with which to facilitate the shift in practice required. The combination of these two factors also weakens the Charter's additional aim of representing the integration of the citizen as a "consumer" of the criminal justice system. The purpose of this aim being to enhance 'the idea that the consumers of the criminal justice system are the public/victims of crime, not the offenders' (Mawby and Walklate, 1994: 173).

This reconstruction of the citizen as a consumer reflected the wider political ideology of the 1980s and 1990s, as discussed in Chapter Three. This ideological approach was linked to the reduction in the obligations of the state and instead, placed an emphasis upon the obligations of the citizen enshrined within the conservative notion of "active citizenship". Whilst it is argued that the implicit function of such reforms has been to improve the efficiency of the public sector, it also emphasises the importance of individual responsibility and human agency. Central to this political ideology is the role of the law-abiding citizen, who if victimised through no fault of their own, should then be, as a "good citizen", entitled to the services of the criminal justice system and thus be deemed as a "deserving client".

It is this redefinition of victims as consumers of the criminal justice system that provides the apparent rationale underpinning the Victim's Charter and the broader shift from an offender-focused criminal justice system towards a victim-focused one. However, as referred to in Part I, commentators argue that the underlying intention of this shift was more to mask the difficulties in tackling crime and to gather support for the Government's more punitive approach towards offenders, than by any genuine concern for the victims of crime. The truth of this perhaps can be measured by the implementation of these initiatives and reforms, and their subsequent success in

providing victims with "rights" and improving the delivery of services to crime victims.

The observations of Mawby and Walklate (1994) have been supported by Fenwick (1995), who states that whilst recent years have seen a number of developments which give rise to the notion that in some sense victims have "rights", 'these are seriously misleading, merely providing minimal, inexpensive and unenforceable entitlements' (*ibid*: 845). In fact, the criminal justice agencies are under no legal duty to ensure that victims have access to the services under the Charter, therefore, there is no recourse for victims should they be breached.

As a consequence of the increasingly politicised and controversial debate concerning victims' issues during the 1990s, the neutral stance adopted by VS has become harder to maintain. Whilst VS welcomed the intentions outlined in the Victim's Charter, it proposed that a series of important questions remained unanswered and subsequently adopted a more assertive strategy concerning not only the needs of victims, but also directly addressing the issue of victims' rights. With the publication in 1995 of its policy paper entitled *The Rights of Victims of Crime*, (Victim Support, 1995), VS committed itself to the view that affording victims rights would assist in improving and protecting their position in the criminal justice process. As such, the policy document contains a statement of the rights to which VS believes all victims of crime are fundamentally entitled. By focusing on the experiences of crime victims and witnesses within the criminal justice system, it concludes that:

> 'The state's concern to deal with the offender while at the same time protecting his/her human rights needs to be matched by a similar concern for the victim. The loss of public confidence in the criminal justice system depends mainly on the way people are treated when they are required to take part in the criminal justice process, and it is here that there is particular scope for improvement.'
>
> (Victim Support, 1995: 4)

Thus, by highlighting the relationship between the state and its obligations towards the offender, the policy document importantly identifies what VS believes the state's responsibilities should be towards victims. It suggests that these responsibilities

should fall in to five groups: freedom from the burden of criminal justice decisions, information and explanation, protection, compensation, and respect and assistance, in order to promote 'the previously neglected relationship between the victim and the state' (Victim Support, 1995: 8).

As a result of the apparent momentum gained in favour of victims playing a more active role in the criminal justice process, including increasing international pressure (United Nations, 1999), and in response to criticisms of the first Victim's Charter, the government published a revised version in 1996, re-entitled *A Statement of Service Standards for Victims of Crime* (Home Office, 1996). Whilst its provisions are more extensive and specific than its predecessor it is perhaps most important to note the subtle change in terminology adopted by the revised Charter, from 'a statement of *rights'* to 'a statement of *service standards*'. In particular, this bestows upon victims a status not as citizens with *rights*, but as consumers of *services,* thus subtly weakening their access to these entitlements. This, Fenwick (1997a) argues in her more recent analysis, reveals the apparent paradox of the current rights-based approach, in that it still denies the possibility of individual action as a means of enforcing the rights. Although the revised Charter does include a general grievance procedure, this advises victims to complain directly to the agency with which they have a complaint. However, it could be argued that expecting already disempowered individuals to complain about the services of a powerful criminal justice institution is unrealistic, especially when they are confused as to what those services should be and what exactly their entitlements are. This is indicative of a process which intentionally constructs victims as "passive consumers", whilst the political rhetoric expressly intimates their status as citizens with enforceable entitlements.

This passive role was illustrated clearly by the majority of victims in the current study who felt intimidated by the criminal justice process itself. In some cases victims were reluctant to contact agencies for further information concerning their case and some were even unaware that they could. The following participant was disappointed by the lack of information received from the police and when asked by the researcher if they had contacted the police themselves to find out more, replied:

"I didn't think I could actually, to tell you the truth...I hate being a nuisance. I don't like dealing with people in authority, it makes me feel small... We're disappointed about the police. People like us don't really understand what's going on and what you're entitled to." (P5: first interview).

This initial reluctance to contact the relevant agency to ask for information suggests that victims would be even less likely to contact an agency to make a complaint if dissatisfied with the service they received and this is supported by the research findings. Although the majority of respondents expressed dissatisfaction with at least one agency during the progress of their case, only one participant put a complaint in writing to the agency concerned.

Of course, a necessary pre-requisite of exercising one's rights is having knowledge of them in the first place. As previously observed by Marshall (1975: 207, cited in Williams, 1999b: 74): 'Citizens only have rights if they are aware of what these rights are, believe in the authenticity of such rights and have the skills needed to exercise them'. Therefore, having the knowledge and ability to complain is based upon the assumption that victims are aware of the existence of such entitlements. However, as noted by Williams (1999b), although the Charter is available on demand from Victim Support Schemes, police stations and the Home Office, its existence and purpose are not widely known outside these agencies.

Whilst the Home Office published an information leaflet entitled *Victims of Crime* (Home Office, 1994a), providing a condensed version of what victims can expect, evidence from the current study revealed that only 45% of the total sample received this. This was provided following the offence, either directly from the police or from Victim Support. However, this is contrary to the Victim's Charter (Home Office, 1996: 2) which states that 'the police will give you this leaflet as soon as you report the crime in person at a police station, or you will be sent one within five working days'. In addition, none of the participants were given a copy of, or made aware of the existence of, the Victim's Charter until mentioned by the researcher during the study. The significance of this is that whilst the *Victim of Crime* leaflet does refer to a number of entitlements, it does not cover the whole range as specified in the Charter, thus resulting in only 45% of the sample receiving a condensed version of their

entitlements as victims of crime. Consequently, as noted by Ashworth (1998: 64), when right-holders are not informed of their rights 'it undermines the very value that the right was intended to respect'.

Fenwick (1997a) concludes that, whilst various criminal justice agencies were given new responsibilities towards victims and a variety of enforcement mechanisms were put in place during the interim period between the publication of the two Charters, the revised Charter still shares the same legal obscurity as its predecessor, thus only reaffirming the quasi- or non-legal character of the scheme. Viewing the aims of the Charter from a political perspective, Fenwick (1997a: 852), suggests that:

'The nature of the scheme, as reflected in the measures adopted for its delivery, has merely provided an appearance of protecting victims' rights which is both popular and cheap since if no remedies are provided, and if some "rights" turn out to be merely aims, the resourcing implications will be much less severe than those likely to flow from other reforms of the criminal justice system, such as adopting crime-cutting measures.'

This apparent lack of enforcement and accountability regarding the Victim's Charter, together with the absence of any additional resources, thus seriously questions the underlying motivations of the initiative and the government's commitment towards its obligations to victims. This is reflected in the change of terminology from "rights" to "services", thus diluting the impact of any reforms on the existing model of criminal justice dominated primarily by the interests of crime control and not those of the victim. Thus this leaves victims having to adopt the role of "active consumer" in order to find out what their entitlements are and to actively pursue the relevant agencies to ensure that these are acknowledged.

In an attempt to explore this further, the research focuses on the ability of the criminal justice agencies to fulfil their responsibilities towards victims, as outlined in the Victim's Charter and the associated documents, from the perspective of the participants and their experiences. As one of the primary aims of the Victim's Charter initiative has been to keep victims informed about the progress of their case, this

chapter focuses on the provision of information at the initial stages of the criminal justice process, and relates primarily to their contact with the police.

The Provision of Information

The importance victims attach to being kept informed has been well documented in the studies of victims' needs since the mid-eighties (Maguire and Bennett, 1982; Shapland *et al.* 1985). The main problems cited by victims have included lack of contact with the police, lack of information and a general feeling of being accorded low status by the criminal justice authorities (Victim Support, 1995). In particular, victims of violent crime and crimes against the person have been found to experience further stress if they are not kept fully informed as to what is happening and why at all stages of the criminal process, both pre- and post-trial (Newburn and Merry, 1990).

The importance of providing victims with information was acknowledged in the first Victim's Charter (*ibid*: 4), which stated that: 'the police should aim to ensure that [the victim] is told of significant developments in the case, particularly if a suspect is found, if he is charged or cautioned, and if he is to be tried.' Whilst the Charter does not mention pre-trial hearings, it does state that after a "serious offence" the victim should be informed if the accused is released on bail. This statement is further supported by two Home Office circulars, which require the police to keep victims informed about the progress of their case (Home Office, 20/1988; 60/1990b).

The government's commitment to achieving this objective was further reiterated in the Home Secretary's introduction to the revised Victim's Charter (Home Office, 1996: i):

> 'Victims often say they want more information on what is going to happen and to be kept up to date with developments in their case...This Charter is part of our commitment to provide better information.'

As a result of the revised Charter two pilot studies were introduced to evaluate the use of one-stop shops and victim personal statements (Hoyle, Cape, Morgan and Sanders, (1998). Six areas were chosen to implement these schemes, but the area in which the current research was undertaken had not been chosen.

However, despite the findings of previous research and the provision of information being one of the major reforms introduced to assist victims, the current research reveals that lack of information still remains the major source of dissatisfaction and frustration at all stages of the process. The extent of this dissatisfaction was, therefore, unexpected and the study found that the information victims require falls into two main categories:

i. Practical information and advice about the criminal justice process itself and the procedures involved.

ii. Specific information relating to their case.

As identified earlier by Shapland *et al.* (1985: 92), people's attitudes and judgements of satisfaction are based on expectations and these, in turn, are to some extent a product of their own prior knowledge about what may happen. The lack of knowledge concerning the criminal justice system found in the earlier study illustrated clearly the need for the police and the courts not to presume that victims will know what may happen and what his/her part in the proceedings will be:

'There is a need for some general information to be given to victims at the start of the process, setting out what will happen to the case, what they may have to do, what role they can play and where they can obtain help and advice.'

(*ibid*, 1985: 92)

What Shapland *et al.* (*ibid*) describe has since been produced by the Home Office in the form of the *Victim of Crime* (*ibid*) leaflet as discussed above. However, this leaflet was only received by 45% of the research sample, of which some admitted to not having bothered to read and for some who found reading difficult:

"I didn't really read much of it, my reading is not my strongest point" (R9: interview).

This situation is not uncommon, as a lot of information today is contained in leaflets posted through our doors, which are then often left unread and later discarded. This is

even more likely when taking into consideration the high levels of anxiety victims may be feeling following the trauma of their recent victimisation. As acknowledged by Williams (1999a: 389): 'It is difficult to imagine distressed victims and survivors turning to this turgid, bureaucratic prose for relief'. This raises the important issue as to how information can best be effectively conveyed to victims, as the research highlights this as a substantial problem throughout the process. As acknowledged by Ashworth (1998: 64), greater attention needs to be devoted to techniques of communication as 'being told is not the same as being caused to understand'. This is particularly important as participants' previous knowledge of the criminal justice system was at a similar low level as that found in the sample of Shapland *et al.* (*ibid*). Most significantly, for 54% of the participants it was their first experience of being a victim of crime and, for the majority, it was their first contact with the criminal justice system, thus making the provision of information about what was going to happen next crucial. As suggested by one of the participants, only four weeks following the reporting of the offence and already frustrated by the perceived lack of information provided by the police:

"All the way through this it's always been me that's had to phone them and that's made me feel like a nuisance. There doesn't seem to be like an idiot's guide to what happens next, it's all up in the air. I want information about what I can do to help myself. I want practical information on what is happening." (P2: first interview).

This participant had not received a *Victim of Crime* leaflet. In fact the only correspondence she had received had been the research postal questionnaire, which she later stated she had completed because *"I realised I could get something from it for myself as well"* (P2: final interview). This reiterates the point made by Sheurich (1997) in Part II, in that interviewees also have multiple intentions and desires, some of which are consciously known and some of which are not.

This begins to demonstrate the importance of providing victims with the relevant information communicated in a form that is easily understood by them from the very beginning of the process. However, findings from the current study clearly illustrate that whilst many victims were satisfied with their initial contact with the police, lack

of information at the initial stages and later as their cases progressed became the primary cause of victim dissatisfaction.

Initial Contact with the Police

Data obtained from the postal questionnaire revealed that 72% of the total sample were satisfied with their initial contact with the police. When asked to give the reasons for their satisfaction, the majority of participants described the response they received from the police and the most common phrases used included the words "kind", "helpful", "friendly", "polite", "sympathetic", "caring" and "supportive":

"Their caring attitude – a lot more sympathetic and understanding than I expected." (P10: first interview)

"They helped me feel relaxed and comfortable talking to them." (R9: interview)

"They took the situation seriously...courteous and responded straight away." (P9: first interview).

"Very amenable, helpful and concerned officers." (R6: interview).

This data supports the findings of the Shapland *et al.* (1985) study in that the attitude of the police was found to be a prime determinant of victim satisfaction. This is reflected further in the comments expressed by the remaining 28% of the sample who were left feeling dissatisfied with their initial contact with the police. The primary causes of dissatisfaction were a lack of information and, in some cases where the offender was known either to the victim or the police, the failure of the police to make an arrest:

"It has been three weeks since I spoke with the police. Twice I have telephoned and no one has returned my call. I don't know what has been done." (Questionnaire, subsequently unable to contact respondent, same as p.136).

"Not enough information and no advice letting me know what was going to happen." (P1: first interview).

"More information of what was happening to apprehend the youth. It is now eighteen days and I have heard nothing." (P9: first interview).

These participants' reactions support what was discussed earlier in Chapter Four, where dissatisfaction can be caused when the response of the police does not match the victim's perception of the seriousness of their victimisation. This is particularly reflected in the frustration caused by the police's apparent inaction in dealing with the perpetrator and the failure to keep victims informed. One of the primary initiatives introduced to help keep victims informed has been the allocation of an officer to each case, which in most cases involves the officer who initially attends the scene of the offence. The effectiveness of this scheme is reviewed below.

The "Allocated Officer" Scheme

Although a practice already adopted for more serious offences, i.e., murder, child sexual abuse, etc; the allocation of an officer to keep victims informed was officially recommended in a circular *Victims of Crime* (Home Office, 20/1988) and specifically referred to in the revised Victim's Charter (Home Office, 1996:2):

"The police will give you the name and phone number of the officer or "crime desk" responsible for your case. If you have any questions at any time you can contact this person, who will either answer your question or put you in touch with someone who can."

Although it had been confirmed by the WPC interviewed (see p.45) that the allocated officer scheme had been implemented locally, findings from the current research found that the scheme was not working effectively. In particular, participants were not receiving the information they required and their own attempts to contact their allocated officer often resulted in failure and frustration. The difficulties victims had in contacting uniformed officers had also been acknowledged by the CID Inspector interviewed (see p.46). The main source of frustration was the unavailability of the officer concerned, due to being off-duty at the time, away on training, absent due to illness or on holiday leave, and the repeated advice that no one else could help them in the officer's absence:

"If I want to find anything out I have to contact them...but only if I can get hold of him, if he's there!" (P5: second interview, pre-trial).

"I couldn't get him sometimes because he was off-duty. I'd then speak to somebody else and they'd go 'well I'm not dealing with this' and I think, yes, I know you're not dealing with it, but I don't actually want to hear that, I want to hear 'yes Mrs....., yes, well what's the incident number and how can I help you?" (P2: final interview).

"If you want to know something it's a case of you contact them. I felt I was always pushing them for information." (P11: final interview).

For P1 it had been two months since her statement had been taken and she had heard nothing. On telephoning the allocated officer, she was told that the officer was on holiday. Her call was finally returned three weeks later by a different officer who arranged to visit her:

"I was a bit annoyed that I hadn't heard anything for a couple of months. I just thought, oh...they're gonna forget about it... But the guy that came round to our house was really nice...he explained a lot of things to me that I didn't know before, the others didn't tell me." (P1: first interview).

In the case of P9, the offender had been identified by a witness and was already known by the police to be currently on licence following his recent release from prison. Subsequently, P9 had been told the offender would be picked up straight away. She was, therefore, *"quite shocked"* when she saw the offender in town a few weeks later and was further disappointed by the lack of information provided when she contacted the police station to find out what was happening:

"That's what annoyed me more than anything was, I didn't feel I wanted to keep pestering them, but then I didn't feel they'd done enough to find him. I spoke to a lady when I was chasing it up, when I'd seen him in town, and she wasn't helpful at all. She said the officer would be in tomorrow and no one could provide any information." (P9: first interview).

The time taken by the police to arrest offenders, especially in cases where the offender was known either to the victim and/or to the police, was thus found to be a constant source of frustration and distress. This was found to be a particular problem in the case of P3, which understandably left her feeling isolated and unsupported. Speaking of the allocated officer, P3 advised:

"The initial response was good and I was told he would be arrested, and then nothing. She seemed to start off with a lot of enthusiasm about the case, which suddenly just died...and they kept saying she's dealing with it, she's off sick or she's on holiday. In the end, the amount of time they left it, and the amount of hassle he was giving me, I can understand why a lot of women say I'm not going through with it." (P3: final interview).

For P12 and P13 lack of information concerning both the procedures involved and the progress of the case caused high levels of distress over a long period of time:

"The initial response was very good when I made my statement at the Child Protection Unit, but after that it was very lax and there was no rush to chase him. It's been the aftercare, well, there hasn't been any..." (P12: final interview).

"We made our statements in November 1998 and he wasn't arrested until the end of January 1999! Because it happened over twenty-six years ago it wasn't considered a priority. It was me that was chasing them all the time. I found out more from my own means rather than through the police." (P13: final interview).

The above data clearly illustrates how quickly victim satisfaction began to decline as their cases progressed, due primarily to a lack of protection and a lack of information concerning both the progress of their case and practical information concerning the procedures involved. Of particular importance, highlighted by the participants' own narratives were their very apparent feelings of being made to feel a *"nuisance"*, a *"bother"* and of having to *"chase"* and *"pester"* the police for information. This highlights clearly the relative powerlessness of victims as consumers. Dissatisfied customers in a free market economy have the choice of gaining the

services they require from another competitor. However, victims have no other choice thus seriously questioning the relevance of their status as consumers. Instead, to gain information the only choice victims have is to become "active consumers" and to chase the relevant agency for information. This demonstrates how the consumerist model encourages the system to respond to victims as "passive consumers". Having relied upon the victim to initially report the offence, unless the victim is required to provide information to assist in the investigation and to secure an arrest there is no immediacy to keep victims informed. Although keeping victims informed is a requirement under the Charter initiative and as such is an ideal, these are not enforceable and are therefore not regarded as a priority. Subsequently, if victims do not pursue this information for themselves, they are left to wait and it is often only if the matter proceeds to court and the offender pleads "not guilty", that the victim is notified, as the system will then require them as a witness.

These feelings of dissatisfaction were very common amongst the participants, with only one exception, involving P8 who had suffered a very serious attack in a public toilet. Following the offence and during the initial stages of the investigation P8 received regular telephone calls from the CID officers involved and was very satisfied with the treatment she received:

"They were brilliant, absolutely, I tell you they're so professional...and very together. You felt safe. I felt very safe with them." (P8: first interview).

This case, however, highlights the importance attached to the more high profile cases that are dealt with by CID, with this more personal approach and individual treatment reflecting the very serious nature of the offence. However, as illustrated in Chapter Four, whilst all victims of violence may react very differently to their victimisation, for most it is a very traumatic experience, regardless of its official classification. Therefore it is essential that criminal justice professionals remember that whilst dealing with these offences may have become routine to them, for the victim it has been an unexpected and shocking violation of their sense of autonomy. Subsequently, evidence from the study suggests that it is not sufficient that only those victims of very serious, high profile cases, primarily dealt with by CID, receive the service

standards as set out in the Victim's Charter. Instead, these very basic entitlements to information, protection and advice should be extended to all victims of violent crime.

Therefore, the findings at this early stage in the process remain similar to those of the earlier studies (Shapland *et al.* 1985; Newburn and Merry, 1990), in that the decline in victim satisfaction is primarily due to the problems experienced in obtaining information. These findings were unexpected given the greater emphasis placed upon keeping victims informed contained in the official documents since 1988 and possible explanations for this are considered below.

The current study indicates that the contributory factors relating to the implementation failure of Charter initiatives are the pressures placed upon criminal justice professionals to fulfil key performance targets as dictated by the new mangerialist reforms. In an interview with a Chief Superintendent following the fieldwork, the researcher was advised that senior officers now regularly comment that "if it doesn't get measured then it doesn't get done". Thereby confirming that unless contact with victims becomes an organisational priority then the onus will remain upon victims to contact the police themselves, reflecting their need to respond as "active consumers". As acknowledged by Zedner (2002), this means that whilst educated, informed and resourceful individuals will be better placed to seek out help, those whose needs might be greatest due to their vulnerability will remain unaided.

Exploring this further, the failure of this scheme appears to relate to the efficacy of it being entirely reliant on the presence of one person, when the relevant information can be held on a central information system and passed onto the victim should they call with a query. Alternatively, to provide victims with timely relevant information and advice, it would perhaps be more appropriate to replace the allocated officer scheme with one central contact point for victims. This could be situated within a police station and operated by civilians with a thorough knowledge of the criminal justice process and an understanding of the needs of victims of crime. The existence of this scheme would be specifically to assist victims and to provide them not only with information regarding their case, but also to advise them of other services available to them in the local area.

This persistent failure to communicate with victims seriously questions the government's commitment to improving the services to victims, particularly as the introduction of reforms appear to have been hastily introduced with no additional resources to assist in their implementation. This has lead to confusion with regards to which agencies should be taking responsibility for victims and a failure to provide a coherent service. This was starkly demonstrated in the case of P3, which is considered in more depth below because it raises important issues concerning the relationship between the state, the victim and the offender. In this case, there are specific obligations placed upon the victim, but few demanded of the offender, and whilst the offender as a citizen has recourse to specific rights to protect his interests, the victim as a consumer has none.

Taking Responsibility for Victims

Specific examples from the research found evidence supporting the analogy used by Shapland (1988) of the existence of independent "fiefs" unable to effectively communicate with each other, despite an increasing government emphasis on the application of multi-agency approaches, specifically contained within the 1998 Crime and Disorder Act (Home Office, 1998b). The lack of clarity concerning the responsibilities of the different agencies towards victims caused some frustration and anger, particularly P3.

As described in Chapter Three, P3 was the victim of a domestic assault by her estranged husband. However, in attempting to gain the support of the criminal justice agencies to pursue what she felt was her right to protection and justice for the harm suffered, the incoherent response received by the agencies involved only resulted in increasing her feelings of vulnerability and powerlessness.

Having initially been reluctant to take any action at the time of the offence, the police returned two days later to take a statement. However, their main concern focused on whether she would continue with the prosecution, rather than with her protection, despite her insistence that she wanted the perpetrator to be arrested. Further evidence of reluctance to take action was demonstrated by the length of time it took for the police to arrest the perpetrator, and following his eventual arrest and subsequent bail six weeks later, their failure to enforce the bail conditions that he not contact her:

"They gave him bail conditions that he wasn't allowed to approach me...and that I've got to phone them if he does and let them know. But you phone them up to say look he's been on the phone four times in a row and he's been round, and... well, basically they say prove that he's done it, we can't arrest him without any proof. So at the end of the day, I feel that his bail conditions are just useless." (P3: telephone call, pre-trial).

The evidence in this case is supported by the earlier findings of Cretney *et al.* (1994). Here it was found that victims wishing to press charges, in particular those involving domestic violence, had their resolve tested by delays in the handling of their case and that 'on occasion we were led to suspect that such delays were deliberate' (*ibid*: 20). As observed by the authors, whilst the police for their part may see this as a judicious weeding out of potentially weak complainants, none of this squares with the "offence against society" model. Instead the police appear to be working to an agenda governed by the managerialist principles of speed and cost efficiency, but at the expense of leaving some victims, particularly the most vulnerable, unprotected by failing to take the appropriate action. In particular, this "weeding out" process demonstrates the distinctions being made between deserving and undeserving victims. Due to an assumption that they will not continue with the prosecution, victims of domestic violence are deemed as undeserving and deterred from gaining access to the services of the criminal justice process and ultimately their rights to protection as a citizen.

The lack of protection and support offered to P3 was further exacerbated by the subsequent involvement of the Social Services Department. In line with the principles governed by the *Working Together Under the Children Act 1989,* (Ryan, 1994) the police are required to inform Social Services when they are called to incidents of domestic violence involving children, whether further police action is to be taken or not. As a result, a number of statutory agencies became involved which *should* have resulted in a better service for the victim, but instead only highlighted perhaps the unintended consequences of a proactive approach towards domestic violence, and the failure of adequate communication between the different agencies involved. Most importantly, the case highlights how, despite the obligations placed upon the victim to initiate proceedings and co-operate with the agencies involved, once the process

began there was an absence of reciprocity in relation to these obligations and rights. Paradoxically, the perpetrator had the assistance of both Social Services and the Probation Service, although he chose not to co-operate with either and appeared to suffer little as a consequence.

Due to concerns regarding the safety of P3's children, Social Services initiated child protection procedures and an assessment was undertaken as to whether the children should be placed on the "at risk" register, under the category of "emotional abuse". However, this only placed the victim under further pressure without offering her any support or protection, despite evidence being given at the conference of the perpetrators violent history, problems with alcohol abuse and mental illness, and his current involvement with the Probation Service. This led to feelings of helplessness, frustration and anger:

"It makes me feel so tense, I'm terrified they're going to take my children away. They've offered him to go to the alcohol counselling clinic and he just turns it all down. I said it's so unfair, nobody's making him sort himself out, they're all coming to me. I mean, it's like I've said, if the police can't stop him, they [social services] *can't stop him, how in Gods name do they expect me to? I feel like I'm getting doubly punished for something he's doing."* (P3: first interview).

This case illustrates clearly the total lack of support for the victim of domestic violence. Whilst Social Services were acting on behalf of the children and Probation were attempting to treat the perpetrator, together with the mental health agencies, the police were failing to protect the victim by their reluctance to act. Further evidence of the agencies' failures to communicate and act cohesively was the drawing up of a contract by Social Services that the perpetrator be allowed contact with the children, unaware that bail conditions were in force that he have no contact with the victim:

"I'm doing everything I can to keep him away, then they're [social services] *saying he's a danger, but writing up a contract saying if he's sober he can come round and see the kids...It's just like...turning into a living nightmare really."* (P3: first interview).

However, the getting together of the different agencies did eventually result in one success, and that was the eventual pressure that the conference exerted on the police to finally arrest the perpetrator. Finally, the absurdity of all the multi-agency action without actually addressing the initial cause of the incident was recognised and the police had to act:

"I think if it hadn't been for the fact that the case conference pushed, because they had police and that there, um, they pushed the police, and the Domestic Violence Officer pushed the police, I don't think he'd be arrested now. Um...one of the police officers at the conference did turn round um, in a more roundabout way than I'm gonna say, but he basically said 'it's just domestic violence', his whole attitude was 'it doesn't count.'" (P3: first interview).

In this case there appeared to be no agency concerned with supporting the victim. Even VS focused solely on the care of the children, rather than offering support for the victim:

"Victim Support came round the other day. They didn't really say much. They basically wanted to know if I was coping with the children all right. It was not what I expected, I expected it, to sort of talk over what happened, things like that, but it wasn't, they were more concerned with what's going on now and if I was coping with the children." (P3: telephone call, pre-trial).

In the end, no action was taken by Social Services. A decision to defer registration was made pending the court hearing and the matter was dropped following the final outcome. However, the whole experience left the victim feeling very let down by the whole system:

"I just seemed to be fighting a losing battle with these people, y'know. I mean, I just feel like one person's always contradicting another. I mean they contacted Social Services because they said he was a threat to the children and then it took them over six weeks to arrest him. I mean, quite honestly, I'd think twice about phoning the police, I really would, um, it's the second time I've done it and I feel...not badly treated, but it's like they're acting in ignorance, they're not thinking about how I felt,

how my children felt...fair enough they might have a job to do and they might have a certain way they've got to go about doing it, but I think it would put most women off doing it again." (P3: final interview).

As a professional having worked in both child protection and probation I was very concerned by the experience of this victim. Whilst only having the information provided by P3, and my own observations of the court process, the evidence appeared to support the conclusions of earlier studies, including Cretney *et al.* (1994) and Crawford and Enterkin (1999). The delays in prosecution together with the lack of clarity, confused and conflicting aims and overlapping priorities, resulted in the agencies focusing only on their own specific core tasks with no-one taking overall responsibility for the victim, and with no extension of "empathy", "sensitivity" or "warmth". As a consequence there is little wonder that victims find it difficult to fulfil their obligations of pursuing a complaint and then sustaining a commitment to the prosecution process, when the agencies involved fail to fulfil their own.

Again this illustrates the prioritisation of managerialist concerns over the needs of the victim and questions the relevance of their status as consumers. Instead victims are expected to be "passive consumers", compelled to co-operate with the relevant agencies and their organisational needs, whilst being shown little concern for their own safety or satisfaction. Instead it reiterates the need for victims to be recognised as citizens deserving of rights to ensure their protection and access to justice. These issues became more prominent in the current study as the participants' cases progressed to the prosecution stage and highlighted the tensions that exist between the victim and the role of the Crown Prosecution Service.

The lack of protection offered to P3 by the police and their reluctance to arrest the offender was unexpected given the guidelines outlined in the local police service policy document and the national initiatives in the form of Home Office circulars since 1988, as discussed above. These offer guidance on how offences involving domestic violence should be dealt with, but as confirmed by the interview with the local Domestic Violence officer (see p.47), these policies are not always being implemented in practice.

After completion of the fieldwork the issue of domestic violence began to receive increasing attention through media campaigns (The Guardian, 26.10.00; The Independent, 29.10.00), a campaign by the Home Office (2000a; 19/2000b) and a new prosecution policy announced by the CPS (2001a). Future research in this area will need to be undertaken to evaluate their effectiveness and their impact, if any, on the practices of criminal justice agencies. The findings of the current study do not, however, instil any confidence in the hope that they will.

Chapter Six now focuses upon the experiences of the core participants as their cases progressed through the pre-trial and trial stages of the criminal process. Of these thirteen core participants, eight were initially required as witnesses, four were actually required to give evidence and eleven cases finally resulted in a conviction. In this chapter the provision of information continues to feature as a crucial element when exploring notions of citizenship and whether victims of crime are treated justly by the criminal justice system.

Whilst the stated aims and purposes of recent reforms and initiatives have been to reduce the feelings of "secondary victimisation", the data assesses the contribution of these reforms to fulfil victims' expectations by enabling them to gain access to their entitlements. Essentially the data demonstrates how the "offence against society" model now comes into operation, becoming increasingly prominent at the prosecution stage, with organisational priorities taking precedence over the interests of the victim. In particular, the data begins to question the appropriateness of the consumerist model within this model of justice.

CHAPTER SIX

CITIZENS OR CONSUMERS OF CRIMINAL JUSTICE?

As discussed in Part I, whilst contemporary and often controversial debates concerning the "needs" and "rights" of victims focus ultimately on what their wider role should be within the criminal process, it can be argued from the evidence above that the provision of basic information remains an essential prerequisite for the recognition of both victims' needs and rights. Whilst acknowledging the ongoing concerns regarding the possible consequences of increased participation and consultation for victims (Erez and Rogers, 1999), Fenwick (1997a) argues that the provision of information, particularly at the stages prior to conviction, remains relatively non-threatening to the existing model of criminal justice and, therefore, does not directly conflict with issues of due process and the rights of the defendant.

When balanced with the likely benefits that giving victims information may bring to the criminal justice system in improving not only victim satisfaction, but also in ensuring their continued co-operation, the provision of information could also be considered fairly inexpensive in resource terms. However, by exploring the experiences of participants at the pre-trial and trial stages of the process, (*through their own words, thoughts and feelings*), the data indicates a resistance on behalf of the agencies involved to recognise victims as citizens with valid entitlements. Instead, it continues to reveal a process that encourages the construction of "passive consumers".

Provision of Information at the Pre-Trial Stage

In the early pre-trial stages the responsibility to keep victims informed remains with the police. However, whilst the Victim's Charter (Home Office, 1996) states that the police *will* provide victims with further information concerning decisions to drop or alter charges, the date of the trial and the final result, instructions contained in the Home Office circular (Home Office, 20/1988) are far less prescriptive. Instead the language used in the circular appears to allow ample scope for forces to adopt their own interpretation and practices as to how and when victims should be kept informed, reflected in such ambiguous and unhelpful phrases as:

'There are benefits to be gained...from making a purposeful effort..., especially if the offence is a serious one or if for any reason the effects of the offence seem likely to remain with the victim.' (*ibid*: 5).

The circular then goes on to "encourage" chief officers to review their present arrangements 'with a view to making them as effective as possible within the constraints of existing resources' although it is recognised that 'local factors may limit the amount that can be done.' (*ibid*: 5).

Whilst the circular encourages officers to keep victims informed of developments occurring after the offender's arrest, including the time and place of any court proceedings and of their outcome, it also states, however, that it is recognised that these aims cannot always be met in practice. As such, forces are advised that where the provision of information has necessarily to be selective, priority should be given to: 'the needs of victims of serious offences, those who are considerably affected by the offence against them, and those for whom such information seems likely to be of significant reassurance or help.' (*ibid*: 6).

Thus the instructions contained within the Home Office circular (*ibid*), whilst appearing on the surface to encourage forces to provide victims with information, instead provides them with ample discretion and good reason to extend this information to victims of only the most "serious offences". The circular leaves it to the discretion of officers to decide which are the most serious offences (no definition or guidance is provided), which victims are most seriously affected and those victims most needy of reassurance and help. However, evidence from the current study questions whether all police officers have the necessary skills and the appropriate training to make such complex assessments of victims' needs. Whilst the majority of the participants in the current study met the above criteria, requiring both reassurance and help, the majority did not receive the information they were entitled to.

These findings were not unexpected given the unenforceable entitlements outlined in the Victim's Charter (*ibid*) and the lack of clarity contained in the circular, which allows officers unlimited discretion when deciding upon which victims are "considerably affected" by the offence. As referred to on p.159, only P8 received the

levels of information stated in the official documents, due primarily to the fact that the offences were of a very serious nature and perpetrated by a stranger in a public place, thus conforming to the stereotypical notion of the "ideal victim".

This example demonstrates clearly an inconsistency between the political rhetoric, which espouses outrage and concern on behalf of victims, and the actual mechanisms put in place in order to ensure that victims actually receive the entitlements introduced to assist them. In England and Wales, Home Office circular instructions 'are used by the government to set standards and impose consistency on locally based agencies' (Mawby and Walklate, 1994: 99), but they are not legally binding because in theory such agencies are not nationally controlled.

As discussed in Chapter Three, this demonstrates the extent to which the state can play a role in directing, encouraging or inhibiting policies. It can be argued from the language used in the above circular that the state is placing the implementation of this policy entirely at the discretion of the chief officers, whilst almost immediately providing a "get out" clause. It does this by acknowledging that they will have to act within available and existing constraints, thus readily accepting and recognising 'that these aims cannot always be met in practice' (*ibid*: 6), therefore, blatantly failing to demonstrate any commitment or conviction to the implementation of its own policies. Instead, the responsibility is placed upon the already over-stretched resources of the particular agency and the obligations of the regulatory state are absolved. The consequences of such an approach, as demonstrated in the current study, are that victims are only contacted when required for the purposes of the investigation and prosecution, as permitted within the prioritisation of existing resources. This is demonstrated by the experiences of the participants discussed below.

Assisting with the Investigation - the Identification Parade

Following the arrests of three suspected offenders, three of the participants were required to attend identification parades at their local police stations. The different approaches adopted for this process suggests that practices could be improved if forces followed a standard procedure to ensure that the victims involved arrived safely at the station, understood what was going to happen and were informed of the outcome, including any subsequent charges.

Since the offence, P6 felt he had been kept informed of what was happening, although he appreciated the difficulties that the police faced, as the incident had happened in a reasonably small town and, although the suspects were known, nobody was prepared to come forward as a witness. However, an identification parade was arranged five weeks later, but the suspect failed to attend. P6 then waited for a further month before another parade was arranged, but understood that this was primarily due to a lack of police resources. Following identification the offender was then charged and a court date was pending.

P9 was given three weeks notice of her requirement to attend an identification parade and was also contacted the day before to confirm the details. Although it was arranged that she would be collected from home, her lift was half an hour late and in a marked police van (described by P9 as *"very subtle"* and *"something the neighbours would have loved!"*). Despite this initial embarrassment, upon arrival at the station the process was explained to her and she was shown the room and both sides of the two-way mirror, thus acting to reassure her that the offender would not be able to see her. The procedure only took ten minutes and afterwards she was advised that the offender would be charged.

At this stage the police told P9 that the offender's solicitor would probably advise him to plead guilty, therefore, she would not be needed to go to court. However, this misleading information, although probably well intentioned, falsely raised P9's expectations and left her totally unprepared for the long and drawn out proceedings that actually followed. This is one example found in the study of police officers falsely raising victims' expectations by attempting to predict the possible outcomes of a case, albeit often in an effort to offer reassurance, although with often confusing and frustrating consequences for the victim. In particular, this illustrates the crucial need for all information provided to victims to be accurate, as misinformation, however well intentioned, will only cause further distress and dissatisfaction.

However, in contrast to the experiences of P6 and P9 who had been reasonably satisfied with the procedures, P10 found the experience *"quite intimidating"*. Having already suffered an indecent assault whilst walking home in the dark, she was requested to attend a closed police station in the evening and advised that they would

be waiting just inside a door for her. Having eventually found the entrance, albeit somewhat nervously, she then had to wait for over an hour in a room with a number of other people also waiting to identify the same and other suspects. As the procedure had not been explained to her previously, she had not known what to expect and was concerned that the offender may see her, as there were gaps in the partitions. No reassurance was offered and following the parade the only information given was that the offender would be charged and appearing in court, but that she would probably not be needed.

Up until this time P10 had been satisfied by the service provided, as the police had kept her informed of the progress of the case. However, her experience at the identification parade had left her feeling quite anxious and vulnerable and this dissatisfaction was only further aggravated when no subsequent contact was made advising her of the court date or the final outcome:

"I would have liked a bit more of a follow-up on what happened...some reassurance that he'd been put in some kind of counselling. Then you can...um...put it behind you really." (P10: final interview).

This case demonstrates that whilst the system expects victims to co-operate with the criminal process as good, law-abiding citizens, they as consumers of a service are not to expect or demand anything in return. This reflects the patriarchal nature of the system whereby "good citizens" fulfil their obligations, but in return are not responded to as citizens with valid entitlements, but as "deserving clients" of a benevolent service. For P10, the subsequent lack of reassurance that something had been done to reduce the risk of further offending delayed her recovery process, preventing her from moving on satisfied in the knowledge that the offence against her had been acknowledged and appropriately dealt with. Thus the criminal justice system's failure to acknowledge victims as citizens with valid expectations and entitlements, but instead only as sources of information, reduces their status to that of a "passive consumer", contacted only when required for the purposes of investigation, but thereafter ignored unless required as a witness.

As the research progressed it soon became apparent that the level of information being provided to the participants at the pre-trial stage was insufficient and, at best, patchy. Following the arrests and subsequent charging of offenders, victims were still left unclear as to what charges had been made and what would happen next. In fact, it was not made clear when, or even if, prosecution procedures had been initiated, leaving victims unsure of what information they required and from whom this could be gained. Again, this is contrary to the guidance outlined in the local Service Level Agreement, the Victim's Charters (*ibid*) and the Home Office circulars (*ibid*) discussed above.

Of the twelve cases that proceeded to trial, only those victims required to attend court as witnesses were officially notified of the trial date (with the exception of P8 and P12), although none were officially informed of the earlier dates for preliminary hearings. Those victims wishing to attend the preliminary hearings had to find out these dates for themselves from the police or other sources, even in cases involving "serious offences", as will be seen below.

In five cases the offenders pleaded guilty, therefore, the participants were not required to give evidence, but they still wanted to be informed of the court dates and the final outcome. However, only two participants were told in advance of the court dates (P8 and P12), thus indicating that only these two cases were judged to be of sufficient seriousness for the victims to be informed (in accordance with the instructions contained in the circular above). With regards to the remaining cases, P4 found out about the court dates from what the offender had been telling other people and P5 was only told of the outcome the day following the trial. P10 received no further information at all. As a consequence, those victims not informed of the court dates were denied the opportunity of being present at the hearing of *their* case if they had wished, or of at least having the knowledge of when the matter was going to be dealt with. Instead victims were left wondering what was happening and at best only received untimely or incomplete information from the different agencies involved.

These examples are clearly illustrative of the "offence against society" model, whereby victims no longer required as a source of information are subsequently denied any further consideration. Instead the prosecutions proceeded without

acknowledging those victims who had fulfilled their obligations as "good citizens", thus arguably failing to fulfil it's own. This seriously questions the concept of citizenship as defined by the political discourse in Chapter Three, emphasising the reciprocity of obligations and rights, but instead reveals what Williams (1999a: 385) describes as a 'largely individualised and bureaucratic conception of citizenship'.

Further examples of this neglect were found throughout the study, including the case of P5. Much to his dissatisfaction, he heard more details concerning the arrest of the youths from a witness than he did from the police. Although advised of the date for the first hearing P5 had to call a week later to find out the result, only to wait two days to have his call returned with the outcome; two of the defendants had pleaded guilty the third had not. Following this, P5 was not advised of the actual date of sentencing for the two pleading guilty, but was advised of the outcome from a phone call from the police shortly afterwards. However, this information was relayed briefly over the telephone and, as a consequence, P5 was unable to remember the exact details later.

This suggests that whilst prompt information by telephone is useful, it would be better practice to follow this up by a letter to the victim explaining the sentence in clearer detail and offering a contact number if further information is required. Thus better communication would assist in ensuring that victims are able to actually understand the information provided. In addition, due to the "not guilty" plea of the third offender, P5 was aware that he would probably be required as a witness and now faced an anxious wait wondering what this would entail.

Unfortunately, evidence of the system's "one-way" approach towards victims only became more pronounced as the case studies proceeded through the prosecution process. In contrast to the earlier stages of the criminal process whereby the onus was placed on the victim to pursue a complaint, prosecution procedures prioritise the interests of the criminal justice system and ultimately the state, thus marginalising the interests of the victim. This subsequent lack of recognition afforded to victims as an important third party to the proceedings was apparent from the very initial stages, as evidenced below in the attempt to exclude victims from the preliminary hearings relating to their case.

The Exclusion of Victims at Preliminary Hearings

For some participants the preliminary hearings were of significant importance in that they were felt to be *"the only way of keeping up with what is going on"* (P13: telephone call, pre-trial) and as an opportunity *"to hear what is being said"* (P11: telephone call, pre-trial). In this particular case one of the participants also used these initial hearings as a form of preparation: *"if I am called to be a witness I want to learn to cope with my feelings seeing him again now"* (P11, telephone call, pre-trial).

However, the above participants, both victims of serious sexual abuse as children by the same perpetrator, were discouraged from attending the preliminary hearings by their allocated officer, who advised them that it could take a long time for the matter to go to trial. This discouragement took the form of failing to notify the participants of the dates, a most powerful exclusionary process, although the participants took it upon themselves to find out this information. This demonstrates clearly a general lack of understanding of the importance victims attach to being kept informed of every stage of the process, however routine these procedures may have become to the officer involved.

As both participants were insistent upon attending court I offered to go as support, which was readily accepted, and the observations gained provided an invaluable insight to the lack of recognition and respect given to victims at the preliminary stage. On the first occasion at the local Magistrates court, despite having advised the Usher of the case we were there for, we were not informed of when proceedings were due to start. It was only when the participants pointed out the defendant going into court that we realised it was about to start. On the second occasion, a month later, we again informed the Usher of the case for which we were attending, and as time was passing I enquired a couple of times as to what was happening. An hour later, we were informed that it had apparently been agreed yesterday afternoon that the matter would be adjourned for a further week, at the request of the defence solicitor. However, no further explanation could be given for the delay or an apology to the participants for their unnecessary wait, thus only serving to emphasise their apparent lack of status in the proceedings.

When we arrived on the third occasion the defendant had already arrived with his family. To avoid any unnecessary hostility or intimidation I asked if there was a separate room available in which the victims could wait. Although there was not, it was agreed that we could wait in a separate foyer. However, the Usher appeared anxious and intimated to us that he hoped there would no trouble, although he stated that he understood the case was "emotive". The matter was eventually committed to the Crown Court, as expected, but following the hearing it was ourselves who were asked to leave the court building quickly so as to avoid any trouble. This only reinforced the impression already given that the victims had no right to be there, even though the only sign of hostility had come from the son of the defendant, who had occasionally directed hostile glares towards us during the hearing. With no official representation at the Court on their behalf, apart from the Crown Prosecution caseworker with whom they had no contact, the treatment I observed was disrespectful and denied the victims any opportunity of engaging with a process that was of an undeniable concern to them. Their lack of status was highlighted even further when the participants were able to observe the support being offered to the defendant and his family by his solicitor, thus only increasing their feelings of alienation from the whole process.

During the four month period that followed from the first preliminary hearing through to the Plea and Directions Hearing (PDH) no contact had been made by the police to the victims to advise them of what had been happening. As commented by one of the participants:

"It would be much better if they kept in touch. Receiving no information at all gives the impression that they're just not interested." (P13: telephone call, pre-trial).

Both participants were disappointed with the lack of support, especially as their case was being dealt with by the Child Protection Unit, where officers are specially trained to work with the victims of serious sexual offences. However, as the victims in this case were now adults they may not have been considered as vulnerable as children and, therefore, not so deserving of support. Although it could be argued that having lived with their experiences for much longer and finally having had the courage to

instigate proceedings retrospectively, their needs could actually necessitate greater support.

Whilst the allocated officer did visit the participants following the PDH to advise that a "not guilty" plea had been entered there was also a practical reason for his call. Again, it appeared that victims were only contacted when something was required from them and on this occasion their signatures were needed to consent to the release of their medical records for the case of the defence. This matter also caused the participants some concern, only increasing their feelings of vulnerability, especially as they felt no satisfactory explanation had been offered regarding how this information was going to be used, with P11 anxiously asking *"but it's not my innocence I'm trying to prove, is it?"* (P11: telephone call, pre-trial).

During this time, the participants had received letters requesting their availability for court dates and shortly afterwards received confirmation of the trial dates. The trial was not due to start for another three months and an anxious time awaited. However, both were already feeling very vulnerable and unsupported, to the point where on several occasions they expressed thoughts about pulling out:

"I think they just tell you what they think you need to know and no more, unless you ask for it, but they don't actually offer any information or support." (P13: telephone call, pre-trial).

Although for many of the participants the pre-trial period represented a time of anxious waiting and ominous foreboding, victims appeared to be left in a vacuum whilst the matter proceeded administratively through the courts. Although the cases had now been passed to the Crown Prosecution Service (CPS), no one agency appeared to being taking responsibility for the support of the victims, whether it was known if they would be required to attend court or not. However, for those participants still awaiting to be advised, this state of unknowing could go on for months and for some it did. Therefore, this ongoing uncertainty and the anxiety this provoked, actually made it a time when the provision of information, advice and support was crucial.

These levels of anxiety were even higher for those participants already waiting to be witnesses, as they too often faced a lengthy and anxious wait before the trial. This situation was very clearly demonstrated by the increasing number of telephone calls the researcher received from participants during this period, primarily seeking advice and reassurance, and in particular when unforeseen problems arose. These included occasions when defendants broke their bail conditions by contacting the victim and participants wanted advice on what to do, and the further distress caused when trials were unexpectedly delayed. Therefore, the study revealed a greater need for information and reassurance to be given to victims at the pre-trial stage, and in particular for those who may be required as a witness.

Being Required as a Witness

It is a well known fact that only a small minority of criminal cases actually reach court, however, the more serious the crime, the more likely it is that the alleged offender will be found and brought to court. As a result, cases heard in the courts usually include a higher proportion of serious offences involving violence or sexual assault (JUSTICE, 1998: 58). This was demonstrated in the current study with 54% of the cases resulting in an arrest being made and 26% resulting in a final conviction. It is understandable, therefore, that those victims of such serious offences when facing the prospect of giving evidence in court suffer high levels of anxiety, as already indicated above and supported by the earlier report of a Working Party convened by Victim Support (1988). In an attempt to acknowledge the concerns of victims highlighted in the report a number of policy documents were later published by the CPS. These included a *'Statement on the treatment of victims and witnesses by the Crown Prosecution Service'* (CPS, 1993), *'The Code for Crown Prosecutors'* (CPS, 1994), and the publication by the Court Service of a *Charter for Court Users* (The Court Service, 1995).

However, evidence from the current study indicates that the fear and anxiety felt by victims required as witnesses is still greatly underestimated by many professionals within the criminal justice system. Consequently, victims are still not receiving the advice and support they need at this crucial stage of the process. As observed by JUSTICE (1998: 58) 'though numerically less important...the treatment of victims at court has major symbolic value for victims' expectations of criminal justice' and

subsequently, as found in this study, affects their perceptions and confidence in the criminal justice system to deliver justice.

Notifying victims of their requirement to attend court as a witness is the responsibility of the police, normally undertaken by the Witness Liaison officer. There are three standard letters depending on whether the matter is to be heard in a Magistrates Court or a Crown Court. Enclosed with all letters should be a *Witness in Court* leaflet (Home Office, 1997), which provides useful information concerning what victims can expect when attending court, and a local Service Level Agreement on the *'Care of Witnesses'* (1997) which outlines locally agreed standards of care for witnesses. Victims required to attend a Crown Court are also given a leaflet providing information about the Witness Service, *'Going to Court'* (Victim Support, 1997), which the literature states offers support to victims before, during and after a trial. The first Witness Service was introduced to Crown Courts in 1991, following pilot projects and an independent research project on victims and witnesses in court (Raine and Smith, 1991). By 1996 all Crown Court centres had a Witness Service, but it was not until 2000, after completion of the fieldwork, that additional Home Office funding was given to VS to extend the Witness Service to Magistrates courts.

An evaluation of the participants' experiences of the Witness Service is considered in greater depth in Chapter Eight. However, despite the information contained in the leaflets, including the support offered by the Witness Service, participants were still unprepared for some of the difficulties and frustrations they encountered prior to and during the trial process. This again questions the effectiveness of information being provided primarily in the form of leaflets.

Information at the Trial Stage – The Magistrates Court

Of the eight participants required to attend court as witnesses, six were satisfied with the official notifications received and the amount of notice given, whilst two were given less than one weeks notice. However, in the majority of cases the letter requesting that they attend as a witness was the only contact they received unless contact was initiated by themselves, although by this stage in the process most participants had given up trying to obtain information from the police.

P3 was required as a witness at the local Magistrates Court, and whilst given three weeks notice, did not receive the leaflets providing information on being a witness at court. This was the only contact she had received, as she had not been officially advised of the preliminary court hearings and, although she would have liked further information, she now felt that contacting the police:

"..was pointless, as all I get is there is nobody available, it's a waste of time...the only time I hear anything is when they want something...I give up." (P3: telephone call, pre-trial).

In contrast, whilst increasingly frustrated by the lack of information from the police during the preliminary hearings, P2 decided to actively seek this out for herself:

"I went in to the CPS office having gone to the Magistrates office to find out what had happened at that initial court date, but she had only pleaded guilty to one of the charges and I wanted to find out what this meant." (P2: telephone call, pre-trial).

Whilst there was no one available to help her that day she was later contacted by a Principle Crown Prosecutor and advised that she would be required as a witness regarding the charges where a "not guilty" plea had been entered. Having obtained the name of someone, P2 then contacted him whenever she needed further information or reassurance:

"It was always left that I could phone him at any time...he wanted me to go to court and needed me to do it. He said that they couldn't prosecute on the police officer's evidence alone." (P2: final interview).

Once it was confirmed that P2 would be required as a witness information concerning the hearing was more readily provided. Prior to the court hearing P2 was contacted by the allocated officer who advised that he would also be attending court as a witness, and two days before the hearing the CPS contacted her to advise that the time of the hearing had been changed. As the trial approached P2 became increasingly anxious and sought reassurance from the researcher that she was doing the right thing, describing various scenarios and asking what would happen as a result. Albeit

unintentionally, the need for reassurance presented the researcher with a potential conflict of interests, as it could be argued that the advice of the researcher may be influenced more by the needs of the research rather than the best interests of the participant. However, aware that it was not my role to influence the decisions of the participants, I discussed the range of possible outcomes of the scenarios given, based on my own professional knowledge and experience, whilst emphasising that it was impossible to predict the outcome of a trial. Instead, I advised P2 that it was important for her to consider her own situation and whether she felt she was doing the right thing, which she accepted and understood.

Again this demonstrates the need for further support to be offered to victims who are waiting to be witnesses. However, on the morning of the trial P2 was contacted by the CPS and advised that the defendant had now changed her plea to "guilty", therefore, she would no longer be needed. Whilst relieved by this news, P2 also felt angry that she had been suffering all this time and now for apparently nothing. Unfortunately, it is not possible to resolve this situation for witnesses, as defendants are allowed to change their plea at any stage of the process, although they are offered incentives to offer an early guilty plea (The Court Service, 1995: 8). However, overall P2 was satisfied with the support received from the police and the CPS, even though she admitted that it was only because *she* had pushed for it:

"I'd say it's a lot of hard work trying to keep on top of it...trying to make sense of how it actually works and how it effects you....a lot has to be asked for. But I'm a tenacious sort of person so I'll give them a ring, I'm not frightened to give anybody a ring." (P2: final interview).

These two cases illustrate clearly that victims' entitlements to information, as outlined in the Victim's Charter and Home Office circulars, were not being adhered to. Instead, it was left to participants to adopt the role of an "active consumer" in order to gain the relevant information they required. Consequently, it was only because P2 was able and determined to continually chase up for information, that a more positive response was received from the different agencies involved, leaving more vulnerable victims unaided, as acknowledged above by Zedner (2002). This suggests that even when the CPS are relying on a witness to provide evidence for the prosecution to be

successful, access to information rests on the ability of the individual instead of being an automatic entitlement in recognition of their status as an important third party to the process.

Again, this data indicates that the agencies only tend to respond to victims when their assistance is required and not for the benefit or interests of the victim alone. This was later proven when, although P2 had been advised that the matter had been adjourned for four weeks for the preparation of reports, no further contact was subsequently made to advise of the final sentence, despite being told that she would hear within ten days. The only information P2 did receive was a letter from the court advising her of a Compensation Order made, thus only partially informing the participant of the actual sentence given.

Three weeks later P2 visited the Magistrates court to find out the outcome and after producing some identification was informed that the defendant had received a Probation Order, but was advised that she could not be told what this would involve. As P2 had suffered a lot of harassment from the offender, she wanted to be reassured that the offender would get the relevant help or treatment she needed, but unfortunately this information was not made available to her. Instead, due to my knowledge of probation work, I was able to explain the various types of programmes and methods of intervention that could possibly be used to help the offender, although again this situation gave rise to a potential ethical dilemma. However, whilst I was able to gain access to the details of the specific case, I remained fully aware of my professional boundaries regarding the confidentiality of the offender and did not abuse this privilege. However, the need for myself as the researcher to provide this information was an example of the failure of the criminal justice professionals to advise the victim of the sentence and to offer an explanation of what this sentence would entail. This failure to provide, as a victim's basic entitlement, an explanation of the outcome demonstrates the failure of the system to acknowledge their obligations towards victims. Instead it again reveals how the criminal process expects victims to respond as "passive consumers", to provide information and evidence when required, but not to expect any information or services in return.

This was further demonstrated in the case of P1, whose subsequent experience of the

criminal justice process was to end in bitter disappointment. Although P1 was initially unsure whether a prosecution would be the right thing to do, the officer did reassure her that it was a serious matter and should be dealt with as such. However, P1's mother was reluctant to get involved with the criminal justice system, as she was concerned that it may be reported in the local press and cause the family some embarrassment, as P1's father was a local businessman. She was also concerned with how her daughter would be portrayed as she had been out drinking with her friends when the offence happened. The concerns of P1's mother reflected her fears of her daughter being considered somehow culpable for her own victimisation and how her behaviour may be perceived as somehow blameworthy. These are often the reasons why offences are not reported to the police in the first place, as discussed in Chapter Four. However, shortly following the visit by the officer, P1 received a letter requesting she attend court as a witness in two weeks time, together with the relevant leaflets.

Whilst very nervous, P1 attended court with her mother and another prosecution witness. Although at this time there was no Witness Service in operation at the Magistrates courts the service provided was very good. The Usher showed P1 the court before the proceedings and a separate waiting room was provided. The CPS representative came and introduced himself to the witnesses and provided them with copies of their statements. However, after a long wait he returned to explain that a problem had developed regarding an evidential issue. Whilst the CPS caseworker returned a number of times to update us on the situation, it finally transpired that the police officer who had initially interviewed the defendant had told him that the incident had been recorded by a CCTV camera. This indicated, therefore, that there was incriminating evidence of the incident on video. However, when the defence requested that this evidence be produced, the prosecution could not provide this, as the actual incident itself had not been recorded on video, only the defendant's arrest by the police outside the club.

Following an adjournment, all parties were called into the court to be advised that the case was being dismissed because the CPS had no evidence to offer due to a "technicality" (that is, the video did not exist) and that it was no longer in the public interest to proceed. Whilst the CPS caseworker explained the situation to P1

afterwards, describing it as a "classic mistake" and that the police officer who interviewed the defendant should have known better, P1 felt that his explanation was *"very matter of fact and not very sympathetic. They just expect you to understand the system."* (P1: final interview).

Again, this demonstrates the failure of criminal justice professionals to acknowledge the distress caused to the victim by this unsatisfactory outcome. It also only acted to confirm the mother's original cynicism and lack of confidence in the criminal justice system, as reflected in her own frustration following the hearing: *"It was the police that pushed for this, they've had four months to sort this out and they've messed it up."*

This very unsatisfactory outcome left the victim feeling extremely let down by the system. Whilst being encouraged to proceed with the prosecution, she had received little support from the police at the pre-trial stage and the case had now been dismissed due to what she had been informed had been a "technical" error concerning an evidential issue. Following the hearing, P1 advised that she had been tempted to contact the police, but had not known who to ask for or what to say. However, she clearly needed to have had at least an opportunity to discuss the matter with someone: *"I would have liked to have spoken to somebody about it though."* (P1: final interview).

Although the hearing had taken place in early April, P1 did not receive a letter from the police until the beginning of June, which only confirmed that the case had been dismissed due to a "technical error", but offering no further explanation or apology. Understandably the victim was very disappointed with her experience:

"I expected better from the police. You put your trust in them, but now I just feel very let down by them....just knowing that he got away with it." (P1: final Interview).

However, when discussing this case at a later date with the Chief Crown Prosecutor (CCP) for the research area, I asked what was meant by the term "technicality". The CCP explained that by stating that evidence existed of the incident on video, the defence would have relied on this evidence not proving the case. As a result, the

defence would not have taken any further steps at the time to find other witnesses or evidence to support their client's innocence, as the video would confirm this. Subsequently, when this evidence could not be produced at court, the defence argued that its case had been prejudiced and, therefore, there could not be a fair trial. The CCP advised that the word "technicality" had been used to avoid having to admit that in reality a "cock up" had been made.

As no satisfactory explanation was subsequently offered to P1 and no acknowledgement was made of the impact of this dissatisfactory result on the victim, the whole process has left P1 disenchanted and has significantly reduced her confidence in the criminal process to operate in a just and fair way. This will not only influence any future decisions about getting involved with the criminal justice system, but will also influence the decisions of both her family and other friends with whom she has discussed the case. As P1 stated at the Final Interview, it would have to be a very serious offence for her to involve the police again and even then *"I would have to think very hard about it first."*

Thus the lack of recognition accorded to victims by the criminal justice professionals understandably causes great disenchantment and continues to reflect their lack of status within the criminal process. This was further evidenced when the research discovered that it is not a requirement for all victims to be advised when a defendant in their case appeals against a custodial sentence following a conviction and is subsequently released on bail without the victim being informed.

Notification of Appeals

The Victim's Charter (Home Office, 1996) advises that the police will only keep victims informed of developments if there is an appeal against the conviction or sentence in a case where someone has been killed, raped or sexually assaulted. This is confirmed by the CPS (1993: 4) who state that this only refers to appeals to the Court of Appeal from the Crown Court, involving the most serious cases:

'To ensure that victims are kept in touch with progress of the appeal we will tell the police of the developments in the appeal to allow them to keep victims and their families informed.'

Whilst this allows for the provision of information to victims of "very serious" offences, this offers little comfort to P5 and the situation he was subsequently confronted with when attending the Youth Court as a witness for the trial of the third defendant who had pleaded "not guilty". P5 was only informed of the appeal when the CPS representative introduced himself, advising P5, almost casually, that 'the other two youths appealed against their sentence yesterday and have been released on bail pending an appeal' and without offering any further explanation went off again.

Judging from P5's lack of response I felt that he had either not heard or not fully understood the information provided, therefore, I offered to explain what had happened. P5 was understandably very agitated and unnerved by this news, but the situation only got worse when he was subsequently confronted by all three of his attackers whilst sitting in the foyer, as there was no separate waiting area for witnesses in the court building. This only increased his anxiety, as he was then faced with an uncomfortable wait to give his evidence.

Later that morning the CPS caseworker also advised P5 that a supporter would not be allowed to go in the court with him, as he was over eighteen years old and the hearing was in the Youth Court. This only added to his growing fears and, as I was not entirely convinced that this was the case, I informed the CPS caseworker of the victim's concerns. A short while later the caseworker returned to advise that he would make an application to the court for P5's mother to be allowed in the court during his evidence and this application was subsequently granted. From my observations, I felt quite sure that had it not been for my intervention the application would not have been made. This had been the second example that morning of the CPS caseworker failing to respond sensitively to P5's requirements or needs. When advising of the appeal, no care had been taken to ensure that he had actually understood the information given to him, instead the information was disguised in legalistic terminology of which the victim had no knowledge. And although aware that an application could be made for a victim to have a supporter in court, the caseworker did not offer to do this on the victim's behalf without having to be prompted to do so. Again this demonstrates victims being denied valid entitlements due to their lack of knowledge and an apparent resistance by the relevant agencies to offer them willingly.

P5 also found the experience of giving evidence quite harrowing. He was particularly frustrated by not being allowed to describe the effects of the crime on him in his own words, because the CPS caseworker *"kept cutting me off"* (P5, at trial). Instead of remaining until the end of the trial, P5 decided to go home and contact the office later to get the result. From his description, it was obvious that he had found the whole experience very intimidating, especially as he had had to wait to give his evidence in a busy foyer with his three assailants within view most of the time:

"I didn't think I'd have to sit in the same room as the suspects...I felt that intimidated...especially when I went to the toilet and he was walking right behind me." (P5: final interview).

This case clearly demonstrates the need for additional support for victims whilst at court and the importance of separate waiting facilities in order to prevent intimidation by the defendant, or the defendant's supporters. Unfortunately for this participant there was no Witness Service operating at the Magistrates/Youth Court at the time of the trial and on this occasion the researcher was the only source of support.

However, for P5 the trauma of being a witness was not rewarded by a favourable outcome, as he was advised when he contacted the court the next day that the case had been dismissed. Whether an explanation had been given over the telephone was difficult to ascertain, but P5 did not appear to understand the reasons why the case had been dismissed and he was obviously frustrated by the result. Again, this demonstrates a need for victims to be informed of court results by letter in a language that lay people can understand and that a contact number be provided should additional information be required.

In addition, although P5 had been told at court of the appeal, he had not subsequently been told of the outcome and instead requested that the researcher find out for him, as he did not want to contact them: *"I've had enough...chasing for information all the time"* (P5, telephone call, post-trial).

Upon contacting the CPS on the participants behalf, it was discovered that the appeal had been dismissed a month earlier and that the defendants had had to return to

custody for the remainder of their sentences. Whilst this acted as some consolation to the participant, his disillusionment with the whole criminal process was made clear by a somewhat casual, but very telling remark:

"It just went from a bad experience [the assault} *to a worse experience* [the criminal justice process]" (P5: final interview).

Thus confirming quite succinctly the failure of recent reforms to prevent, as intended, the "secondary victimisation" caused to victims by the criminal justice process itself.

Unfortunately, the negative experiences of the participants at the Magistrates courts were also repeated for some of the participants whose cases were dealt with at the Crown Courts.

Information at the Trial Stage – The Crown Court

P9 had to wait nine anxious months and await the outcome of four preliminary court hearings before she was finally notified that she would be required as a witness, but was then only given five days notice. By this time the participant was extremely anxious and frustrated by a combination of the long wait and the lack of information from the police:

"I'm fed-up with it hanging around, not knowing whether I'll be needed or not. I can't be bothered to ring anymore because you can't believe a word they say, they're always saying something different. I don't have a lot of faith in the police anymore." (P9: telephone call, pre-trial).

Although still the responsibility of the police to keep the participant informed, the slow progress of the case was beyond the control of the police. However, as the primary agency with the most contact with victims at the initial stages, it was often the police who bore the brunt of most of the participants' dissatisfaction. However, better communication and easier access to accurate and up to date information would have prevented some of the frustration and anger felt by P9, and reduced the increasing feelings of alienation caused by the delays in the court process.

On the first day of the trial proceedings were adjourned as the offender failed to attend. Following some discussion with solicitors, the researcher found out that although the defendant had committed further offences whilst on bail, he had subsequently been released on conditional bail to reside at a hostel, from which he had later absconded. Consequently a warrant without bail was issued and executed two days later, resulting in the defendant being remanded in custody and a further trial date being set for in one months time.

By her third attendance at court P9 was finally able to give her evidence, but the jury were unable to reach their verdict the same day. P9's family attended the following day to hear the guilty verdict, as the participant did not want to attend again herself, but sentencing was adjourned for another four weeks for the preparation of reports. P9, however, was not advised of the outcome of the trial officially or the date for sentencing and subsequently found this out through her contact with the researcher. P9 then telephoned the researcher to find out the sentence, as she said she preferred not to telephone the police and instead wanted to wait and see if they would contact her:

"I'm fed up with being fobbed off and made to feel a pain in the neck. If you were the criminal then fine, but not when you're the victim, I haven't done anything wrong!" (P9: telephone call, post-sentence).

P9 was advised of the outcome of the case three days later whilst out walking her dog. The allocated officer had been passing in his car on his way to work and stopped when he saw her. Reading from his notes he informed the participant of the custodial sentence that the youth had received, and taking into account the time spent on remand, the possible time of his release. However, this information was not subsequently followed up officially by a letter explaining the exact sentence and its implications, as would have been good practice.

This again provides evidence of the passive role assigned to victims, who having waited months to give their evidence with little support and no information, are not even afforded their entitlement to be officially informed of the outcome and provided with an explanation of the sentence. Whilst P9 did fit the criteria for being contacted

by the Probation Service within two months of the sentence being passed (Home Office, 1996: 12), this experience also resulted in dissatisfaction, as will be discussed in Chapter Nine, p.240.

In two further cases due to be heard in the Crown Court, although the original trial dates had been listed three months in advance, both trial dates were changed at short notice. In one case, P6 was given one weeks notice that the trial date had been moved back by one day and then the day before the trial was advised that the case had to be transferred to another Crown Court due to another trial running over time. This, however, was good news for P6 as ever since the original trial date had been listed he had been attempting to get the trial moved to an alternative court because of his own professional links with his local Crown Court.

However, for P11 and P13, the news that the trial they had been anxiously awaiting for the last three months had been cancelled only a week before it was due to start caused enormous distress. Only the day before the Witness Liaison office had contacted the participants to advise which days they would be required to give their evidence and then the following day advised that the trial had been "cancelled". Subsequently, the researcher received a telephone call from an extremely distraught and confused participant, who did not understand why the trial had been cancelled:

"I've gone through every possible emotion, my life has been on hold and this whole thing has sent me sideways. I'm thinking of possibly withdrawing...it's just outrageous." (P11: telephone call, pre-trial)

To assist P11, I contacted the Court on her behalf to find out more and was advised that the trial had been delayed due to a shortage of Circuit Judges. Although cases are listed months in advance, apparently judges are not allocated until a week or even days before the trial. This is a further example of how the system prioritises organisational needs and how communication with victims needs to be improved. Whilst delays may occur, it is essential that this information is communicated to victims sensitively, acknowledging the distress this may cause, and ensuring that victims understand clearly the reason for the delay. Three weeks following the notification of the delay the participants received notice that the trial was now listed

for a date in ten weeks time. Obviously this whole experience had only created additional anxiety and P11 began to worry about a number of issues to which she really needed answers, but said that she could get no *"feedback"* from her allocated officer. Unfortunately the researcher was unable to provide the answers required, but thought that some of P11's fears could perhaps be allayed by the CPS and, with her permission, contacted them on her behalf.

Although reluctant at first, and pointing out that it was the responsibility of the police to keep victims informed, the person I spoke to finally agreed to contact the caseworker involved in the case. However, this took some persuading and it was only after I mentioned that I was a Probation Officer that his attitude towards me softened, thus perhaps supporting Brannen's (1992) observation that it definitely helps to be viewed as an "insider" when undertaking research in organisations. Whilst he explained that there were no resources to undertake victim contact work he also stated that *"the lines were blurred as to whose responsibility it was"* and reiterated that *"our remit is to deal with cases fairly and firmly with the aim of getting a conviction."* Although he advised that victims could contact the CPS after a trial, I emphasised that the victim was very distressed and required support now. Eventually he agreed to look into it, reluctantly acknowledging that *"we rely on these people so it is in our interests to keep them on board."*

The following day I received a call from the caseworker who acknowledged that *"the relationship with witnesses is fraught with difficulties"* as they could not be seen to be *"rehearsing witnesses"*, and that it was only recently that prosecuting barristers could talk to witnesses. (The policies outlining CPS responsibilities towards victims are discussed in more detail below, pp. 194-77 and 199-201). However, he eventually agreed to contact the participant, although intimating that there would be little he could do except make *"reassuring noises"*, for which I thanked him, as under the circumstances it would be better than nothing. The subsequent contact with P11 did appear to allay some of her fears and provide her with an explanation regarding some of the points she had previously not understood, thus reducing some of her anxiety. More importantly, this reassurance helped to increase her confidence in the process and to proceed with the case.

Thus the evidence emerging from the data illustrates clearly that the provision of information at the pre-trial and trial stage is insufficient to meet the needs of victims and still falls short of the requirements outlined in the Victim's Charter (*ibid*). The tendency remains for victims only to be contacted when their assistance is required and, even when victims are required as a witness, they appear to be left in a vacuum during the pre-trial stage with no access to support or information to help relieve their concerns and fears. This leaves victims feeling unprepared and alienated from the process at a time when they are feeling at their most anxious. Whilst leaflets are sometimes provided detailing what can be expected at court, participants' experiences indicate a preference for a more personal, humane touch. Someone to talk to, ideally a criminal justice professional involved in the case. This official recognition would not only increase their confidence in the process, but would also act to raise their status as an important third party to the proceedings, rather than being treated as *"just a witness"* (P6), as felt by some of the participants.

Most importantly, what these cases reveal is the conspicuous absence of victim contact with the CPS. Although the case is passed on from the police to the CPS at the pre-trial stage, it remains the responsibility of the police to keep victims informed, thus distancing victims from the criminal justice agency which has the most influence on the subsequent progression of their case. This represents the "offence against society" model whereby at this stage victims' interests are increasingly marginalised.

Essentially what the data reveals is the existence of a parallel discourse, as the agenda is dominated by the professional discourse whilst ignoring that of the victim, thus demonstrating the fundamentally bureaucratic response offered to victims, rather than acknowledging what it is that victims actually want. This distancing of the victim from the decision making process denies victims access to the information they need, although examples from the research illustrate participants' attempts to bridge this parallel discourse by contacting the CPS directly themselves or through a third party, the researcher.

Research evaluating the effectiveness of Family Group Conferences and the attempts being made to empower families through the formation of partnerships, found that despite the aims of these partnerships, they offered no fundamental challenges to the

power of professionals in decision making and, although practices may be changing, "the pace and direction of that change is still principally in the control of the professionals" (Jackson and Nixon, 1999: 120). Similarities can be drawn between this and the reluctance of the criminal justice agencies to implement the Charter initiatives and other reforms, thus demonstrating their control over the pace of change, resulting in victims not receiving the services to which they are entitled.

Chapter Seven now explores in greater depth the pivotal role of the CPS and how this underpins the relationship between the victim and the state. Governed by the "offence against society" model, prosecutions are undertaken on behalf of the state, thus subsuming the interests of the victim within the wider public interest or, to be more accurate, the goals of a crime control model of criminal justice. As a consequence, the status of victims is determined by the role of the CPS, a role that is now becoming increasingly challenged.

CHAPTER SEVEN

THE ROLE OF THE CROWN PROSECUTION SERVICE

The origins of the CPS are to be found in the Report of the Royal Commission on Criminal Procedure published in 1981. The Report concluded 'that it was undesirable for the police to continue both to investigate and to prosecute crime' thus requiring a major change in the prosecution process (cited in Glidewell, 1998: 1). As a result the CPS started to operate as a national prosecuting service in 1986 in accordance with a Code for Crown Prosecutors (CPS, 1994). However, the service has experienced a troubled background and has been accused of becoming 'excessively bureaucratic and failing to meet aspirations of its own staff and the public' (*The Times*, 1998a: 4). Subsequently, the CPS has been made subject to a number of reviews and investigations since its instigation, the most significant being the review undertaken by Sir Iain Glidewell (*ibid*) which will be discussed in Part IV.

The Code for Crown Prosecutors (CPS, 1994; revised in 2000, CPS, 2000a) outlines the principles that must be followed when deciding whether or not to prosecute an individual. Cases are passed from the police and reviewed by the CPS to ensure that they meet the two code tests: the "evidential test" and the "public interest test". It is at this stage that prosecutors may decide to continue with the original charge, change the charge or sometimes discontinue the proceedings. If the case does not pass the evidential test, in that there is insufficient evidence to provide a realistic prospect of conviction no matter how serious the case, it must not go ahead. If the case does pass this test then the Crown Prosecutor must decide if a prosecution is needed in the public interest. It is at this stage that the "offence against society" model takes precedence over the proceedings and usurps the interests of the victim, although the Code does attempt to acknowledge the relationship between the victim and the public interest:

> 'The Crown Prosecution Service acts in the public interest, not just in the interests of any one individual. But Crown Prosecutors must always think very carefully about the interests of the victim, which are an important factor, when deciding where the public interest lies.'
>
> (CPS, 1994: 11)

However, the ability of the CPS to take into account the interests of the victim is problematic as, apart from the victim's original statement following the offence, the only process whereby the CPS is made aware of those interests is through their liaison with the police. Since 1988, the responsibility for keeping victims informed of the progress of their case has been the responsibility of the police, as outlined in the Home Office circular *'Victims of Crime'* (Home Office, 20/1988), the contents of which have been discussed in more detail in Chapter Six.

Circular 20/1988 also stated that it was the responsibility of the police to inform victims when a person has been cautioned in connection with the offence. It states that the name and address of the cautioned offender should be disclosed if the victim requests it for the purpose of instituting civil proceedings, unless there is good reason to believe that this information may be used for unlawful purposes. The necessity to take into consideration the views of the victim when cautioning offenders was reiterated in a later Home Office circular *The Cautioning of Offenders* (Home Office, 18/1994b). This states that before a caution can be administered efforts should be made to find out the victim's view, which may have a bearing on how serious the offence is to be judged, although this should not be regarded as conclusive. Attached to the circular is a copy of the National Standards for Cautioning (Revised), which in Section 4 refers to the views of the victim and states that if a caution is being considered, its significance should be explained to the victim (Home Office, 18/1994b). In response to circular 20/1988, the CPS issued its own guidelines clarifying its role and responsibilities towards witnesses and victims of crime:

'Although there will be contact between the CPS and the police concerning the progress of cases, it is the task of the police, not the CPS, to keep witnesses, including victims, informed of the progress and result of the case (including discontinuance). Further, where necessary, they will have to see witnesses to obtain additional evidence. The police continue to be in the best position to know how witnesses and victims should be informed of the progress and outcome of cases. To take this responsibility away from the police would be to remove a major part of the relationship the police must have with the victims of crime.'

(CPS, 13/1988: para. 5)

However, to ensure that the CPS keep in mind the interests of victims, the circular (*ibid*) does state that the CPS is to take reasonable steps to ensure that the police are in contact with the victims to keep them informed of decisions taken in cases. It also states that if victims contact the CPS direct, it is at the discretion of the Branch Crown Prosecutor to exercise his discretion over the content and extent of the detail given (*ibid*: para. 7). In cases involving a fatality where a decision not to proceed has been made, reasons for the action taken by the CPS should be given by an appropriate CPS senior member of staff, if requested by a relative (*ibid*: para.8). A further commitment to the principles outlined in the first Victim's Charter (Home Office, 1990a) regarding the responsibilities of the CPS towards victims is contained in the CPS policy document *The CPS Statement on the Treatment of Victims and Witnesses* (CPS, 1993).

Procedures to formalise liaison between the CPS and the police were subsequently outlined in a Manual of Guidance for the Preparation, Processing and Submission of Files (ACPO/CPS, 1992, revised 1997), which was first produced following a report by the Pre Trial Issues Steering Group. For the first time the Manual laid down the forms to be used and the content of the file for individual cases on a national basis in England and Wales. A number of further changes to the Manual were necessitated following the report of an Efficiency Scrutiny in 1995 commissioned by the Prime Minister (Home Office, 1995). This included the introduction of the use of a proposed notice of discontinuance, which is a memorandum sent by the CPS to the police officer in the case whenever a decision is made to discontinue a case or substantially alter the charge, setting out the reasons for the decision made. It is then the responsibility of the police to inform the victim of the decision and, if the police do not agree with the decision made, it is their responsibility to respond to the CPS within two weeks, providing further evidence or information if necessary (ACPO/CPS, 1997). However, if termination of the case is considered by the CPS and the police do not wish to be consulted, there is no requirement for prior consultation. There is a tick box on the form MG1 for the police to complete if consultation is not required (ACPO/CPS, 1997, para. 6.10.3). A possible consequence of this, however, could be that in those cases where the police indicate that they do not wish to be consulted, the victims are unlikely to be informed of changes to charges or a discontinuance due to a decision made by the police and not by them. Whilst the

Efficiency Scrutiny (Home Office, 1995: v) recommended that: 'there is considerable scope for service level agreements to underpin understandings between the parties', the local SLA (1997) of the current research area does not refer to whose responsibility it is to inform victims of changes in charges or the decision to discontinue a case, therefore, it is not clear whose responsibility this is.

Further recommendations on the practice of the CPS to ensure that victims are informed of crucial decisions were made by the Royal Commission of Justice in 1993. This acknowledged the difficulties involved in the police relaying information to victims based on decisions made by the CPS and went on to make Recommendation 104: *"Where appropriate the CPS should pass on information to the victims or witnesses direct rather than through the police"* (cited in CPS, 1999). The CPS was also required to review its arrangements for passing information on to the police as quickly as possible in a further Home Office circular *Keeping Victims Informed of Developments in their Case* (Home Office, 55/1998c).

Whilst the Code for Crown Prosecutors in 1994 (CPS, 1994) made no reference as to whose responsibility it was to keep victims informed, this was subsequently amended in the revised version (CPS, 2000). However, this guidance was vague in that it only stated that 'Crown Prosecutors should ensure that they follow any agreed procedures' (CPS, 2000: 14). It was later explained to the researcher by the CCP of the current research area that it was deliberately worded this way in order to allow for the imminent changes in policy as a result of the Glidewell Report (1998), discussed later in Chapter Eleven.

In a summary of the above, during the period of the current research, the responsibility to keep victims informed of the progress of their case rested with the police, although it was also a responsibility of the CPS to liase with the police to ensure that information regarding prosecution decisions was also passed on. However, despite the guidelines outlined in a number of Home Office circulars, evidence from the research found that information from the police was not forthcoming and, at best, patchy, resulting in victims frequently not being informed of decisions made in relation to their case. This again reflects the heavily bureaucratic response to keeping victims informed without actually acknowledging what it is that victims really need.

Findings from the research indicated that the only contact victims had with the CPS, unless initiated by the victim, was a hurried exchange at Court when the victim was required as a witness. This exchange only allows for a courteous introduction and the provision of the victim's statement, as introduced by the revised Victim's Charter (Home Office, 1996: 4), although this entitlement is subsequently qualified by a clause *"wherever possible"*. However, by this stage in the process decisions concerning whether a prosecution should go ahead or whether the charge should be changed, and any decisions relating to bail, had already been made with no consultation and no explanation given to the victim. Subsequently, the research found that it is still misleading to suggest that decisions made by the CPS adequately take into account the interests of the victim when little, if no, communication has taken place, emphasising instead the bureaucratic and patriarchal nature of the process. These findings were in despite of changes that had been made to the Code of Conduct of the Bar for England and Wales prior to 1996, which are discussed in more detail below on p.199, in relation to the experiences of P6. However, it should also be noted that since the completion of the fieldwork, further initiatives have been introduced to address some of these issues and these will be considered in greater detail in Part IV.

In the meantime, evidence from the current study illustrates that this lack of communication with the CPS at the pre-trial stage only acts to reaffirm victims' lack of status within the process, as referred to in Chapter Six. For the majority of participants, decisions were made without their knowledge and without any explanation, but instead were dictated by the priorities of the criminal justice agencies rather than the interests of victims. This exclusion of victims from engaging with the criminal process thus continues to render them "passive consumers" with a number of undesirable consequences, as was found when the cases eventually reached court.

The Consequences of Constructing the "Passive Consumer"

Following notification of the trial date and a requirement that he appear as a witness, P6, the victim of a serious unprovoked assault, was anxious that his hearing not be heard at his local Crown Court. Having recently qualified as a corporate solicitor, P6 was known to some of the local legal and court staff, and had trained with the same firm now representing the defendant:

"..so for a number of reasons I asked the police witness liaison officer whether it would be possible if I were to get in touch with the CPS and ask them to try and get the matter re-listed at another court." (P6: final interview).

Despite numerous attempts to liase with the witness liaison officer and the CPS, nothing was done to resolve the situation during the intervening few months, although due to a trial running over, the case was eventually moved to another court: *'...but not through anything they'd actually done to try and help."* (P6: final interview).

However, the initial frustration that this lack of communication had caused was only further exacerbated when the matter reached the court and P6 became aware that he would not be able to speak to counsel regarding the case. Already extremely nervous about the prospect of giving evidence, the denial of an opportunity to speak with the CPS caseworker prior to the trial only heightened his anxiety:

"I was trying to ascertain from her [the caseworker] *what angle they were coming from and whether I could speak to counsel, but she said 'oh, no, they don't normally speak to the witnesses'. I don't know whether that is right, because obviously if you're a defendant you are entitled to speak to your counsel about the case. I mean, obviously you're never allowed to coach a witness or anything like that, but there's no harm in speaking to them about the case to find out what they're trying to gain and what the possibilities of the outcome are."* (P6: final interview).

Although a corporate solicitor, P6 had some knowledge of criminal procedures and wanted to know whether there were any instructions regarding accepting a guilty plea to a lesser charge than the original charge of Grievous Bodily Harm:

"...because I didn't necessarily want to give evidence. I was never told anything and that's the problem. I was faced with the situation of going into court blind and because of the circumstances and because of the length of time that had passed, I would have got into difficulty." (P6: final interview).

However, due to legal argument based on evidential issues the charge was reduced to one of Affray to which the defendant pleaded "guilty". Although this charge in no way reflected the seriousness of the injuries caused to the victim, P6 was relieved that he would no longer be required to give evidence:

"I was absolutely petrified to be honest in the morning. I mean this way I'm happier because I'm still not a 100% sure that this defendant knows who I am exactly...he's only seen me a couple of times from a distance, obviously if I was in Court he'd get a good hour of looking me up and down." (P6: final interview).

This example illustrates clearly the vulnerability victims of violence are exposed to when required as witnesses. In addition to their physical vulnerability, the role of the prosecutor to represent the Crown creates a distance between the prosecutor and the victim. With no one in court to represent, reassure or support the victim, their vulnerability is further exposed, an injustice felt by the majority of participants required as witnesses:

"I felt as though they weren't actually representing me, they were just doing a job for the police...sometimes I felt as though there wasn't any personal involvement, as such." (P13: final interview).

However, the findings of the research did not accurately reflect changes that had previously been made to the Bar Code of Conduct, as outlined in an article published by the CPS internal magazine *Inform* (CPS, 1995a). This article reports that barristers have been given considerably wider discretion to talk to witnesses and that the new Code of Conduct places a responsibility on barristers "to ensure that those facing unfamiliar court procedures are put at as much ease as possible", especially if the witness is nervous or vulnerable or the victim of crime (*ibid*: 2). Although the Bar Council was taking advice as to whether the change had to be approved by the Lord Chancellor's Advisory Committee, barristers were advised to treat the change as effective from May 1995 (*ibid*). This was subsequently finalised in a Guidance Letter to Chief Crown Prosecutors (CPS, 6th November 1996), which amongst the principle changes affecting criminal practitioners confirmed that:

'There is no longer any rule preventing a barrister from having contact with any witness and barristers are now free to introduce themselves to witnesses and to explain or answer questions about court procedures, especially the procedure for giving evidence....but, it remains inappropriate in contested criminal cases for barristers to discuss with witnesses the substance of their evidence, or the evidence of others, save in wholly exceptional circumstances.'

This position was later reiterated in a letter from the Attorney General, Peter Goldsmith, to the Chairman of the Bar Council, Jonathan Hirst QC, concerning his misgivings about "signs of reluctance on the part of practitioners to have contact with witnesses, even for the very proper purposes covered by the recent changes by the Bar to its professional rules", as had been detected by the Chief Inspector of the Crown Prosecution Service, Stephen Wooler (CPS, 14th August 2000b).

Therefore, despite recent changes in the Code of Conduct and concerns expressed by senior officials that these were not being followed, the research still found evidence of counsels' reluctance to have "proper, direct contact with witnesses" (CPS, 14th August 2000b). As in the case of P6, where the barrister only spoke to him following the trial to explain that evidential difficulties had been identified that had obviously been overlooked before. This weakened the case, so rather than risk the case collapsing completely, thus wasting a lot of taxpayer's money, a lesser charge was offered to which the defendant pleaded guilty and received a twelve-month conditional discharge. However, if the barrister had introduced himself to P6 when he first arrived at court, this may have allayed some of P6's fears and avoided the extreme anxiety caused when waiting to find out whether he would be required as a witness.

Although the final outcome did not reflect the seriousness of the offence, P6 appeared satisfied as it had saved him the ordeal of giving evidence and the possibility of being recognised by the defendant in the future. Intimidation, therefore, appeared to influence the victim's satisfaction as P6 had expressed concerns about being recognised by the defendant, and also referred to the defendant being accompanied to court by "a carload" of his supporters of whom he was unsure were going to be witnesses. However, despite the lesser charge and the much lighter sentence, P6 was reassured by a police officer who advised that, whilst the outcome was not as good as

they had hoped for, the conviction would be taken into account if any offences of violence were committed in the future. However, it was omitted that the conviction in no way related to the actual seriousness of the offence, thus weakening the possible effect of this.

This case highlights a number of important issues concerning the relationship between the victim and the CPS. In particular, the lack of professional advice, support and protection afforded to the victim when required as a witness, despite the introduction of changes in practice which "emphasise the importance of considerate treatment of witnesses attending court" (CPS, 14th August 2000b). This continues to raise questions regarding the nature of the relationship between the state and victims and the balance between obligations and rights, as discussed in Chapter Three. Victims, who as good and active citizens have fulfilled their obligations by co-operating with the criminal justice system, are still being denied their entitlement to consultation, protection and support within that process, despite current political rhetoric espousing concern for crime victims. As a consequence, victims are constructed as "passive consumers" whereby a lack of information and protection makes them vulnerable to accepting decisions made on their behalf, but not necessarily in their best interests.

In particular, this case draws attention to the use of plea-bargaining, a practice that encourages defendants to plead guilty in response to a lesser charge, or in return for the dropping of certain charges. It also focuses on the use of sentence discounts, which provide for a reduction in sentence for guilty defendants who plead "guilty" at the earliest opportunity, thus avoiding a trial (The Criminal Justice and Public Order Act 1994, cited in The Court Service, 1995: 8). Whilst in this case the practice of plea bargaining spared an anxious victim the ordeal of giving evidence, it also led to a defendant pleading guilty to a charge where the evidence was apparently weak. This subsequently resulted in a sentence that failed to reflect the very serious nature of the offence and the possibility that the wrong person had been convicted. Taking into consideration these concerns, evidence from the current study explores the implications of these practices from a victim's perspective. It also acknowledges that such practices can act against the interests of the defendant, thus questioning in whose real interests they operate; the victim, the defendant or the system?

Plea-bargaining – The Victim's Perspective

Whilst the desirability of plea bargaining and sentence discounts has been widely discussed in the academic literature, Fenwick (1997b: 23) questions the assumption of current debates that these practices 'are in harmony with the needs of crime control and with the interests of victims'. She goes on to argue that 'victims' interests tend to be too readily equated with those of crime control and a distinctive victims' viewpoint tends to be obscured' (*ibid*: 24).

It can be argued that such practices play a significant part in the interests of crime control by assisting in the speed and efficient administration of criminal justice. This is in line with the new managerialist reforms, as observed by Sanders (1994: 805): 'By encouraging early guilty pleas sentence discounts reduce the strain on court resources and ensure convictions in weak cases.' Further justification can be found because victims and witnesses are spared the ordeal and distressing experience of giving evidence (Ashworth, 1993b; Sanders and Young, 1994). This, however, is again further illustration of the patriarchal nature of the criminal justice system, imposing its own assumptions and interests upon victims without considering *their* specific needs and interests.

Thus, whilst there appear distinct advantages for the smooth running of the criminal justice process itself, it is suggested that these practices ignore important issues relating to due process and preclude the real interests of victims. With regards to due process, these practices have been criticised for impinging on the rights of the defendant. By encouraging early guilty pleas both plea-bargaining and sentence discounts may undermine the right to a trial and may induce some innocent defendants to plead guilty (Ashworth, 1993b: 836). In addition, the use of graded sentence discounts implies a greater discount the earlier the plea, although if there is a strong case against the defendant the discount will remain modest. As observed by Fenwick (1997b: 26): 'this position is tantamount to suggesting that the strongest encouragement to plead guilty should be deployed against those facing the weakest prosecution cases', and that 'it is hard to avoid the conclusion that they penalise those who opt for a full trial' (*ibid*: 23).

From a victim's perspective there are a number of complex issues. Some defendants may play the system to their own advantage and delay pleading guilty in the hope the victim will eventually withdraw their complaint. Even if remanded in custody, as in the case of P9, prisoners on remand enjoy greater privileges than when finally sentenced. However, whilst a late guilty plea will spare the victim the ordeal of giving evidence and result in a conviction, it does nothing to alleviate the anxiety felt by victims in the months leading up to the trial and immediately beforehand, as found in the case of P2. On the other hand, neither do victims benefit from an innocent defendant pleading guilty to an offence under pressure, as it is in victims' best interests that the real offender be convicted and sentenced. As pointed out by Victim Support, when a criminal conviction has been overturned 'it should be recognised that this is a time for renewed grief and distress for the victim and his or her relatives' (Victim Support, 1991: para.25, cited in Fenwick, 1997b: 27).

Equating Victims' Needs with those of Crime Control

In the current study, of the twelve cases that went to court four defendants offered a late guilty plea. In two cases, P2 and P3, where the defendants were known to the victims, a guilty plea was entered on the actual day of the trial. As no charge bargaining had taken place in either case, it could be assumed that the defendants had been waiting to the last minute in the hope that the victim would withdraw their complaint, but instead both victims were prepared to give evidence despite the anxiety this provoked.

However, evidence found in the current study strongly questions the assumption that victims' needs are easily equated with those of crime control. Whilst P6 preferred a guilty plea to a lesser charge given his particular circumstances (although he was not actually consulted), the victim in another case did not. P9 had already waited nine anxious months before the trial was finally able to go ahead. However, on the day of the trial P9 was approached by the prosecution barrister and advised of a further problem in the proceedings. Without his solicitor's prior knowledge, the defendant wanted to change his plea to "guilty" if the charge was reduced from Indecent Assault to Actual Bodily Harm. This would require a further adjournment, to the inconvenience of the victim, but would benefit the defendant who was currently remanded in custody. However, on this occasion the view of the victim was sought:

"One of the guys came in with all his cloak and wig and everything [the prosecution barrister] *and explained there was a bit of a hiccup and would I, if he changed his plea to guilty, accept the charge of Actual Bodily Harm, and I said no, and he said I didn't think you would."* (P9: final interview).

P9 described the barrister as very apologetic for the inconvenience that would be caused, but despite this, P9 was adamant that the charge should remain the same, thus reflecting what really happened, and had thought it only right that she should be consulted:

"Yes, well I think they should do, because I think I would have been very upset if they had let it go ahead with that, when it wasn't that at all." (P9: final interview).

These cases, therefore, clearly illustrate that, despite the anxiety and inconvenience that being required as a witness entails, some victims would still prefer to go through this process if it means the harm they suffered will be acknowledged and dealt with appropriately by the court. Thus demonstrating that it is a mistake to readily associate the interests of crime control with those of the victim, as this can distort their real interests and their more complex responses to these practices. As observed by Fenwick (1997b: 27), such practices reflect a perceived lack of congruence between the offending behaviour experienced by the victim and the legal response to it in terms of the sentence and/or the charge.

The findings of the current study are supported by other recent studies. Cretney and Davis (1997) examined the prosecution of domestic assaults and found that cases involving cohabitants appeared especially vulnerable to charge reduction:

'The reason most commonly advanced for reducing assault charges to s.39 is that the offence must be dealt with summarily. Confining cases to the magistrate's courts is said to have three advantages: (i) speed of processing; (ii) greater certainty of outcome, and (iii) cost reduction.'

(Cretney and Davis, 1997:149)

This earlier study confirms how organisational needs, and in particular those of crime control, take priority over the needs of the victim, as it is judged by the CPS that

speed serves in the best interests of the victim and can be achieved without 'trivialisation of the offence' (*ibid*: 149).

However, evidence from the current study questions the assumption of the CPS, as reflected in the views of P3, a victim of domestic violence:

"They called it common assault which I think was a bit wrong really...common assault according to my solicitor, actually covers things like verbal assault and he did a bit more than verbally assault me. I just can't understand how it could be common assault, because that's what they charged him with in the end." (P3: first interview).

In this case the researcher observed during a preliminary hearing how the CPS outlined the offence, omitting many important details that reflected the very serious nature of the case. In particular, the CPS failed to point out the long history of domestic violence in the relationship and the fact that the victim had spent some time in the women's refuge, instead describing their relationship as merely "volatile". This apparent concealing from the court the seriousness of the offending behaviour was a practice also observed by Cretney and Davis (1997), as otherwise the CPS may have difficulty justifying why the charge appears to be so inconsistent with the offence.

However, in the case of P3, the evidence could not be so easily concealed as the magistrates were shown photographic evidence of the victim's injuries and this was acknowledged by the chair of the magistrates in his summing up statement when sentencing the defendant:

"This was a nasty, cowardly assault on your wife in the presence of your children...no words can describe how myself and my colleagues feel towards this offence. I only regret that the matter could not be referred to the Crown, as I feel that the sentencing powers of this court are insufficient for the offence. Whilst I am restricted with regards to what I can do, I consider this offence so serious that only custody will do."

Following the proceedings I asked the defence solicitor, whom I knew from my work as a Probation Officer, why the matter could not have been referred to the Crown Court. He advised that it was because the charge made was classified as a "summary" offence and not an "indictable" one, therefore, it could not be heard at the Crown Court.

This was confirmed when I later referred to the *Offences Against the Person Charging Standard: Agreed by the Police and the Crown Prosecution Service*, as cited in the CPS Prosecution Manual (1998). The purpose of the joint charging standards is to make sure that the most appropriate charge is selected at the earliest opportunity (*ibid*: 1). It was evident from this document that the charge made in the case of P3 was that of common assault, contrary to section 39, Criminal Justice Act 1988, which 'is a summary only offence which carries a maximum penalty of six months' imprisonment and/or a fine not exceeding the statutory minimum' (Charging Standard, CPS, 1998:2).

The Charging Standard goes on to state that 'The only factor which distinguishes common assault from assault occasioning actual bodily harm, contrary to section 47 of the Offences Against the Person Act 1861, is the degree of injury which results' (*ibid*: 3). The Charging Standard advises that the prosecutor should always consider the injuries first and in most cases the degree of the injury will determine whether the appropriate charge is section 39 or 47. It then goes on to state that 'the appropriate charge will be contrary to section 39 where injuries amount to no more than grazes, scratches, abrasions, minor bruising....' (*ibid*: 3).

In the case of P3, it would appear that whilst the CPS had taken the view that the injuries amounted to no more than "minor bruising", thus restricting the offence to the lesser charge contrary to section 39, the Magistrates, having seen photographic evidence of the injuries, were of the view that the injuries should have been more appropriately charged contrary to section 47, thus enabling the case to be heard at the Crown Court.

It could be argued that this case supports the earlier research of Cretney and Davis (1997), as the charge chosen by the CPS demonstrated a lack of congruence between

the offence, the charge and the sentence, and although this was recognised by the magistrate, by this stage of the process there was nothing that could be done to rectify the matter. As a result, the courts apparently inadequate response to the actual harm suffered, in this case twenty-five weeks imprisonment for the common assault and a consecutive eight weeks for failing bail, left the victim feeling that her experience had been devalued and trivialised. These current findings were perhaps unexpected, as they remain very similar to those of Cretney and Davis (1997) whose research was undertaken in 1994. Initiatives to improve the investigation and prosecution of domestic violence cases had been published prior to their research, including a Home Office circular (Home Office, 60/1990b) and, shortly afterwards, the *CPS Policy for Prosecuting Cases of Domestic Violence* (CPS, 1995b). It would not be unreasonable, therefore, to expect these initiatives to have been affecting some improvement upon the prosecution of domestic violence cases by 1999 when the case of P3 was dealt with. Especially since only seven months before the offence was reported, the CPS had come under further criticism in a report by the CPS Inspectorate, *The Inspectorate's Report on Cases Involving Domestic Violence* (CPSI, 1998). This Report included a recommendation that Branch Crown Prosecutors consult the police to seek the correct application of the relevant charging standards and ensure that prosecutors properly apply them (*ibid*: 4).

However, the lack of congruence between the injuries suffered by P3 and the actual charge indicates that these policies are still not being properly implemented. These findings support the argument for victims to be consulted in order to ascertain the congruence of the charge with the actual offence, and if or when there is a possibility that the charges may be discontinued or downgraded at a later stage in the proceedings. Taking into account the interests of victims by actually consulting them, rather than making assumptions on their behalf, would allow victims to engage in the process and to make informed choices. Whilst this has been vehemently contested in the past, a change in the role of the CPS was announced following the completion of the research and outlined in the *Crown Prosecution Service Strategic Plan 2001-04* (CPS, 2001b), following the recommendations of the Glidewell Report (1998). The subsequent introduction of Victim Personal Statements in 2001 are also intended to assist the CPS when deciding on bail and the final charges. These recent reforms indicate a shift towards improving the status of victims in the criminal process and are

discussed in more detail in Part IV. In addition, and as discussed earlier, domestic violence has recently achieved higher prominence on the political agenda, with a revised Home Office circular in relation to domestic violence (Home Office, 19/2000b) and a new CPS policy for prosecuting cases of domestic violence (CPS, 2001c). However, only further research will determine whether these have any greater impact upon the experiences of victims of domestic violence than their predecessors outlined above.

In the meantime, Chapter Eight goes on to consider further the experiences of those participants who were required to give evidence as witnesses and how their experiences reflect the inadequacy of the consumerist model to fulfil their expectations.

CHAPTER EIGHT

VICTIMS AS WITNESSES

Earlier chapters have described the frustration and anger felt by victims when not kept informed of developments in their case and of not knowing what is going to happen next. Norris *et al.* (1997) suggest that what is required is an improved responsiveness towards victims by the criminal justice system and that this is just one area in which further research and programme development is needed.

One part of the criminal justice system that has attempted to improve its responsiveness to victims and witnesses as consumers has been the Court Service. Since the first national survey of court users undertaken in 1994 and the first *Charter for Court Users* (The Court Service, 1995), attempts have been made to improve the standards of service to "court users", including defendants, jurors and witnesses. This has concentrated on improving the facilities in court buildings, including refreshments and separate waiting areas for victims and witnesses. In addition, more recently there has been closer monitoring of witness waiting times through surveys undertaken by local Trials Issues Groups (TIG). This has resulted in attempts to reduce the number of "cracked trials" (trials that cannot proceed on the day due to a change in plea, failure of witnesses to turn up, etc.) and the introduction of local Service Level Agreements, as discussed in Chapter Two. Of particular significance to the current study has been the development of the Witness Service, which offers support to victims and witnesses who may be required to give evidence in court.

In 2000, additional Home Office funding was given to VS to extend the Witness Service to the Magistrates Courts and the aim was that by 2002 witnesses in any of the criminal courts in England and Wales will be able to receive help. The Witness Service offers staff and volunteers trained to provide support and information about the court process to witnesses, victims and their families before, during and after the trial (Victim Support, 2002a). However, at the time of the fieldwork, this service was only offered to victims required as witnesses at the Crown Court.

Witnesses' Experiences at Court

The unmet needs of participants during the preliminary stages of the prosecution process were well documented in Chapter Six. In particular, the research found that the anxiety caused to victims at the prospect of giving evidence was still not being sufficiently acknowledged.

Although information leaflets were included and reference to the Witness Service was made in a footnote on letters to those required to attend the Crown Court, the letters appeared very formal, instructing them to attend court as required or face a summons. This approach obviously places the emphasis on a concern for cost efficiency rather than "customer care". However, despite the offer of assistance by the Witness Service for those attending the Crown Court, participants expressed a preference for being able to contact someone in authority, that is, a professional worker, who they deemed would be able to give them practical information and advice about court procedures. As in the case of P6, who whilst familiar with the court environment, still expressed a need for further information:

"Just a handshake from the caseworker on the day of the trial is not enough. I mean most people don't know the difference between a barrister and a solicitor and to be honest, court rooms are scary places." (P6: final interview).

In the current study eight participants were required to attend court as witnesses, of which only four were eventually required to give evidence. One case, P5, was heard at the Youth Court where no facilities were available. This participant's distressing experience has already been described in more detail in Chapter Six and demonstrated clearly the need for support and services for victims and witnesses at court:

"I would have liked someone to talk to about being a witness...I would have liked to have been better prepared." (P5: final interview).

Four of the participants required to give evidence as witnesses had their cases heard in the Crown Court and all four received information from the Witness Service prior to the trial and were offered the opportunity of a pre-court visit. However, participants remained unclear about the actual role of the Witness Service and sought additional

advice from the researcher regarding what information they could provide. Again, the expressed need of participants tended to focus on factual information about the case and what would be expected of them as witnesses. However, for victims there is not always a source from where they can gain this information. The role of the Witness Service is primarily one of moral support, as argued by a recent critique of the service offered to witnesses (Riding, 1999). Evidence in the current study has also found that the practices of the CPS are inconsistent, with only some caseworkers and barristers following the revised Code of Conduct, whilst others remain reluctant to have contact with victims and witnesses. This perhaps reflects the current state of flux regarding the changing role of the CPS. Although a number of changes in policy have been introduced, particularly since 1995 (CPS, 6th November 1996), it has proved more difficult to change the attitudes of those professionals responsible for implementing them. However, despite recent changes, under the current Code of Conduct it remains inappropriate for barristers to discuss the substance of any evidence in the case with victims, except in wholly exceptional circumstances (*ibid*), thus highlighting how isolated and unsupported participants are by the court process. This was demonstrated in Chapter Seven and is further illustrated by the confusion and frustration felt by some participants:

"There's nobody there for us....who is representing us?...surely we should get some say, we've suffered enough." (P11: telephone conversation, pre-trial).

"Some of the ways of the law are pretty bizarre...from what I can make out, especially the lack of communication with the CPS. I needed more information on how the courts actually work, their procedures...why this happens and why that happens...I think it would help. And to actually speak to someone who is representing you, well, they are representing the Crown, but in a way they are representing you." (P13: final interview).

One of the roles of the Witness Service is to offer witnesses a pre-court visit. Of the four participants required to attend a Crown Court, two accepted the offer, whilst two were shown around the court on the day of the hearing. For P11 and P13, whilst the visit was arranged to take place four days before the trial to familiarise them with the

court, the benefit of this was lost when the trial was subsequently postponed for a further three months:

"It wasn't very helpful really. The only reason I went was because it was just before the case was originally due to be heard, and I thought it would be an idea just to go and familiarise myself with the court, seeing everybody in their wigs and that sort of thing." (P13: telephone conversation, pre-trial).

For P11, whilst stating she had found it helpful, this was belied by the tense and agitated way in which she spoke, indicating that the visit had also increased her apprehension about giving evidence:

"The Witness Service lady said to speak as though I was talking to old friends, but I've never even discussed the details with my very good friends. I can't get to grips with it and the thought that I'll get ripped apart in the witness box." (P11: telephone conversation, pre-trial).

In this particular case these understandable and quite normal fears were not assisted any further by the apparent insensitivity of the allocated officer, who suggested to the anxious participant not to worry about it as it was only a few hours out of her lifetime:

"A few hours out of your lifetime? It's not a few hours out of your lifetime at all...it's your whole lifetime put into a few hours!" (P11: telephone conversation, pre-trial).

Whilst I am sure that the officer had not intentionally meant to undermine the very real fears of the participant, this demonstrates clearly the need for those working with victims to have adequate training. In particular, to gain a thorough knowledge and understanding of the victim's perspective and to develop the appropriate skills in order to convey genuine feelings of empathy. This did appear to have been achieved by those working in the Witness Service, as reflected in the positive comments made by participants.

Participants' Experiences of the Witness Service

Although victims felt unsupported by the lack of professional support in the court, those who attended a Crown Court were given assistance by the Witness Service and the majority of participants were very satisfied with the service they received:

"They were very good, very helpful. They realised the sensitivity of the case and done their best to keep us separate...y'know, from his family." (P13: final interview).

"He was an excellent gentleman, he'd obviously been doing it for years. He gave some good advice about what to expect...It was definitely a useful service." (P9: final interview).

"They were very good, because I did ask who's who in there and am I meant to call him anything, the one with the wig on at the top and he said, 'well you can slip one Your Honour in, they do like that'!" (P11: final interview).

However, the volunteer status of the Witness Service workers was raised and questioned:

"I can't have enough praise for the Witness Service staff, they were lovely, but I was just so surprised that this poor woman wasn't being paid. I mean ...she was telling me they go on a two week course and they did a little bit about the legal system, but I'm thinking you're just a volunteer and yet you're given so much responsibility for people who are probably at one of the most worrying times of their life. I mean, they're acting like a social worker in a way, I think they should be paid." (P6: final interview).

As expressed quite clearly by the above participants, the support provided by the Witness Service is of great value and importance, but it could be argued that the requirements of the work demand specialist knowledge and skills and thorough training, thus, questioning the appropriateness of volunteers undertaking this work. This issue is discussed in more detail in Chapter Nine.

However, whilst the provision of a separate waiting area can offer victims and witnesses privacy and protection from intimidation, it can also bring to their attention the specific rights of the defendant and highlight their own vulnerability. For two participants attending a trial lasting six days, the need to spend most of the time in a separate waiting room in order to avoid the defendant and his family made them feel as though they were the ones on trial:

"I mean I know it was for our own good that we were in rooms by ourselves, um, but, my mum brought the point up that she felt as though we had done something wrong...sort of, like rather than having the freedom of the building, we were there and it was us that had to watch where we went. I think that could be a little different, maybe." (P13: final interview).

"I know it was for my protection, but it's almost like I was the one in jail for a week so to speak." (P11: final interview).

This example demonstrates very clearly the tensions that exist between the interests of the defendant and the interests of witnesses, particularly the victims. Whilst separate waiting areas are intended to assist victims, in this case the situation was perhaps aggravated by the length of the trial, whereas just one or two days of waiting may not have been so bad. The ACJLC Protocol (1998) proposes that the judge assess the sensitivity of the situation and give consideration to a remand in custody over lunchtime and short adjournments. Whilst in this case the defendant was bailed by the court to remain in the court building at lunchtime, thus allowing the witnesses to go out for lunch free from the possibility of running into the defendant, it did not prevent them from feeling intimidated whilst in the court building. The judge could also have considered time adjustments to allow the witnesses to arrive and leave the court before the defendant (ACJLC, 1998), but these were not used in this case, resulting in the witnesses seeing the defendant on their way to the court on several occasions during the trial. These difficulties become more apparent for those victims having to attend long trials. Whilst attempts can be made to limit the level of contact between the defendant and witnesses, victims still perceive that it is their freedom being restricted, albeit for their own protection, rather than that of the defendant.

Raising Professional Awareness

Despite the months of uncertainty and anxiety leading up to the trial, with the majority of participants expressing some form of sleep disturbance, perhaps the most surprising finding was that, following their ordeal, most participants described their experience of giving evidence in court as "not as bad" as they had imagined. This is perhaps in some ways understandable, given that most people's impressions of what courts are like are gained primarily from the media, especially in films and on the television, both of which have an obvious tendency to over sensationalise and dramatise such events. But this does raise an important question as to how victims can be better prepared for their day in court without first having to suffer such high levels of anxiety for several months beforehand.

Whilst admittedly it would be impossible to allay all victims' fears of uncertainty, this finding does suggest that more advice and support during the preliminary stages would assist greatly in reducing victims' concerns. It could be argued that by reducing their feelings of intimidation, witnesses would be better prepared and able to give their evidence confidently, thus ultimately contributing to the efficiency of the prosecution and criminal process as a whole. Evidence from the research suggests this support could best be provided jointly by the Witness Service and by those professionals working in the courts (for example, the CPS). The involvement of professionals with victims would not only assist with practical information, as they would have the necessary knowledge and experience of what procedures will be involved, but would also symbolically raise the status of victims as witnesses. The contact with court professionals could be provided during a pre-court visit and a contact number provided where advice and information could be available by telephone throughout the preliminary stages. Most importantly, however, the provision of a comprehensive service to victims whilst waiting to attend court would increase their confidence in the system and significantly reduce their feelings of alienation from the whole court process:

"It's strange the way the Court works...I think there's more done to help the defendant rather than the victim. As a victim I felt as though it was an uphill struggle." (P13: final interview).

Therefore, despite the introduction of reforms, criminal justice professionals' awareness of the impact of victimisation and the subsequent needs of victims still needs to be raised through relevant and appropriate training. Throughout the study and by talking to Witness Service co-ordinators, it became evident that participants were still being denied their entitlements as witnesses whilst at court. This was due to the implementation failure of new reforms and initiatives, as these primarily rested on the attitudes and discretion of powerful professionals in the courts, predominantly the residing judges and barristers.

Particular concerns regarding the treatment of vulnerable and intimidated witnesses were raised following several high profile media reports during the 1990's. In particular, in 1996, the Ralston Edwards rape trial and others drew public attention to the trauma experienced by rape victims when the defendant, without legal representation, was able to cross-examine his alleged victims (*The Independent*, 1997: 3). In response, the Labour party promised that it would spare rape victims this ordeal by promising new laws (The Times, 1998b:1). In support of this commitment a working party was set up in June 1997 by Jack Straw, the Home Secretary, and it's report, entitled *Speaking Up for Justice*, was published a year later in June 1998 (Home Office, 1998a). The aim of the report was to improve access to justice for vulnerable and intimidated witnesses and to this end the report made 78 recommendations, 27 of which required the passing of new legislation before implementation. Of these, Recommendation 38 stated that screens should be available on a statutory basis to be used as a measure to assist vulnerable and intimidated witnesses. Whilst legislation is still yet to be passed, the use of screens is currently being left to the discretion of individual judges. However, a year after the report was published, the study found that such practices were not being implemented.

This failure to implement reforms was illustrated in the case of P9 who, having suffered a sexual assault, was given the impression by the police that a screen could be used when she gave her evidence in court. However, when she discussed this with the Witness Liaison office she was told that there was not enough time for this to be arranged, as only a weeks notice had been given of the trial date. Instead the anxious participant was subsequently advised: *"just don't give him any eye contact"*. The participant was angry at this unhelpful advice, as the short notice had obviously been

beyond her control and the failure to provide a screen only increased her fears, making her feel very vulnerable:

"It makes the ID parade a complete farce, as he'll be able to see me now. Whatever happens he'll be able to walk from the court and I'm worried 'cos he'll know who I am." (P9: telephone conversation, pre-trial).

Despite several further attempts to request a screen, P9 was eventually advised by the Witness Service that the layout of the court actually prevented the use of a screen:

"There was no where it could have been put in that court. In fact the stand was quite badly positioned. He [the defendant] *could see everything whilst I had my back to the jury. But I was there for a good hour and a half so he would have got a good look at me."* (P9: Final interview).

This case illustrates clearly the apparent difficulties of implementing new reforms, such as the recommendations of the *Speaking Up For Justice* report (*ibid*). Although the police were aware of the victim's anxieties, and had given her the impression that a screen could be used, they had failed to inform the CPS of the victim's requirements, as outlined in Recommendation 25 of the report. In addition, the apparent layout of the court was not conducive to the use of screens, which is not uncommon in older court buildings. However, this does not assist those victims having to give evidence and suggests that such trials should only be heard in courts where the appropriate facilities are available. This case, and others in the current study, demonstrates the failure of new reforms and initiatives to be implemented. More importantly, it draws attention to the way victims are denied access to justice by not being aware of their entitlements, thus rendering them "passive consumers" of the court service and the entrenched culture of the professionals who run them.

Giving Evidence

Victims' feelings of helplessness, intensified by a sense of lack of control, were further evidenced in the case of P11 and P13. Having already had their trial cancelled only days before it was due to start, and suffering the restriction of their own freedom whilst at the court building, the participants described their own experiences of giving

evidence. Once again, following months of increasing anxiety, the victims finally arrived at court. Due to the seriousness of the allegations the case had to be heard by a Circuit Judge and was held at a larger Crown Court, eighty miles from the victims' homes. Although advised of the days that the different witnesses would be needed, the victims, due to their very personal interest in the case, wanted to attend most days, especially in order to support each other. However, the first day was taken up by a previous trial running over and when the trial did eventually start, the remainder of the day was taken up by legal argument. Thus the witnesses due to give evidence that day faced another anxious start the following day. However, despite the long build up, or perhaps because of this, both participants, whilst finding the experience extremely difficult, still commented on how it was not as bad as they thought it would be:

"You just really...you've got no idea...nothing really prepares you for it. I knew it would be hard, I had no qualms about that, but in actual fact, I found it easier than I thought it would be. I thought she [the defence barrister] *was going to be more of a bitch than she was. The only time she really got to me was when she kept suggesting that it didn't happen. I found that the hardest really."* (P13: final interview).

However, P11 did find the suggestion put to her by the defence barrister that she had only made the complaint in order to receive financial compensation, as highly insulting and offensive:

"I don't like public speaking anyway, there's so many sets of eyes on you, and I thought she [the defence barrister] *was trying to get me to become emotional. Especially when she suggested I was doing it for the money, that was when the anger stepped in with me. That money won't buy a childhood. I mean, I know she's got a job and has to defend him, but she called me a liar. She put it to everyone in that courtroom that I'm a liar and basically doing it for the money. I think they need to think about how they talk, because she did call me a liar."* (P11: final interview).

In an adversarial legal system, such as the one operated in England and Wales, the onus is on the prosecution to provide proof of the defendant's guilt beyond reasonable doubt and allows for the cross-examination of prosecution witnesses by the defence.

This, therefore, necessitates the defence to challenge the evidence of prosecution witnesses, which can subsequently be interpreted by the witnesses as being accused of lying, as described in the cases above and found in the earlier study by Shapland *et al* (*ibid*: 65). Victims' anxieties could be allayed if the necessity of their evidence to be challenged was better explained prior to their giving evidence, a responsibility which could be given to the CPS when introducing themselves to witnesses and addressing any concerns they may have.

However, the exposure of witnesses to unnecessarily aggressive styles of questioning has been a cause of concern in the past and was officially recognised in Recommendation 43 of the *Speaking Up for Justice* report:

> 'Witnesses are performing a public duty and should be treated with dignity and respect when giving evidence in court. While recognising the need to ensure that defence counsel is able adequately to test the evidence against their client, the Lord Chief Justice should be invited to consider issuing a Practice Direction giving guidance to barristers and judges on the need to disallow unnecessarily aggressive and/or inappropriate cross-examination.'
>
> (Home Office, 1998a: 11)

However, there was also evidence of participants experiencing problems with the prosecution barristers:

"I found a few of her questions a bit confusing, but if you'd had some contact beforehand it wouldn't happen. You'd get little things cleared up rather than trying to sort them out in court." (P13: conversation at trial).

"It was all just a matter of fact, she just ran me through my statement really. But she didn't seem to drive home the important points like the defence did." (P11: conversation at trial).

"He wouldn't let me say what I wanted to say, he just kept cutting me off." (P5: conversation at trial).

The findings of the current study continue to bear resounding similarities to the earlier research by Shapland *et al.* (1985). With regards to their experiences in court, victims felt manipulated by both the defence and the prosecution due to the structured nature of the formal questioning, which denied them a voice in their own case. However, as discussed above, prosecuting solicitors and barristers are now expected to introduce themselves to witnesses and respond to concerns they may have, although are still unable to discuss evidential matters relating to the case, as it may compromise their independence. In addition, Recommendation 27 of the *Speaking Up for Justice Report* (*ibid*) proposes that prosecutors meet with certain vulnerable and intimidated witnesses, claiming that it would assist the presentation of the case and provide reassurance for the witness. More recent initiatives extend this by proposing that the CPS communicate directly with victims of serious offences and these are discussed in Part IV.

Most importantly, Shapland *et al.* (1985) highlighted the difficulties that victims experienced concerning the legal discourse used in court and described it as a "specialised art". In particular, the authors illustrate how the powerful image of the "ideal victim" remains embodied and utilised in the criminal law:

> 'There is little allowance in the "ideal" case for presentation of prior relationships or contacts between victim and offender in evidence. The "ideal" or "innocent" victim is passive, impinged upon, has only interacted with the offender during the short period of time encompassing the commission of the offence and has not taken any action during that time. Where these conditions are not fulfilled there appears to be a tendency in practice to switch to an idea of the provocative victim – the victim as sharing blame for the offence. The "ideal" victim and offender are white and black, not different shades of grey.'
>
> (*ibid.* 1985: 66)

In the case of P11 and P13, notions of the "ideal" victim were fully exploited by the defence counsel, thus continuing to challenge their status as "deserving clients" of the criminal justice service. The offences of sexual assault had a long history, occurring over a period of years when the victims were children. Despite this, the defence counsel frequently asked why as children they continued to spend time with the

perpetrator. The counsel selectively ignored several facts, including the fact that as the perpetrator was a family friend questions would be asked if the children refused to see him. It was also neglected that the offences took place during the early 1970s when the sexual abuse of children was not widely acknowledged, due to the predominance of as yet unchallenged patriarchal values. Therefore, had the children spoken out it was unlikely they would have been believed. The shame and embarrassment felt by the victims was also ignored, as too was the emotional bribery used by the perpetrator. However, their resultant anti-social behaviour following the assaults was not. In an attempt not only to portray the victims as somehow culpable for their own victimisation, the defence also attempted to discredit their characters. This included reference to one female victim's past difficulties with alcohol and drugs, and the criminal conviction of another male victim due to problems with anger management. However, in the 1990s, where child abuse and it's effects are widely recognised through research, for professionals in this area such behaviour would not be considered as unusual for children who had suffered such abuse, but would, in fact, support, not discredit, their claims (Mezey and King, 2000). However, in this case, and to a lay jury, such information was used to portray the victims as unreliable and dishonest.

In reality, and particularly in cases of sexual abuse involving known perpetrators, the relationship between offender and victim is not black and white and it is the failure of the criminal process to acknowledge the social context of such offences that can deny victims access to justice. The importance of acknowledging the social context of offences has recently been emphasised in the work by Stanko (2001), particularly relating to victims of violent crime. For the participants, such references only brought back more painful memories and exposed their vulnerability, whilst the character of the defendant remained protected and even praised by the character witnesses called to mention all the good work he had undertaken for various vulnerable children's charities. For the professional, however, another indicator of his serious risk.

This case demonstrates clearly how notions of the "ideal" and "innocent" victim, a legacy of earlier victimological discourse, still pervades the criminal process, despite new discourses borne from more recent theories and research. Such evidence has also been found concerning the treatment of other vulnerable groups. In studies examining

the prosecution of rape, the myths and stereotypes which reinforce notions of victim precipitation were found prevalent, whilst explanations of the effects of rape on victims, including Rape Trauma Syndrome and Post-Traumatic Stress Disorder, were still being ignored (Temkin, 1997; Harris and Grace, 1999). Recent research reveals that despite this heightened awareness of the poor treatment of rape victims, little has improved, with only one in thirteen official reports of rape ending in conviction (HMCPSI, 2002). Therefore, until the criminal justice view of the "ideal" victim as a passive, inert and totally innocent bystander can be successfully challenged, victims as witnesses will continue to be treated, not as citizens who have suffered a harm, but as individuals who have precipitated their own victimisation.

Participants' Views of the Judiciary

However, in contrast to their dissatisfaction with the lack of contact offered by the CPS and the treatment received by the defence counsel, the three participants who gave evidence in the Crown Court were all satisfied with the Judge who presided over the proceedings. This finding again is remarkably similar to the findings of Shapland *et al.* (1985: 89) who found that more favourable impressions of judges were formed during the progress of the case, due mainly to victims often starting with a lower view of the capabilities of judges and the courts. This may be due to the bad press judges receive, particularly when an often controversial and insensitive remark is made, giving the impression that the judiciary are out of touch with public sentiment and the real world. These views are reflected in a recent report on public attitudes to crime and criminal justice, drawn from the 1998 BCS, which shows that public confidence in sentencing is low, with 80% of respondents considering judges to be out of touch with what ordinary people think (Mattinson and Mirrlees-Black, 2000).

Of the three participants required to give evidence, two had no previous experience of going to court and had no preconceived views about the court system, whilst the third participant had some experience of going to court as a defendant, but did not know what to expect as a victim. Thus all three expressed genuine surprise by the treatment they received from the judge in their case:

"The judge was very nice. He said to me, if you want a break just put your hand up, and apart from when you're being questioned by the other two, just direct yourself at me, so, yeah, he was nice." (P9: final interview).

"I thought he was very nice. I mean, there was matters which the defence kept going around and in the end he said to me, 'so are you saying that the car didn't work or the car did work and it was just a false claim?' You know, he sort of put the words there for me, which I don't suppose he had to, but I think he was very good, but then I don't know many judges." (P11: final interview).

"I thought he was good, he was alert. I mean a couple of times he looked up and he gave you the impression that he was actually taking notice of what was being said. I mean, I've been to court before where it just seemed to fly over their head, to be honest. But, I mean, he was making a lot of notes. He was quite friendly too, and he made me feel sort of calm...comfortable. He wasn't arrogant, and he was, like, very grateful, y'know, when I finished giving my evidence, and thanked me, he was quite polite." (P13: final interview).

Evidence from observations made during the study confirmed what the victims described. During the trial relating to P11 and P13, the judge presiding over the case demonstrated both consideration and respect for the witnesses. Particularly when he felt the line of questioning was confusing the witness and, no matter how much the defence barrister was pursuing the point no further progress was going to be made, he would interrupt by simplifying the question and clarifying the point with the witness. This demonstrated both sensitivity and respect towards the victims and assisted them in fulfilling their crucial role as key players in the prosecution process. Unfortunately, this respectful treatment of witnesses is still not the practice of all judges.

Satisfaction with the Sentence

Out of the thirteen core participants, twelve cases went to court and eleven resulted in a conviction. Of the eleven cases resulting in a conviction, the majority of the participants were satisfied with the outcome. In two cases where community sentences had been passed, the victims expressed their hope that the offender would get the help they needed to prevent them from re-offending, although victims were not

officially informed of what exactly the community sentences would involve. In fact, the prevention of further offences was uppermost in the majority of participants' minds when considering the sentence given. This evidence challenges common misconceptions that the majority of victims are punitive and would prefer their assailants to suffer harsh punishments as retribution for the harm they have suffered. These findings are also supported by research from the 1996 BCS, which found no evidence that the experience of victimisation fuels a desire for tougher penalties and that victims' preferences did not seem, on balance, to be substantially out of line with current sentencing practice (Hough and Roberts, 1998).

The significance of a conviction meant similar things to the participants, in particular that they had been believed and that the harm suffered had been acknowledged. In some ways it also represented a conclusion to the case, an official closing of the matter:

"I'm just glad they found him guilty. That, sort of like, made you think, well, they must have believed me."(P9: final interview).

"I was very fortunate don't forget, there was a beginning, a middle and an end and for some people there isn't. Some poor sods don't have that and it must leave them very... [pause]*...the fact that he was sentenced and they came to see me, and it was dealt with was good. That helped an awful lot, that really did...there was an end put to it and I felt like...phewwww...."* (P8: final interview).

However, for the three participants who had suffered serious sexual assaults and whose quotes are illustrated below, whilst they too expressed satisfaction that the court had acknowledged the seriousness of the offences by the long-term determinate sentences that were administered, they intimated that perhaps no sentence would be long enough. In particular, after the initial relief of the guilty verdict and sentencing, participants began to express concerns regarding the eventual release of the offenders and fears that the offences may be repeated:

"I mean, OK, the sentence was very good and the police were very pleased about it, but, um, the fact that, you know, he's still gonna come out some time and the fear it will happen to somebody else" (P8: final interview).

"But I don't think the sentence will ever be long enough really, for something like that [pause] *but talking to the police and some other people, to be honest, that's all they could have hoped for, so...also the fact that you know he's not going to be doing it to anyone else."* (P13: final interview).

"No sentence is long enough because they say once a paedophile, always a paedophile and I can't see him changing." (P11: post- sentence interview).

For those offenders classified as long-term determinate prisoners, i.e., sentenced to more than four years, but less than life imprisonment, the conditions of release are specified under the terms of Section 32(6) of the Criminal Justice Act 1991. This states that the Parole Board can consider applications for parole for those sentenced on or after 1st October 1992 to a determinate sentence of from four to less than fifteen years (Parole Board, 2001). The prisoner can apply for early release on parole at the half way stage, and if granted is released on parole licence. If parole is not granted, the prisoner may have annual reviews until the two-thirds stage, when he/she must be released on a non-parole licence. Regardless of which type of licence the prisoner is released, they will remain at risk of recall should they breach their licence up to the three-quarter stage of the sentence (Parole Board, 2001).

Confusion regarding a conviction and the actual time spent in prison has for a long time caused public concern and in 1998 an initiative was introduced by the Lord Chief Justice, Lord Bingham, to clarify jail terms in open court (*The Independent*, 1998: 6). Under the initiative judges are required to state not only the nominal sentence, but to state in open court "as clearly and accurately as possible" how long the offender would spend in prison and how long after their release prisoners will be under supervision (*ibid*: 6).

However, P8 was not in court to hear the sentence, but was advised of this when the CID officers visited her at her place of work. In this case the offender was sentenced

to a total of ten years imprisonment, but the implications of this long-term determinate sentence, as outlined above, was not explained to her. This meant that P8 was left unaware of the possibility that the offender could be considered for parole at the halfway stage of the sentence, or would be released at the two-thirds stage, until contacted by the Probation Service (see p.241, para.4).

As highlighted in earlier chapters, good practice would be for all victims to receive in writing information outlining the actual sentence received and, in those cases involving a custodial sentence, clarifying the time spent in prison and the time spent under supervision on licence. A contact number should also be provided should victims wish a fuller explanation on points they may not understand.

Whilst under the Victim's Charter (1996), victims of serious violent or sexual offences should be contacted by the Probation Service within two months of the passing of sentence, so that a full explanation of the sentence can be given, previous research (Crawford and Enterkin, 1999) and the recent Thematic Inspection Report by HM Inspectorate of Probation (Home Office, 2000d), indicated that victims were not being contacted within the two month period as stated. As a consequence, any confusion surrounding the actual length of sentence may not be resolved until months after the initial sentencing has taken place `

Evidence of this was found in the current study where, despite Lord Bingham's initiative, confusion still arose in the case of P11 and P13, who were present at court for sentencing, as the Judge miscalculated the sentence. Whilst the offender was sentenced to twelve years imprisonment, the Judge stated that the defendant would spend nine years in jail instead of eight, eight being two-thirds of twelve and not nine. Again, this confusion would have been resolved sooner if a follow-up letter had been sent to the victims clarifying the sentence, together with an explanation concerning the offenders supervision upon release on licence and subsequent registration on the sex offenders register. However, this misunderstanding was not resolved until six months following the date of sentence when P11 was finally contacted by the Probation Service, although under the Victim's Charter (*ibid*) the Probation Service is supposed to contact victims within two months of the sentence date. This again

demonstrates the need for and importance of timely information. Probation Service responsibilities for victims are discussed further in Chapter Nine, p.239.

Since completion of the fieldwork the researcher has confirmed with a local Resettlement Probation Officer that the offender in the case of P11 and P13, has recently been advised of his earliest date for applying for parole. This will be in December 2005, which is halfway through his twelve-year sentence. If unsuccessful, he will be able to re-apply annually until the two-thirds stage of his sentence, as outlined above in the current legislation contained in the Criminal Justice Act 1991. This current legislation has also been confirmed by a personal communication with the Parole Board (Parole Board, 2003).

Chapter Nine now explores the different services available to participants in the current study and focuses on the importance of both informal and formal support. In particular, it explores the need for an increased responsiveness to the experiences of crime victims by the criminal justice system, as citizens with specific needs, rather than as consumers of a service.

CHAPTER NINE

SERVICES FOR VICTIMS OF CRIME

Chapter Four vividly portrayed the devastating consequences of victimisation on victims of violent crime, and how the shattering of cognitive beliefs can result in persistent, long-term psychological effects, including increased anxiety and depression. Obviously, as citizens, those suffering from the serious effects of victimisation should be entitled to receive services that will support them throughout the criminal process and assist them in recovering from the harm they have suffered. However, as illustrated in Chapter Four, an individual's response to victimisation may vary considerably, thus indicating a need for an equally diverse range of services and support. This chapter, therefore, focuses on the needs of the participants for support, both informal and formal, and their views concerning the adequacy and effectiveness of the support they received, based on their perceptions of how responsive the system was to them.

The Need for Support Networks

Norris *et al.* (1997), in their study of the psychological consequences of crime, found that the primary moderators of the more distal or lasting effects were formal and informal sources of support, and that victims of violent crime were more likely to have contact with health professionals. The study found that the two most important predictors for the use of mental health services were depression and the presence of violence in the commission of the crime. A further interesting and important finding was the positive correlation between social support and service use, indicating that the greater the receipt of support from family and friends, the more likely victims of violence were to seek help from professionals. Whilst this may simply reflect some peoples ability to mobilise help from all available sources, Norris *et al.* (1997: 156) suggest that this could also indicate that responsive social networks facilitate use of services by encouraging or enabling victims to seek the care they need.

Classifying criminal victimisation as an uncontrollable negative event, Cutrona and Russell (1990) explored what types of social support were most effective in alleviating the psychological consequences of criminal victimisation and found that

for uncontrollable events, emotional support is most beneficial because it fosters feelings of acceptance and comfort. The importance of informal social networks was borne out in the current study with the majority of participants citing family and friends as their main sources of emotional support, and also as their primary reason for not wanting contact with VS:

"I didn't need to see Victim Support because I'd got my family...we're quite close so I'm very lucky in that way." (P9: final interview).

"It was nice to know they were there, but I didn't contact Victim Support because I had a lot of support from my family and friends. Phone calls and letters...and people I didn't even know coming up to me and saying 'are you alright?'!" (P6: final interview).

However, despite the undeniable importance of informal support from friends and relatives, both earlier research (Shapland *et al.* 1985; Norris *et al.* 1997) and the current study, have identified victims' needs for additional outside support, although many rarely made use of any outside agency other than the police. One reason for this may be that victims are not aware of the other agencies and organisations that can offer them assistance:

"Well, I suppose really at the end of the day it's been friends and each other that's pulled us through, because we wasn't aware of people you could contact, not the sort of thing you can go and talk about is it?" (P12: final interview).

As found by Shapland *et al.* (1985), for most victims the police were perceived to be the most appropriate agency for providing practical and emotional support. This tended to reflect victims' needs for more practical information concerning the criminal process and up to date information concerning their case, as well as professional help in coping with the more severe psychological consequences of violent crime. However, as illustrated in earlier chapters, the police are often unable to fulfil this role adequately due to a combination of factors, e.g.; restraints on police time and resources, and a lack of training regarding working with victims. These difficulties were clearly evidenced in the current study:

"It's up to the police really to look at the way they are dealing with these things and if they feel they can't deal with it they should get somebody who can. It's just communication, that's what they need to deal with and they just don't have it. I mean, he [the allocated officer] *said to my counsellor, 'we are the police, we are not counsellors', which I appreciate...but surely they should be saying 'but we will try and get someone to see you, or put you in touch with somebody who can...even if it's just a liaison person to ring up to say what is happening."* (P11: first interview).

In this case the participant is clearly expressing two needs; the need for practical information regarding the case and a need for counselling to help with the psychological effects of the offence. However, the perception of P11 is that the police failed to meet either of those needs. In its response to victims, the Home Office has promoted police partnerships with VS as sufficient to fill this gap through a system of referrals. Although this can be considered a cheap way of relieving the police from the burden of emotionally supporting victims, from the study it would appear that not all police officers do advise victims of the other services available to assist them, and perhaps view the partnership with VS less favourably:

"I thought he could have been a bit more supportive. I mean, he never mentioned about Victim Support, we were told by a friend...and when I asked him about it, he said 'Oh they're just a bunch of old women', but at least the woman has phoned me up once a week to see how I am." (P5: second interview, pre-trial).

In this case, not only did the officer fail to offer support to the victim himself, but also appeared to actively discourage the victim from seeking support elsewhere. This raises additional concerns regarding the ability of officers to make relevant referrals to other outside agencies. As acknowledged by the WPC interviewed (see Chapter Two, p.45), whether victims were informed of other sources of support depended on the knowledge and experience of the police officer dealing with the case. Difficulties with the referral system to VS have also been identified in earlier studies, when it was the police who initially decided which victims should be referred (Mawby and Walklate, 1994: 112), and, as a result, such referrals were found only to reinforce notions of the "deserving victim". Although this practice has since changed and scheme co-ordinators now assume this role, it was found that their decisions remain based on

little information, and who gets contacted and by what means depends largely on the resources of each local scheme.

It could also be argued that the subsequent expansion of VS may actively discourage the police to have contact with victims, as such work could be interpreted as no longer their responsibility. However, of particular significance to this study is the perception of the victims themselves as to the appropriateness of VS fulfilling this role, or whether contact with victims should be a core responsibility of the police or another criminal justice agency. The views of participants are explored through their descriptions of the contact and support they received from their local VS scheme.

Contact with Victim Support

Since the Shapland *et al.* (1985) study the expansion and development of VS has been considerable, due particularly to increased Home Office funding since 1986 (see Part I). As a result, public awareness of VS has grown from 32% in 1984 to 74% in 1998 (Maguire and Kynch, 2000). However, results from the most recent BCS sweep in 1998 showed that, whilst there had been an increased awareness concerning the existence of the organisation, respondents were less clear about the funding and management of VS. Although the majority of respondents knew that volunteers played a key part in the work of VS, 39% believed that it was run by a statutory agency, such as Social Services (*ibid*, 2000). With regards to the kinds of help given and the needs expressed, it was found that VS essentially provided "moral support", whilst the need for information from the police was rarely met by VS (*ibid*, 2000).

In the current study, only 47% of the total research sample were contacted by VS. Out of the thirteen core participants, all of who had suffered offences of personal violence, only four received an initial contact from VS either by letter or telephone. This finding contradicts those of the 1998 BCS, which suggests that 'Victim Support appears to be successful in matching support to the types of case in which needs are likely to be greatest [and] was significantly more likely to contact (and significantly more likely to visit) victims who were "very much" affected by the incident than those who were less affected' (Maguire and Kynch, 2000: 3).

The lack of contact with participants in the current study may be due to a failure of the police to make appropriate referrals to VS or, alternatively, could be an indication of a lack of resources concerning the local VS scheme. In one area where contact by VS was found to be particularly low, a VS volunteer admitted to one participant that, although they had received all her details: *" she told me that I 'must have slipped through the net'...story of my life!"* (P9: telephone conversation, pre-trial).

Of the four participants contacted, three agreed to a home visit. In addition, two participants contacted VS themselves for assistance in completing a Criminal Injuries Compensation form, whilst the remaining seven had no contact with VS at the initial stages. Whilst the response to contact with the VS volunteers was mixed, the overall impression gained was that VS was not able to fulfil the needs of the majority of the participants:

"I mean, 'cos I was quite shaken up at the time when, um..., you don't sort of maybe realise it, but I was and so it was quite nice just to talk to somebody." (P10: first interview).

"I found them good at listening, but that's not what I needed really. I needed answers." (P5: final interview).

"I wanted help with the compensation form, help with using the right professional words. But she just showed me how to fill in the form, which I could have worked out for myself. She didn't think I'd get anything anyway." (P9: final interview).

"A lovely lady, really nice. Bit like your Gran really. But, she just came round for a cup of coffee and a chat. Victim Support are very good, but I think people need a proper professional counsellor, somebody that's obviously well qualified." (P8: final interview).

As the above quotes illustrate, whilst in some cases participants found the volunteers helpful to talk to, in other examples the volunteers were unable to provide the specific information that was required, and on at least one occasion actually gave misleading

information (see quote P9 above). Thus VS only appears to provide additional, informal "moral" support, which a majority of the participants did not require. Instead the participants indicated a need for more practical and factual information about the criminal justice process itself, in particular relating to their own case. Clearly this type of information would be better and more accurately provided by the police and other criminal justice professionals, who are familiar with the procedures and who will also have access to the information required. This view is supported by Maguire and Kynch (2000) who conclude in their report that it is probably more appropriate for the police to provide information direct to the victim, rather than VS.

In addition, the current study also found that, whilst VS volunteers are able to offer a friendly face and a listening ear, they are not sufficiently trained to give the levels of counselling required by some victims. In fact, they may sometimes find themselves out of their own depth when confronted with victims dealing with particularly traumatic experiences. As a result, some participants were left confused and a little frustrated as to what the role of VS was, as the volunteers' levels of knowledge prevented them from providing useful practical information and insufficient training meant they were not qualified counsellors.

As a consequence, the volunteer status of VS only acted to remind victims of the low status accorded to them by the criminal justice process and a perception of themselves as "charity cases". Whilst offenders were seen to be given assistance by a number of professionals, including the police, solicitors, probation officers and the prisons, there appeared no professional body available to assist them:

"I didn't want someone who would pat you on the head and tell you it would be all right. I didn't need that, I wanted practical information." (P2: final interview).

"I am sure Victim Support is excellent, but I think it needs to go a bit further than that." (P8: final interview).

The importance of the status of victim services and victim workers has also been raised in other studies. When asked about support and assistance, the majority of victims in the Shapland *et al.* (1985) study, whilst describing an organisation similar

to that of VS, although no scheme existed in one of the areas, made an assumption that the service would be provided by paid professionals:

'There should be a separate body apart from the police, to come round in an advisory capacity... It should be social welfare people. Under them circumstances I think they'd be accepted.'

'There ought to be a police social worker, a policeman not involved in the case (or) not a policeman, someone suitably trained, they'd have to have knowledge of police procedures to come under the police umbrella.'

'There should be a statutory agency, a place where people could go and talk so that the (mental effects) were not so serious... a place run by people who've had similar experiences, like there is for alcoholics and attempted suicides.'

(quoted in Shapland *et al.*1985: 114)

Later research, particularly studies focusing on probation victim contact work, also highlighted the importance that victims placed on the status of victim workers:

'Many victims regarded services which were informative and of practical use as more valuable than those which were simply "emotionally supportive"....the professional affiliation of victim contact services was also important in victims' assessments of their status. Services affiliated with statutory criminal justice agencies were considered by interviewees generally to be more substantial than those organisations which were associated with, for example volunteers or charities.'

(Crawford and Enterkin, 1999: 57)

Evidence of this was also found in the researcher's own further work with victims when undertaking a study on behalf of a Probation Service to evaluate the Services' victim contact work, with respondents stating:

"There should have been somebody like her [the Victim Liaison Officer] from the beginning...knowing there was someone you could speak to who knew what was happening. She was very supportive, but also professional. She didn't make any empty promises."

"The regular contact and information...it was nice being kept up to date. Having your concerns listened to and having some influence."

(quoted in Tapley, 2000, unpublished)

As a consequence, three participants in the current study sought additional advice from solicitors, whilst those experiencing the more serious psychological effects felt it more appropriate to seek the help of professional counsellors and accessed these through a variety of different means. It was also found that those participants seeking professional help were not only assisted by responsive social networks, but also possessed the two most important predictors, as identified earlier by Norris *et al.* (1997); depression and the presence of violence in the commission of the crime.

Accessing Professional Counselling

Of the thirteen core participants, six sought professional counselling through a number of different sources. Fortunately for two participants a counselling service was offered through their employment. This meant that access was quick and continuous, both necessary pre-requisites identified by Norris *et al.* (1997: 156);'with initial symptoms and crime exposure held constant, professional help was associated with a subsequent reduction in symptoms *if and only if* it was both prompt and continuing'.

For P8, the counselling provided through her employer shortly following the offence was of great assistance, and continued on a regular basis up to the end of the research more than fifteen months later:

"I found her brilliant, absolutely, she's my life saver...I mean some people won't want it and that's up to them, but in my case, I found her invaluable. I think I would have, er...lost my trolley, lost it...to be honest, it has helped me tremendously." (P8: final interview).

P2 started to receive counselling through the college she was attending and found this to be very helpful, in addition to the support she was receiving from family and close friends:

"It has been very helpful...a big support. It helped to get a lot of things out that you can't always talk about to people you're close to." (P2: final interview).

The above indicates that whilst both participants had good informal social support networks through family and friends, the additional professional counselling assisted in that both reported it easier to discuss some feelings and fears with someone not so close and immediately involved with themselves. This finding is also similar to that of Shapland *et al.* (1985: 113), in that 'The researcher was seen as a sympathetic stranger with whom the victim had no emotional ties and, therefore, someone with whom he (*sic*) could talk without provoking any adverse reaction.' The role of the researcher and the participants' views of their involvement in the research are of particular significance to the current study and are discussed in Chapter Ten.

The only other way to access a counsellor without paying privately was through a General Practitioner and three participants were referred to counsellors through their own GP. However, the assistance was less immediate due to waiting lists, in one case three months, and in two cases subsequent contact was less frequent. However, all three stated that they had found the contact to be of some benefit, in particular P13, who had originally been very sceptical about the help counselling could offer him. However, P13 had been fortunate that he had been referred to a counsellor prior to the criminal proceedings, therefore, had support throughout the entire process which covered a period of two years, in which time he saw his counsellor on approximately twenty occasions:

"I had to wait a long time to see mine, but once I did it was as and when I wanted it. But I would advise anybody to have counselling. I mean, it's as though you know all the answers, but you just need to bring it out." (P13: final interview).

This process appeared to have helped enormously, as he was able to discuss his feelings of frustration during the different stages and was also assisted in coming to

terms with the final outcome. In this case, although the perpetrator was found guilty and sentenced to a long-term custodial sentence, the jury had been unable to reach a verdict on the counts specifically relating to P13. This left P13 feeling devastated and that his ordeal as a witness had been wasted:

"I felt a bit...[very long pause]*...felt as though no-one believed anything I said...nothing I said to the court had to do with the sentence..."* (P13: telephone conversation, post-sentence).

Fortunately the allocated officer in this case had attended court every day during the trial and was able to offer P13 both support and advice on what he could do regarding the possibility of a re-trial and the possible consequences. The provision of support and advice at a time when it was crucially needed significantly altered the participant's earlier view of the allocated officer:

"Before the court case I thought he was just 'doing a job', there was no personal contact and he never seemed particularly bothered, but after last week I thought there was a little bit more there. I needed someone to talk to with some experience to help me make up my mind. Now I've decided to let it go and I feel like a great weight off my shoulders." (P13: final interview).

This is an excellent example of the type of support that can be offered to victims when managerialist concerns are put to one side and more humanistic principles are allowed to take precedence. Following four long days of listening to the victims giving their evidence, from my observations I felt as though the officer had come to view the victims as individuals in their own right, and as such had begun to develop stronger feelings of empathy towards them. This was further demonstrated when the trial was adjourned and the officer re-arranged previous commitments in order to be able to attend. As a result, the allocated officer was able to offer P13 reassurance that his part in the trial had made a difference, and that while the jury had been unable to reach guilty verdicts on the counts relating to him, these would have influenced the judge in his final sentencing. This example illustrates the importance victims attach to the views of those they deem to have the correct knowledge and experience, and how sensitive handling by those professionals can assist in the slow process of recovery:

"His sentencing and the way I felt about that, sort of like, reassured me that I did play a part in it. Because like the nature of the offences, you sort of always feel...I mean, you shouldn't feel like it but you do...ashamed, and as though you were responsible in some way and it's like the embarrassment of it, um...but I don't feel like that, not after the court case. You know, I can say to people, yeah, well, the bastard has gone to prison for twelve years for what he has done. Er, but before you couldn't say that, but now I can turn round and say he's locked up." (P13: final interview).

The current study also found the timing of the counselling to be extremely important. As stated above, services need to be prompt and continuing, but victims of crime not only face the long term psychological effects, but also the long slow process of the criminal justice system itself. Unlike P13 above, P11 did not have the support of the same counsellor all the way through, instead access was piecemeal and patchy through her contact with the various different agencies. However, following the trial was when the participant felt that she needed counselling the most. So many emotions and bad memories had resurfaced during the trial and aggravated by the experience of being a witness, yet no help was available, except by referral through her GP with a six-week waiting list:

"The counselling was very good, but it stopped before I really needed it. I'm getting there slowly, but I'm still having nightmares. Perhaps if there had been more support during the whole process, it wouldn't be necessary to have so much counselling now." (P11: final interview).

This statement demonstrates the need for an increased responsiveness from the criminal justice agencies throughout the process, as well as professional counselling. The provision of accurate and timely information throughout the whole process would assist greatly in alleviating victims' fears and anxieties, particularly if the victims are going to be required to give evidence. However, it is also important to acknowledge that, whilst counselling has been found to be a useful service, it is not always a success, depending a lot on the expectations of the person being counselled. P5 was still having difficulties coming to terms with what had happened and why. Despite several months of counselling and hypnotherapy treatment to help him try to

remember what had happened, P5 was still struggling to come to terms with his victimisation:

"It's somebody to talk to, but there's not really many answers out there. I just need a way to make it go away now. I want to get it out of my mind." (P5: final interview).

In this case, P5 had found the lack of information and advice from the police particularly frustrating and alienating, thus only aggravating his feelings of bewilderment at what had happened. This sense of alienation was reflected well in P5's comment concerning the perceived response of the allocated officer:

"I was expecting a bit more, but he didn't give us any information...he just cut himself off from us, if you know what I mean...not very supportive." (P5: first interview).

Perhaps if P5 had perceived the criminal justice process as being more responsive to his needs for information and support, the combination of this together with professional counselling may have assisted him in a successful recovery. Instead, as indicated in earlier chapters, P5's dissatisfaction with the criminal justice process led to feelings of increased alienation, thus preventing the restoration of his tarnished beliefs. Subsequently, seven months following the offence, the participant was still suffering from the psychological consequences connected with the offence and receiving on-going medication for depression from his GP.

The Role of the Probation Service

Victim contact work was first introduced as a responsibility of the Probation Service following the publication of the first Victim's Charter in 1990 and their role was further extended in the revised Charter of 1996. It is not within the scope of this thesis to address the debate concerning the role of the Probation Service with victims of crime, although more recent publications comprehensively discuss the most important issues. Crawford and Enterkin (1999; 2001) have undertaken research focusing on the service delivery and impact of probation victim contact work and the Thematic Inspection Report by HM Inspectorate of Probation (Home Office, 2000d) has evaluated the different practices of eleven areas throughout the country and made a number of recommendations. This report was followed by a Home Office circular

instruction (Home Office 61/2001b), although this has tended to place an emphasis upon the monitoring of victim contact work, rather than addressing the actual concerns and recommendations of the Inspectorate's report (Home Office, 2000d).

With regards to the current study, five participants were eligible to be contacted by the Probation Service within two months of the sentence being passed. The victim contact work undertaken by the Probation Service was discussed with the participants by the researcher following sentencing and the reaction amongst the participants was mixed. For P9 the release of the offender was more imminent, as the offender had been sentenced to eighteen months imprisonment, having already spent two months remanded in custody. The Probation Service wrote to her four and a half months following the sentence and P9 agreed to the contact to find out what information she could get.

This delay in victims being contacted by the Probation Service was not totally unexpected. Despite all the political rhetoric advocating increasing support for victims of crime, the additional responsibilities placed upon the Probation Service have not been accompanied by extra resources from the Home Office. Probation Services, therefore, have had to fund this from existing budgets, already stretched under new managerialist reforms. As a consequence, the implementation of victim contact work across the country has been piecemeal and patchy (Crawford and Enterkin, 1999), and only one part-time post had been allocated to the role of Victim Liaison Officer (VLO) for the whole of the research area. At this particular time the officer had also been on long-term sick leave and no one had been undertaking the work in her absence, therefore, a backlog of work had accrued. This case highlights the incompatible and uneasy relationship that exists between the managerialist agenda and the more humanist approach required when working with victims of crime (*ibid*, 1999), and that victim contact work has still yet to be considered a priority in the work of the Probation Service.

Following a visit by the VLO, P9 had been told that she would be informed in writing prior to the offender's release, although she would not be advised of the exact date. Whilst aware that the offender would be returning to the local area P9 was subsequently *"very shocked" to* see her assailant shortly afterwards in her local town,

having received no prior letter from the victim liaison officer. Understandably distressed by the situation, P9 wrote a letter of complaint to the Chief Probation Officer expressing her dissatisfaction. The complaint was acknowledged quickly in writing and she was advised that the matter had been passed on to the relevant department, but to her disappointment the final letter she received was very formal and lacked any consideration or acknowledgement of the distress she had suffered. Without any sort of apology or explanation, the letter outlined what the responsibilities of the Service were to victims and that these had in fact been carried out to the best of the Service's ability. However, the researcher later discovered that in this particular case the release date had been brought forward by ten days and that the VLO had not been informed by the offender's Home Probation Officer in sufficient time to notify the victim.

This finding has been supported by Crawford and Enterkin (1999) whose research found that a lack of communication within and between different criminal justice agencies has resulted in victims not being informed of significant developments. Such failings are potentially very damaging to the credibility of victim contact services because the failure to implement them properly leaves victims feeling even more isolated and frustrated.

P11, when contacted by the Probation Service five months following the sentence, agreed to the visit to find out more about what information was being offered. As discussed above, it was not until this time that the full implications of the sentence were fully explained to her and it was confirmed that the judge had made a mistake stating that the minimum sentence would be nine years, when in fact it would be eight. Although the amount of information that could be given was limited, P11 did want to be informed of any significant future dates, and did want to be consulted on the conditions of the offender's release. In particular, P11 stated that she would like to know if the offender ever admits to the offences and definitely would not want him to return to the local area.

P8 had not received any contact from the Probation Service nine months following the sentence. As discussed in Chapter Two (p.92), following contact from the VLO, it was the researcher who then advised P8 that the offender had subsequently committed

suicide whilst in custody. This news came as some relief to P8, as she had still been very concerned that the offender may commit a similar offence once released. Therefore, this news alleviated any personal concerns for future safety and made no further contact with the criminal justice system necessary.

As noted above, the current study highlights the Probation Service's failure to contact victims within two months of sentence, as outlined in the Victim's Charter (Home Office, 1996) and these findings are not totally unexpected. The HMIP report (Home Office, 2000d), found that in the Services inspected only 30% of victims were contacted within two months, as was required by National Standards. However, the research found that the timeliness of the initial contact is in fact a complex issue, as participants expressed a wish to be contacted at different stages depending on their individual circumstances. Whilst some wanted to be informed as soon as possible after sentence, for others the timing of the contact was too soon. This was especially the case regarding very serious offences resulting in longer sentences, as it gave participants a period of time to recover from the trial, especially if they had been required to give evidence.

Whilst it is recognised that in practice it would be difficult to accommodate these individual preferences, it was felt by participants that better knowledge of the service offered at the time of sentencing would be helpful, as it would make them aware of what to expect. However, in the current study the only information relating to the service offered by the Probation Service was provided by the researcher and not by the criminal justice agencies or Witness Support. Again, this highlights the need for all victim services to be widely publicised, especially by those who are in contact with the victims at the relevant time, so that victims are made aware of the support available to them.

Since the completion of the fieldwork, the responsibilities of the Probation Service to undertake victim contact work has been placed on a statutory footing under the Criminal Justice and Court Services Act, 2000. This Act also created a National Probation Service (NPS). However, the researcher remains sceptical that this will result in an improved service to victims as there is no mention in the NPS's Strategic Framework *A New Choreography* (Home Office, 2001a) that additional funding will

be provided. The researcher's personal experience of lecturing on the degree programme for trainee Probation Officers also indicates that Services in different areas are still operating different models of victim contact work, thus resulting in different levels of service being offered to victims. This includes victim contact work being undertaken by unqualified staff, Probation Service Officers, rather than Probation Officers, which it could be argued questions the NPS's commitment to achieving a more "victim centred approach" (Home Office, 2001a: 2).

Compensation for Victims of Crime

Lack of information has also been an important and influential factor regarding victims' entitlements to receive an award of compensation. The Shapland *et al.* (1985: 124) study revealed that a most striking feature had been the high percentage of victims who knew of no means of obtaining compensation, and that on some occasions this appeared to be due to ignorance on the part of the police. This would suggest the need for greater publicity concerning the existence of compensation schemes, but at the same time might not be considered a priority of a government anxious to limit levels of public expenditure. Issues relating to the escalating costs of the Criminal Injuries Compensation Scheme (CICS) have continued to cause governments concern ever since the introduction of the first scheme in 1964. As a result, amendments have been made to the scheme over subsequent years in an attempt to control this (Duff, 1998).

The payment of state compensation to victims of crime has remained the subject of controversial debate, primarily due to the continued absence of any theoretical coherence underpinning the scheme (Duff, 1998). Instead, the payment of compensation has been viewed by some commentators as a consequence of the politicisation of crime victims (Miers, 1978; Burns, 1980, cited by Duff, *ibid*: 106). Subsequently, it is strongly associated with governments wishing to be seen to be doing something "visibly and uniquely" for the victims of violence (Miers, 1980: 4). As such, this has led writers to argue that the justification and purpose of awarding compensation is primarily symbolic:

'Virtually all schemes are justified with vague references to the public sympathy which victims of violence undoubtedly arouse...In other words, criminal

injuries compensation is a medium through which an attempt is made to repair – or, at least, mitigate – the social damage caused by crime. It symbolizes society's concern that the ties which bind people together in social life should not – and indeed must not – be weakened.'

(Duff, 1998:107).

However, Duff (1998) argues that the symbolic justification for such payments based upon public sympathy has hindered debates concerning the appropriate level of awards and any attempt to construct a basic set of guiding principles. Instead, recent policies concerning levels of awards have been guided more by concerns relating to public expenditure than any theoretical principles. However, whilst it is not within the scope of this thesis to explore in detail the contemporary debates, it is important to note the fundamental changes that were introduced by the Criminal Injuries Compensation Act 1995. In particular, for the first time the Act placed the award of compensation on a statutory basis, in place of the previous *ex gratia* payments, and the scheme became administered by the Criminal Injuries Compensation Authority (CICA).

Another fundamental change introduced by the Act was the payment of compensation based on a "tariff" system, which shifts the focus away from the actual losses incurred by the victim on to the actual seriousness of the offence. The introduction of a "criminal scale" tariff scheme, was originally first muted in the study by Shapland *et al.* (1985: 182). This implies a significant shift in the nature of CIC, with 'a clear assumption that CIC should be geared towards the severity of the injury rather than being concerned with meeting the particular losses sustained by an individual victim' (Duff, 1998: 127).

However, this apparent shift in focus from a victim-centred approach to an offence-centred approach creates new tensions and has been criticised for the 'injustice of treating all victims with similar injuries in the same way' (Duff, 1998: 131). In response to the criticism, the scheme was amended to include an "enhanced tariff" so that victims most seriously injured could recover lost earnings and other expenses, in addition to the basic sum set out in the original tariff scheme. Undoubtedly, the continuing confused aims of state compensation exist due its highly politicised nature.

Consequently, in response to recent criticisms the Home Secretary, Jack Straw, did announce changes to the system resulting in an extra £20 million being added to the scheme's annual budget of £200m (*The Guardian,* 2001: 6), demonstrating the continuing symbolic nature of the scheme. However, the importance of this was evidenced in the views of the participants.

Participants' Views of Compensation Awards

Of the thirteen core participants, nine were known to have submitted a claim for CIC, whilst one participant (P10) declined to, considering the offence not to have been sufficiently severe for the payment of compensation. By the end of the study, all nine participants known to have claimed had received an award. With regards to the provision of information, the majority of participants were advised of the scheme by the police, although this practice was far from consistent. Information was given at varying stages of the process, ranging from when a statement was originally made to the time of the trial. Those who were not told by the police received this information from other sources, including VS and friends.

Assistance with completion of the form also varied enormously. Whilst one participant was advised of the scheme by an officer at the identification parade he told her to obtain a form from the Citizens Advice Bureau, although forms should be available at all police stations. In contrast, those victims deemed to have suffered the most serious offences were encouraged to claim compensation and in two cases the allocated officer assisted the participants to complete their forms. Two participants were assisted by a VS volunteer, although one found this particularly unhelpful and was also given misleading information, whilst one participant asked the researcher for assistance. Two participants completed the forms by themselves, one who had prior knowledge of the scheme through his employment, and P8 who, whilst not requiring any assistance, stated that she found the form painful to complete due to the amount of detail required.

Overall participants were satisfied with their contact with the CICA. Claims were acknowledged in writing soon after their receipt and participants were contacted when further information was required. The time for claims to be assessed and for participants to be notified of the Board's decision ranged from three months to eleven

months, with a mean time period of six months. No participants felt the time it took to be excessive and all were satisfied with the amounts received. Responses varied from those who had received just enough to cover the financial consequences of their victimisation to those who had received more than they had expected:

"I'm happy with anything really. At the end of the day all I wanted was justice. But if they turned round and said you can have the money or have him [the third defendant] *convicted, I'd rather he was convicted for the crime, rather than have the money. 'Cos it's not the money you're after is it, it's justice."* (P5: final interview).

"Nothing can pay for that, you know, that sort of trauma you've been through...but it's come at a good time and will help pay off some debts. Perhaps I'll have a holiday." (P13: telephone conversation following final interview).

"It was more than what I ever expected, but then again, the lady from Victim Support didn't think I'd get anything." (P9: telephone conversation following final interview).

"I still get angry, but it is getting better. I am quite pleased, I got the full amount. I've got a couple of breaks planned." (P8: telephone conversation following final interview).

Awards ranged from £1,000 for offences of Common Assault up to £17,700 for offences of rape and indecent assault perpetrated over a period of more than three years. The letters received explained how the award had been calculated and all participants appeared to understand these. For those participants not awarded the maximum amount, information was provided stating the percentage of the award paid with an explanation. In the majority of cases the awards appeared to reflect the seriousness of the offence, with those victims of repeated sexual abuse receiving the highest awards. Next were those cases involving serious physical injury requiring surgery and other cases of a serious sexual nature. As intended by the tariff scheme, awards focused on the seriousness of the offence and not on the actual losses of the victim. In the main awards did appear to reflect this, although the two were not always congruent. Although P5 received one of the lowest awards, he appeared to

suffer the most financially through loss of employment due to the long-term psychological effects and was still finding it difficult to come to terms with his victimisation. On the whole, however, the comments expressed by participants tended to reflect more the symbolic value of the award rather than the monetary value. Whilst this could not repair all the damage caused by the offence, especially the psychological effects, the award represented an official acknowledgement of the harm they had suffered.

Compensation from the Offender

Compensation Orders to be paid by the offender were first introduced by the 1972 Criminal Justice Act, and made a penalty in their own right following the Criminal Justice Act in 1982. This Act also required courts to give compensation priority over fines. However, the apparent reluctance of courts to impose them resulted in an amendment being made by the 1988 Criminal Justice Act with an additional requirement that courts state why in cases where a Compensation Order has not been made.

However, whilst the majority of participants were offered the opportunity to complete a form prior to the court hearing, asking them to state the losses incurred due to their victimisation, only two Compensation Orders were made by a Magistrates court and none by the Crown Court. Of the two Orders made, one was in addition to a community sentence and the other made in its own right. Obviously in cases where the offender receives a custodial sentence it is not usual for a Compensation Order to be made due to the inability of the offender to pay. However, there were a number of other cases where an award of compensation would have been appropriate, but were not made. The forms used to inform the courts of the victims' losses were sent to the participants by the police, but the majority of victims were confused with regards to their purpose as there was no accompanying explanatory letter. Some only had the name of the offender and the case number written on them and one just had a scrawled note attached. Again, this lack of information caused frustration and inconvenience to victims, as it was left up to the participant to contact the police to find out the purpose of the form.

For those participants awarded compensation from the offender letters were received from Courts shortly following the sentence, stating the amount and how this will be paid. However, P2 was very dissatisfied with the monthly repayment amount of £5.00, as this would take 94 months (just under eight years) for the total to be repaid. Obviously the payment of compensation by an offender will be based on the ability of the offender to pay and whether or not they make regular payments. This matter has been the subject of continued criticism, as it is argued that victims are being penalised for the failure of the courts to enforce their own sentences (Victim Support, 1995; JUSTICE, 1998). However, there is now increasing discussion regarding the creation of a central fund from which victims will be paid in one lump sum, with the onus on offenders to pay into this fund (Home Office, Lord Chancellor's Department and the Attorney-General, 2001).

This chapter, in its consideration of the services provided to participants and the final outcome of the cases, has demonstrated that whilst the outcome is important, of even greater importance is the process by which it is achieved. This focuses on the overall response of the criminal justice system and that from a victim perspective this in many ways outweighs the final result.

By listening to the victims' voices, Chapter Ten now summarises the participants' views of their overall experience of the criminal justice process by asking them what could have been done better. It also reflects upon the participants' involvement with the study and how their response to the researcher revealed the unmet needs of victims.

CHAPTER TEN

Victims' Voices – Is Anybody Listening?

The aim of this chapter is to focus on the participants' overall experience of the criminal justice process by asking them how their experience could have been made better. In doing so, the chapter briefly summarises some of the main issues identified in the previous chapters, illustrating essentially the gap that exists between victims' expectations as citizens and their entitlements as "deserving clients". The chapter also reflects upon the participants' involvement with the research and how this affected their experience. In particular, it focuses on the role adopted by the researcher thus highlighting the gaps in service provision that this role subsequently filled.

As clearly demonstrated in Chapter Four, the impact of victimisation results in the shattering of cognitive beliefs and can cause the victim to suffer an acute sense of loss of control. As a citizen, one would expect the criminal justice system not only to intervene and deal legitimately with the offender, but also to assist the victim in the restoration of those beliefs by enabling them to take part in a reciprocal process, whereby the importance of their role is validated through recognition, respect and participation. This should not be considered an unreasonable expectation given that the criminal justice system relies on the goodwill of members of the public and, in particular, victims to apprehend, prosecute and punish those who offend against the law. However, Pollard (2000: 5) argues that this deliberately narrow focus of intervention placed upon the "breach" between the criminal justice state and the offender 'has consequences for the state's relationship with the very people whose consent legitimises its existence and whose co-operation is its lifeblood'.

A significant illustration of these consequences was evidenced recently in the findings of the British Crime Survey which revealed that whilst 69% of people are confident that the system respects the rights of the accused and treats them fairly, only 26% are confident it meets the needs of victims. In particular, the survey found that:

'Having been a victim of crime reported to the police at some time is highly related to a lack of confidence that the criminal justice system meets the needs of

victims or delivers justice. Generally, having had contact with the system at some time appears to decrease confidence.'

(Mirrlees-Black, 2001: 6)

This decrease in confidence following contact with the system as a victim of crime has been reflected in the findings of the current study, with 84% of the core participants stating that they would only report an offence to the police again if it were very serious. The definition of "serious" used by the participants tended to imply serious physical injury, which raises serious concerns bearing in mind that all the participants in this study were already the victims of violent crime.

Thus despite the plethora of initiatives introduced to improve the services to victims of crime, this study has demonstrated through the voices of the victims themselves how the system is continuing to fail them. Central to this has been a failure to fulfil even the lowest expectations of victims by denying them access to the basic entitlements outlined in a variety of government documents aimed specifically at assisting them, thus leaving them feeling unsupported and alienated by the whole process.

The fundamental contributor to the participants' dissatisfaction has been the lack of information provided regarding criminal justice procedures and the progress of their case. This, as demonstrated throughout this thesis and further validated by previous and more recent research, is what victims of crime need most. However, almost a decade after the publication of the first Victim's Charter and a plethora of subsequent reforms proudly announced by the government aimed at keeping victims informed, the overwhelming response received from participants to the question of how their experience could have been made better, was a need for information:

"It was a good response at the beginning, I didn't know the police were so supportive of victims, but I would have liked to have known the outcome...some reassurance that something had been done to stop it happening again." (P10: final interview).

"It seemed difficult to get access to talk to somebody about what was bothering you. I felt I was being a pain, but it could have been prevented if there had been somewhere to go if you wanted to know anything about it." (P9: final interview).

"I think at the end of the day, um, they wouldn't of had a case if it weren't for me...yet they haven't informed me of anything." (P3: final interview).

"Several things really, but definitely a lot more information about what it entails. The whole thing put me off, because it was me doing all the chasing. Really...it turned a bad experience to a worse experience." (P5: final interview).

The unequivocal responses of the participants, therefore, lie in stark contrast to the many initiatives and reforms discussed in Chapter Five. As the stated major objective of these was to keep victims informed the overwhelming evidence to the contrary was therefore unexpected. Despite the many varied and substantial changes during the last two decades, the findings remain strikingly similar to the earlier research by Shapland *et al.* (1985). As more recently observed by Shapland (2000: 147): 'although we would not expect the needs of victims necessarily to change, we might expect that, in 20 years, some of the solutions might have been produced'. Offering an explanation for this apparent failure, Shapland (*ibid*: 148) suggests that the difficulties are 'characterized by the need for criminal justice agencies to reach out and respond to victims'. This research has illustrated that whilst possible solutions have been produced *rhetorically*, these have not resulted in an increased responsiveness to victims' needs in *reality*. Explanations for this are discussed below.

Facilitating Better Communication

As indicated throughout the thesis, the greatest frustration experienced by participants was the inability to obtain information from the relevant agencies when it was needed. Although an allocated officer system was in operation, in accordance with national and local policy, this was not working effectively due to the unavailability of the officer concerned when not on duty. However, it was not the actual absence of the allocated officer that caused the frustration, but the response that nobody else could deal with their query in the officer's absence. This situation is obviously unacceptable

and does not conform to the entitlements outlined in the Victim's Charter. Instead this lack of responsiveness only acts to confirm the low status of victims in the process. This study found that there needs to be better communication between the different agencies concerned, but more importantly it needs to be clarified as to who is responsible for informing victims at the different stages of the case and that this responsibility be held accountable. As demonstrated in previous chapters, specific responsibilities become submerged beneath a hierarchy of bureaucratic documents, procedures and priorities. As a consequence, this bureaucratic response fails to acknowledge the victims' needs, focusing instead on organisational needs.

The criminal justice process is often a long and complex one for those victims whose cases progress to the prosecution stage and the involvement of many different professionals only adds to their confusion. Thus it was often difficult for participants to find out who was the right person to contact when wanting to find out what was happening:

"It would have been better to have had the same officer all the way through, to keep in contact and to keep you up to date. There were too many different people dealing with it." (P1: final interview).

"There were a lot of things wrong really, the lack of contact, the lack of information, the lack of support, the length of time it took. More personal contact really...that would have made it better." (P11: final interview).

The views expressed above imply the need for not only more basic information about the criminal process and their case, but for the level of communication to be based upon a more humanist approach. To have somebody to talk to, to discuss matters in greater detail to assist victims in their understanding of the complex legal processes involved. Whilst information leaflets can be a helpful additional tool, they do not provide an opportunity for an exchange of information and, most importantly, do not offer often anxious victims reassurance that their case is being dealt with and to know that somebody *cares* enough to be doing something about it.

Although the majority of participants had expectations that something would be done, these expectations were not found to be unrealistically high. In fact, many participants acknowledged that the police had a hard job to do and that the process would probably take some time, although for some the long periods with no news at all, particularly if expecting to be called as a witness, provoked increasing levels of anxiety:

"Just more information basically. I appreciate that it was going to take a while...but they could have made it easier for me by just letting me know what was going on." (P9: final interview).

"It's sort of like the length of time that I found sort of quite hard to ...um, couldn't sort of come to terms with why it was taking so long. That was the biggest thing." (P13: final interview).

For some participants, this failure to be kept informed and the time it took for action to be taken, was aggravated further by the lack of responsiveness from the police to offer protection and reassurance to vulnerable victims when offenders broke their bail conditions, as demonstrated in Chapter Five. This raises questions concerning victims' rights as citizens to protection by the state. In particular, this relates to cases where the offender is known to the victim and demonstrates the shifting concept of citizenship (Chapter Three), from an expectation that the state undertake the role of protecting its citizens, to one of "active citizenship" where the responsibility lies with the individual. However, as has been indicated above, not all individuals share the same capacity and resources to protect themselves, and in relation to matters involving male violence against women, Walklate's (2001: 29) criticism that 'the concept of victim precipitation presumes equality between participants where none may exist' is particularly valid. From this feminist viewpoint, Walklate (*ibid*) contends that 'this concept cannot therefore be applied to situations which are a product of power relations in general or gendered power relationships in particular. As a concept, it cannot see gender'. The assumption, therefore, that all individuals are equal and able to protect themselves ignores the social constraints in which individuals operate and belies notions of a wider sense of social justice.

This imbalance of power can also be applied to the relationship between the victim and the criminal justice system. Particularly the ability of victims to make a complaint to the relevant agency if they believe that their entitlements (if indeed they know what they are) have been denied them. Although participants tended to openly relate their feelings of dissatisfaction to the researcher, I was often surprised by the low expectations many of the participants had with regards to what they should expect from the agencies involved and the participants' apparent acceptance of their lack of status within the process. As demonstrated in Chapter Five, participants were quite unaware of the reforms entitling them to certain standards of service from the criminal justice agencies. Thus, with only 45% of the total sample receiving information containing a condensed overview of their entitlements, very few participants had any knowledge of what to expect from the system. Subsequently, this left victims vulnerable to the vagaries of the system and the professionals with whom they came into contact, entrusting them to act in their best interests as citizens and not as consumers.

Victims are more than 'mere consumers'

Williams (1999a: 394) argues that victims are more than 'mere consumers' and that 'a narrow, consumerist definition of citizenship creates a situation in which citizens are provided only with limited information about the choices available to them, while government-promoted charters employ a misleading rhetoric of choice and empowerment.'

This has been evidenced in the current study and raises important questions as to how individuals can be enabled and encouraged to take part in the process and how to gain access to their entitlements as citizens. As argued by Ellison (2000), the changing nature of citizenship as a result of the progressive fragmentation of the public sphere in late modern societies "encourages" engagement so that: 'In short, both the capacity to engage, and the differential nature of engagement itself, are rapidly becoming the most significant features of citizenship conceived as a series of contiguous belongings' (*ibid,* 2000: 2). Ellison suggests that 'contemporary citizenship is best understood as a series of "temporary solidarities" contained within a social politics characterised by "defensive" or "proactive" forms of engagement' (*ibid,* 2000:1). The emphasis here is placed upon collective action with a relevant example of "proactive

engagement" being the campaigning of VS for the recognition of special status for the victims of crime. However, this does not encourage the victim, whose redefinition as a consumer has individualised their victimisation, to proactively engage in the criminal process, thus weakening their ability to collectively claim valid entitlements.

Consequently, victims become the "deserving clients" of a benevolent paternalistic service, thus denying them their status as citizens with enforceable rights. Emerging from this is the existence of two parallel discourses; one concerning the views of the professionals and the other the views of the victim, which fail to meet throughout the criminal justice process. Thus the entitlements contained within the official documents are not based upon the expectations of victims, but instead are created by the Home Office and left to be implemented at the discretion of professionals within the system.

This again raises issues concerning the balance of power and the need for valid and enforceable entitlements. In order to achieve this what is really required is a constructive dialogue between the two discourses and, in particular, for the professionals to gain an understanding of what it is really like to be a victim of crime. To date, despite the increase in concern for victims advocated by the political rhetoric, no time has been taken to consider what this really means. Instead, the focus has been on organisational goals and what should be done with the "undeserving client", that is, the offender. It is perhaps then the very existence of these two parallel discourses that very little has actually happened to change the status of victims in the criminal justice process during the last three decades. However, what has become evident from the current study is that these two discourses can come together, as demonstrated by the role of the researcher and how the participants used this as a resource to bridge the gap between the two.

The Merging of Parallel Discourses

Having trained and worked as a probation officer, the researcher had a good knowledge and understanding of the criminal justice system, but having not been a victim of violent crime dealt with by the criminal justice process, had little understanding of the system from a victim's perspective. However, as the research progressed, the distress, frustration and anxiety experienced by the participants

became painfully clear and the role of the researcher changed significantly in order to accommodate this. As such, the researcher began to provide a bridge between the two parallel discourses and, whilst maintaining a professional relationship with the participants, provided information on criminal justice procedures, gave support and advice, and on occasions intervened on the behalf of participants. This demonstrated that although professionally bounded, the relationship was nonetheless helpful and supportive, non-hierarchical and reciprocal. This was illustrated by the participants' responses when asked how they thought their involvement in the research had affected their experience of the process:

"I think if it hadn't been for you I don't know what I'd have done really...I'm just so grateful that I filled in that form to say I agreed to it, because I just didn't know what to expect." (P9: final interview).

"Very helpful. Being there all the way through, giving me information and answering all my questions I found it very supportive." (P1: final interview).

"I needed someone with answers. The only person that gave me answers was you really. I think you did the best out of the whole lot of them, personally. You explained things in detail. You've been there ... you were there at Court. You made me feel calmer." (P5: final interview).

"I found it very helpful, it was great to talk to you about it. You put things into order. I think I would have been all at sea otherwise, definitely....I mean you told me a lot, which then made me more confident to go and ask questions of the people I needed to ..." (P2: final interview)

"To be honest, if it wasn't for you I wouldn't have had a clue what was going on...so yeah, it has definitely been a help from my point of view." (P13: final interview).

"I think it has been a big help...you've been our tower." (P11: final interview).

These narratives of the participants' own feelings and experiences give a clear insight to what victims really want from the criminal justice system through the role

subsequently adopted by the researcher. Of particular importance, this role involved the provision of clear, accurate and timely information by a criminal justice professional. This information may have been given in person or by telephone, but most significantly it was delivered in a way that allowed the participants to interact, to ask questions and to seek clarification on points they did not understand. This information not only assisted in allaying fears and anxieties, but also enabled victims to ask the right questions, increasing their confidence and empowering them to take informed decisions. Consistency was also necessary, in that participants became aware that the researcher was a reliable source of information and that contact would result in advice and support being offered. In addition, due to an increased awareness of the impact of victimisation, the researcher was also able to offer empathy and understanding.

The crucial insights afforded by listening to the voices of victims, as demonstrated in this thesis, can and should assist in developing the best way forward if there is going to be a genuine commitment to integrating the valid entitlements of victims within the criminal justice process. Part IV now concludes the main findings of the current study and reflects upon the way ahead, taking into consideration a number of important reforms introduced since the completion of the fieldwork.

PART IV
VICTIMS AS CITIZENS OR CONSUMERS – THE WAY AHEAD?

CHAPTER ELEVEN
RIGHTS OR SERVICE STANDARDS?

In this concluding Part the findings of the research will be drawn together and consideration be will be given to how the interests and valid expectations of victims of crime can best be represented and taken forward. As demonstrated in the preceding chapters, issues relating to the role of victims within the criminal justice process have achieved an increasingly prominent place in contemporary political, academic and public debate, resulting in a plethora of initiatives and reforms aimed at improving the services to victims of crime. However, whilst the original intention of this thesis had been to evaluate the effectiveness of these reforms from a victim's perspective the data subsequently revealed important underlying theoretical tensions, which although central to the debate are now only gradually being acknowledged.

These tensions relate in particular to the state's relationship with the victim, the offender and the wider public, and how contemporary notions of citizenship act to restrict and impinge upon the effective implementation of such reforms. Central to these notions are the concepts of active citizenship, the construction of the consumer and the subsequent emphasis on individual responsibility. Whilst originally the political discourse of the New Right, the notion of individual responsibility for both crime and victimisation has continued under the Labour government, transferred without difficulty into 'New Labour's rights and duties communitarianism' (Driver and Martell, 1997: 38). This increased "responsibilization" (Rose, 2000: 186) has only served to bring into sharper focus distinctions between the " deserving" and "undeserving" victim, a complex process proven to be essential in gaining access to the criminal justice system. However, as the data has shown, even once the initial transition from "good citizen" to " deserving client" has been achieved, a victim's status is continually redefined and challenged as their case proceeds through the criminal justice system.

This thesis proposes that the existence of these apparently multi-layered, interchangeable concepts are related to the conflicting political philosophies and ideologies which have dominated the aims and purposes of the criminal justice system since the 1960s. Moving from a predominantly welfare model of criminal justice to a due process model strongly influenced by crime control has significantly changed the relationship between the offender and the state. This is reflected in the significant shift in the Government's agenda away from attempting to address issues of law and order to one of managing and preventing crime. A fundamental consequence of this shift has been an increased awareness of the effects of crime and, as a result, victims of crime have gradually emerged as a third party to the criminal justice process, rhetorically at least.

Evidence from the current study has identified a number of tensions that exist within the relationship between the state and citizens, when citizens become victims of crime and expect to claim from the state what they presume to be their right to protection and justice. In particular, these tensions relate to the introduction of new managerialist public sector reforms and the subsequent redefinition of victims as consumers of the criminal justice system. This consumerist model challenges the classic conception of crime as an offence against society and not the individual victim, particularly since the role of the state as protector has been significantly eroded and the responsibility for protection placed upon the individual. This gives predominance to positivist theories of victimology in the ways in which victimisation is understood and strongly influences the development of criminal justice policy.

This was demonstrated in Chapter Three, where an analysis of the "offence against society model" revealed an anomaly in that this model only comes fully into operation at the prosecution stage, prior to this it is the responsibility of the victim to pursue their complaint. It is at the prosecution stage that a divergence appears between the interests of the victim and those of the criminal justice system, where issues of crime control take precedence over the interests of victims. This process clearly demonstrates that whilst the victim has obligations and duties as a citizen towards the state, and has to fulfil these in order to gain access to the criminal justice process, these obligations are by no means reciprocal. Instead, whilst initially required to take an active role, victims are then expected to passively accept that they have in fact no

rights or entitlements in the procedures that follow, despite the existence during the last two decades of initiatives and reforms aimed specifically at improving services for victims of crime. The question, which this thesis attempts to answer below, is why have these reforms had so little impact on the experiences of victims?

Unrealistic Expectations?

A major criticism arising from academic research has been the haste with which various reforms have been introduced, due primarily to the current appeal of populist politics. This haste reflects the overt political purposes and motivations attached to the introduction of initiatives specifically for victims. It demonstrates an attempt to be seen to be doing something for those affected by crime in order to appease public anxiety and growing public dissatisfaction with the criminal justice system, but is unsubstantiated by a coherent theoretical framework in which practices can effectively operate. This has resulted in the failure of reforms to keep up with the political rhetoric and has lead to the expectations of victims being unrealistically raised when services promised have not been delivered.

Consequently many of the concerns arising from both past and recent research has focused on the dangers of unrealistically raising the expectations of victims. The evaluation of the One Stop Shop and Victim Personal Statement pilot studies (Hoyle, Cape, Morgan and Sanders, 1998), and an evaluation of probation victim contact work (Crawford and Enterkin, 1999; 2001), illustrate clearly how victims' expectations can be unrealistically raised through misinformation. The studies revealed that victim dissatisfaction arose from a failure of the agencies to explain clearly to victims exactly what services were being offered and what this would entail and, in particular, the subsequent failure of the agencies to provide the services offered in an effective and timely way. However, these concerns should not be used as an excuse for not providing victims with valid entitlements, but should instead be explored further to discover why the realistic expectations of victims are still not being met.

This research has also illustrated the importance of clear and unambiguous guidance to assist the relevant agencies in understanding the aims and purposes of reforms. However, the haste with which reforms have been introduced has resulted in a lack of

consultation with the agencies required to implement them and a lack of additional funding required to adequately train sufficient staff to ensure their effective delivery.

Paradoxically, the most fundamental problems identified in the current study, and supported by earlier research (Shapland *et al.* 1985), are the unrealistic expectations placed upon victims by the criminal justice agencies. As demonstrated in this study, little thought is given by professionals as to how much knowledge victims have about the criminal process and its procedures, and little consideration is given to the physical and psychological effects being suffered by the victim when working with them. Instead, professionals expect unquestioned co-operation from victims to assist them with their priorities, without extending to them respect or recognition for the important role they play and the harm they have suffered. This need for an increased responsiveness towards victims was identified in Chapter Nine and is an essential prerequisite for the successful implementation of reforms.

This thesis demonstrates that, whilst political rhetoric continues to emphasise the importance of victims within the criminal justice process, what is missing is a coherent theoretical framework outlining the true purposes and aims of incorporating a victim perspective. The absence of a theoretical framework was raised in Chapter Nine by Duff (1998) in relation to the justification of making financial compensation to victims of violent crime. Here it was argued that the payment of state compensation was primarily symbolic and that this had consequently hindered the construction of a basic set of guiding principles. This lack of theoretical coherence is again used as a critique of one of the most recent reforms announced by the Government concerning the use of Victim Personal Statements (VPS), demonstrating further the use of populist politics and symbolic gestures to gain public support.

Victim Personal Statements

Extensive academic debate concerning the controversial introduction of victim input reforms has expounded (Ashworth, 1993a and 2000; Hinton, 1996; Erez, 1999; Edwards, 2001). However, research undertaken in those jurisdictions which already operate schemes (Long, 1995; Erez and Rogers, 1999) suggest that such reforms have not had the adverse effects on court outcomes as originally feared by opponents or the benefits for victims as intended by proponents. Instead, Erez and Rogers (1999)

conclude that unless legal occupational culture and organisational priorities are addressed, such reforms will only constitute an acceptable compromise and will only be 'successful in maintaining the time-honoured tradition of excluding victims from criminal justice with a thin veneer of being part of it' (*ibid*: 235).

In England and Wales, despite some of the difficulties identified in the pilot studies arising from Victim's Charter initiatives, (Hoyle *et al.* 1998; Morgan and Sanders, 1999), the Government introduced the use of VPS in October 2001 issuing a guidance note for those operating the scheme (Home Office, 2001c). Whilst the guidance does outline the purposes of the scheme, including those victims eligible to participate and what information should be contained in the statement, criticism has been raised concerning the absence of political debate with regards to the rationales underpinning victim participation.

Edwards (2001: 39) argues that there has been 'a failure to analyse rigorously the underlying reasons why it might be desirable to enable, encourage or even require participation' and identifies four different rationales. The first three are instrumentalist in nature; improving sentence outcomes, enhancing system efficiency and service quality, and providing benefits for victims. The fourth category emphasises process values and rights, regarding victim participation as a good in itself independent of its instrumental value: 'enabling individuals to participate in legal proceedings that affect them is to be valued by virtue of the victim's citizenship' (*ibid*: 44). However, this acknowledgement of a victim's citizenship is absent in England and Wales where no rationale has assumed prominence. Instead the value of victim participation is included within the aims of the Victim's Charter to 'ensure that victims are treated with respect as service users' (*ibid*: 44), therefore, encapsulating the values of consumerism in the delivery of public services.

However, as this thesis has sought to argue, this consumerist approach denies victims their status as active citizens with rights, rendering them instead as "passive consumers" of criminal justice services. Therefore, the claim that the VPS scheme will put victims 'at the heart of the criminal justice system' (Home Office, 2000c), within the system as it currently exists, will only prove to be more impotent political rhetoric. As Edwards concludes, 'whilst reforming sentencing procedures to make

them more victim-focused has political and popular appeal, it should not be used to mask deficiencies at the earlier stages of the system, such as providing information and support' (*ibid*: 51). Therefore, this argument tends to view the VPS scheme not as a genuine attempt to integrate victim participation in the criminal process, but more as a symbolic gesture to restore public confidence, a focus of particular concern for the Government in recent years.

Restoring Public Confidence in the Criminal Justice System

As discussed in Part I, some commentators have suggested that the politicisation of victims' issues has been a relatively cheap and convenient ploy to divert attention away from the other failings of the criminal justice system. Whilst this may have been the original intention when considering the improvement of victim services, it has certainly backfired over recent years due to an increasing demand for victims to be accorded legislative rights. Instead of pacifying victim advocates, the increasing focus on victims has drawn even greater attention to the distinct imbalance between the rights of defendants and the absence of rights for victims, thus only contributing to the growing public dissatisfaction with the criminal justice system as a whole.

Consequently, increasing fear of crime and the rise in level of "crime consciousness" (Garland, 2000: 367), has caused the Government to focus its energies upon improving public confidence, as demonstrated by the objectives outlined in the *Criminal Justice System's Strategic Plan* 1999-2002 (Home Office, 1999: 1):

'The criminal justice system stands or falls on whether it jointly meets what people can reasonably expect of it – victims, witnesses, jurors and the wider public – whose confidence and trust need to be earned, and interests respected.'

It could be argued, therefore, that steadily declining public confidence in the ability of the criminal justice system to deal effectively with crime and, in particular, to assist those most affected by it, has caused the state to reflect quite intently upon its own practices with a view to making quite fundamental reforms. This has been evidenced in a number of important reports published during and since the completion of the fieldwork for the current study, all of which focus on attempts to reform and modernise the criminal justice system. These include the Narey report (1997), the

Glidewell report (1998), the Halliday report (2001) and, most recently, the report by Lord Justice Auld (2001). There has also been the Crime and Disorder Act 1998, with its emphasis upon crime reduction partnerships and the introduction of restorative justice principles in relation to youth crime, and the Criminal Justice and Court Services Act 2000, which launched the new National Probation Service. This Act places victim contact work on a statutory footing and emphasises a more 'victim centred approach' as stated in the aims and objectives of the National Probation Service (Home Office, 2001a: 2).

In addition to these wider attempts to modernise the criminal justice system, reports have also been published focusing specifically on victims and witnesses. These include the report on the treatment of vulnerable or intimidated witnesses (Home Office, 1998a), the introduction of Victim Personal Statements (Home Office, 2001c), a new role for the CPS involving direct communication with victims (CPS, 2001b; 2001d) and, finally, a consultation paper reviewing the Victim's Charter (Home Office *et al*, 2001).

The need for quite substantive reforms were clearly evidenced in a recent paper entitled *Reluctant Witness* by the Institute of Public Policy Research (2001) which revealed the truly shocking depths to which public confidence has now fallen due primarily to the poor treatment of victims and witnesses. This was further emphasised in a recent initiative launched by ACPO in January 2002 entitled *The Search for the Truth* (ACPO, 2002). This briefing note was in response to the recommendations of Lord Justice Auld's *Review of the Criminal Courts* (Auld, 2001) and details the specific changes ACPO believes are needed if the effectiveness of the criminal justice process is to be significantly improved:

> 'Overall, the spirit of the ACPO report captures the need for fundamental change to the culture of the trial, to make it less of a "game" and more of "a search for the truth."'
>
> (ACPO, 2002)

This report encapsulates substantially the main findings of the current research, in that what participants' experiences indicate is a need for a review of the actual process, in

order to include victims in the procedures and to reduce the feelings of frustration and alienation which the current process creates. Data from the current study demonstrates how the system functions according to its own organisational priorities with a disregard to the needs of victims, thus only reinforcing their feelings of powerlessness and alienation. These findings are supported by the ACPO initiative which describes the culture of the criminal trial as 'a tactical game played between lawyers rather than a search for the truth' with the cumulative effect of providing 'a hostile environment for victims and witnesses' (ACPO, 2002).

This illustrates that the system continues to view victims primarily as just another source of information to assist in the ultimate goal of achieving a successful conviction, whilst all the advantages of the process remain in favour of the defendant. Obviously the rights of the defendant as a citizen must be protected, but as confirmed by the Auld Report (*ibid*), the current system pursues this without due consideration for the rights and protection of the victim. It is this emphasis within the courts and legal culture that is blocking current attempts to integrate a victim perspective, and thus contributing to the implementation failure of reforms.

The Way Ahead?

The writing of this concluding chapter has proved extremely difficult, as it seems that almost daily new reports and initiatives are being published. As already indicated, much has happened since the completion of the fieldwork for the current study and it is impossible to review all of these here, although an area that has undoubtedly been gaining unprecedented and increasing momentum is that of restorative justice (Wright, 1996; 1999; Johnstone, 2002). However, evaluations of these schemes have questioned the actual benefits to victims in real terms, arguing that it only increases further their obligations, whilst still focusing on the needs of the offender (Miers, Maguire, Goldie, *et al.* 2001). However, the greatest disadvantage of restorative justice is that as a process it is incompatible with the current organisational priorities of the criminal justice system which emphasises speed and cost efficiency. Evaluations found that it is a labour-intensive and time-consuming activity, thus raising doubts about the future potential of it as a mainstream service capable of processing large numbers of cases (Miers, Maguire, Goldie, *et al.* 2001).

Although it is difficult not to be cynical, current attempts at modernising the criminal justice system have created an opportunity for the past neglect of victims to be redressed by widening the debate with regards to what the status of victims within the process should be. As acknowledged in Part I, debates concerning the needs and rights of victims are controversial and are often accompanied by concerns that according victims rights will automatically result in an infringement upon the rights of the defendant (Ashworth, 2000). However, there is some evidence that contemporary discourse is now moving beyond this polarised distinction. The recommendations of the Auld Report (*ibid*: 2001) focus on improvements that can be made to make the process fairer to both sides and the ACPO response reiterates the need for the balance to be corrected if criminal justice is to work effectively (ACPO, 2002).

This thesis has contributed to this debate by developing a theoretical framework which demonstrates that the status of victims as consumers of criminal justice services, i.e., *deserving clients*, rather than as citizens with rights, denies victims of crime equal access to the criminal justice process. It is argued that a major factor underpinning the imbalance between victims and offenders, as identified above, is the relationship between the CPS and victims, whereby the distance maintained and the lack of direct communication has left victims feeling isolated and unrepresented. However, the proper role of the CPS in relation to victims and witnesses was a major concern of the Glidewell Report (1998). Subsequently the report recommended that the CPS should take over from the police the responsibility for providing information and explanations to victims with regards to prosecution decisions. This has signalled a significant change of culture for the CPS, as acknowledged by the Director of Public Prosecutions, David Calvert-Smith QC, in his Annual Report: 'The changes we are making are not just to practices and procedures – they involve a change of culture, from a somewhat remote independence to direct public service, while retaining independence in casework decision making' (cited in CPS, 2001d).

The main areas of reform have been published in the CPS *Strategic Plan 2001 – 04* (CPS, 2001b) and include a key role for the CPS in communicating directly with victims by improving 'the way in which decisions and case information are communicated to victims of crime and their families' (*ibid*: 10). To assist in the implementation of these reforms the CPS has received additional funding from the

Spending Review 2000 and following pilot schemes a national roll out programme started in April 2001.

Following the announcement of these changes, the researcher met with the local Chief Crown Prosecutor (CCP) to discuss the impact of these reforms on the CPS. Unlike earlier initiatives, the reforms have been supported by additional funding, resulting in the employment of more lawyers and the development of a three-day training programme for the relevant staff. Whilst the CCP confirms that the new role has been received positively by staff, there are concerns that there is a danger that they may become too involved with victims. It was reiterated that a fine balance will need to be achieved, as information discussed by the CPS with victims can be challenged by the defence, therefore, it is important that the CPS is seen to retain its independence.

The new role of the CPS, therefore, can be seen as a significant step towards bridging the two parallel discourses found to exist in the current study (Chapter Ten) and has the potential to offer victims of serious crime an opportunity to receive important information relating to their case. However, as acknowledged by the CCP, omitting to communicate with victims has been a serious failure of the system in the past thus "it would be wrong to trumpet it as a success as the public would be shocked that it's not happening already."

However, as has been clearly evidenced in the current research, the introduction of new reforms does not guarantee that they will be successfully implemented and the progress of recent reforms will need to be monitored independently. A concern arising from the *Strategic Plan* (CPS, 2001b: 30) is that the emphasis is placed on victims and witnesses as *consumers* of the CPS, with the use of "consumer tests" to measure victim/witness satisfaction. This emphasises the fundamental theoretical issues, which have emerged from the findings of this thesis regarding the status of victims and how this influences the response they receive from the criminal justice agencies. Although difficult to perceive victims as consumers, "because a consumer can always walk away", the CCP admitted that "it has made us think of them in a different way... more about what we can do for them". As for the modernisation process and the fundamental changes taking place, the CCP welcomed these as a positive step for the criminal justice system in that "we've all been woken up by them".

Rights or Service Standards?

Evidence from this thesis has revealed that victims' expectations of the criminal justice system are not unrealistically high and that what is crucially required is an increased responsiveness from the relevant agencies towards victims. These findings are supported by Shapland (2000: 156) who, in an analysis of 'the longstanding difficulties in achieving effective services to victims', proposes the concept of the 'responsible agency' whereby each agency with direct dealings with victims has to take responsibility for these contacts. Whilst acknowledging that this would represent a revolution in criminal justice philosophy, Shapland states that 'the revolution is one of philosophy, principle and attitude, not an unattainable goal' (*ibid*: 156).

Shapland describes the concept of the responsible agency as a revolution because of a tendency of the criminal justice process, to which she refers to as the "Solomon model", to focus almost entirely on the adequacy and speed of the discretionary decisions taken by the police, the prosecution and the courts which 'has impoverished our view of justice – and thereby excluded victims' (*ibid*: 158).

However, it could be argued that this revolution has already begun, albeit very slowly, as reflected in the consultation document published by the Home Office in February 2001 entitled *A Review of the Victim's Charter* (Home Office, *et al.* 2001). This document summarises what it somewhat optimistically describes as the "progress" the Government has made so far in providing better services to victims and states its intention to look to the future by considering further improvements. These include the possible introduction of statutory rights for victims and the establishment of a Victims' Ombudsman to investigate complaints and to champion victims' interests. Professing 'greater awareness of the rights, duties and expectations of victims of crime' (*ibid*: 4), the document sets out what the Government believes should be the guiding principles of the new Charter together with the responsibilities of the relevant agencies. In addition, the document responds to criticisms of the format of the previous Charter and suggests ways in which this can be improved.

The focus of the document centres on the debate concerning the provision of rights for victims and the key issues include whether the *"service standard"* approach should be replaced by a *"rights"* approach, whether these rights should be on a statutory basis

and whether these rights should be enforceable. The document also indicates that in light of the evolving nature of services for victims, it would only be practicable for the legislative framework to cover the stated guiding principles.

The consultation period ended in June 2001 and a summary of responses was published on the Home Office web site in July 2001 (Home Office, 2002a). Responses were received from representatives of the relevant criminal justice agencies, Members of Parliament, other Government departments, Victims' Groups, Academics, and individual members of the public. Whilst a comprehensive analysis of the responses is not possible, a brief summary indicates that although there is general support in favour of legislative rights, there still exists some concern with regards to the impact of these on the rights of the defendant, how the rights will be enforced and the cost of this to the criminal justice system. There was overall support for a Victims' Ombudsman and two suggestions for a Minister for Victims, whilst the proposal for a central fund to be set up to make compensation payments to victims on behalf of offenders, to which offenders then contributed, received popular approval. Of equal importance were calls for greater publicity of victim entitlements, for information to be easily accessible and easy to understand.

The need for increased public awareness of the criminal justice system was recognised in the document and reference was made to the availability of updated leaflets (Home Office, 2001d) and the use of the Internet to provide general information to those who become victims of crime. However, evidence from this thesis has found that the provision of information through leaflets is insufficient in meeting the needs of victims who require a more interactive, humanistic approach. Therefore, the increased use of the Internet to convey information to victims raises a concern that this will be used as a cheap alternative to providing victims with the more tangible information and support they require. It also provides evidence of the unrealistic expectations that the criminal justice agencies have of victims if it assumes that everyone has the knowledge and the means to access information from the Internet and that this will satisfy the wide range of information and support needs that they have. An example of these expectations is given by the CPS, who demonstrate "consumer access" by the availability of the Director's Annual Report on their web site and the facility for complaints to be sent over the internet (CPS, 2001b).

As yet the Government has not provided any analysis or comment with regards to the responses received, but the intention is for an announcement to be made before the end of the year.

The language of the previous two Victim's Charters switched from one of advocating *rights* to that of providing *service standards*, thus reflecting the lack of theoretical coherence underpinning the reforms and the redefinition of victims as *consumers* not *citizens*. As a consequence, the implementation of reforms has been ambiguous and slow, relying on the discretion of those agencies involved and a competition for resources between organisational needs and the needs of victims. Instead of reforms being based upon clear theoretical principles, with victims regarded as citizens with valid entitlements to justice, they were imposed upon the principles of managerial justice, whereby victims are regarded as the passive consumers of discretionary and unaccountable services.

The implementation failure of reforms based upon the provision of service standards clearly indicates the need for victim entitlements to be based upon statutory rights. Reforms up until now have been more aspirational than practical in character (Rock, 1999) and what is now required is a specific set of guiding principles to underpin the implementation of statutory rights for victims. These guiding principles are set out in the consultation document for a third Victim's Charter and provide an ideal opportunity for the government to demonstrate it's commitment to victims of crime by clarifying their status within the criminal justice system. Current political rhetoric concerning victims has led to an apparent complacency that something is actually being done for victims, but as the data shows, whilst much is being said, 'the big issue is implementation and changing practice down to every practitioner' (Fraser, 1999, quoting Helen Reeves).

For the interests of victims to be justly represented within the criminal process they require the status of citizens with absolute and commensurable rights, which if unobserved, can be legally challenged. Although there are concerns that such challenges will be costly, this may act to concentrate the minds of those agencies failing to acknowledge and extend to victims their legislative rights. In the spirit of the Auld Report (*ibid*) and the ACPO initiative (*ibid*), if the government is serious

about improving public confidence in the criminal justice system, the system needs to represent fairly the interests of both victims and defendants. This needs to be achieved by recognising and respecting the needs of each and by the state providing the appropriate levels of intervention in order to prevent and reduce the effects of crime. As reiterated by VS in their manifesto (Victim Support, 2001), victims' rights should be protected in legislation which would:

- define specific rights rather than just broad principles;
- be clear about which agency is responsible for protecting / safeguarding these rights;
- be enforceable with clear remedies if the rights are breached.

In addition, VS believes that as no legislation is likely to be able to cover all the provisions available to victims, defined service standards are also essential, both of which should be: 'underpinned by audit mechanisms to improve accountability, better training and education, and better provision of information to victims about their rights' (Victim Support, 2001).

The better provision of information is fundamental if victims are to be recognised as citizens, as the provision of rights rests upon those who are entitled to the rights being aware of them. This thesis has clearly demonstrated that lack of information is still the major cause of dissatisfaction and frustration to victims, despite the reforms introduced to address this. As the subsequent role of the researcher adopted in this study demonstrated, what victims require is information to be provided by a consistent, professional source, which can be contacted and relied upon to provide up to date and accurate information when required. This service needs to be provided by individuals who are specifically trained to work with victims and have an understanding of both the impact of victimisation and a thorough knowledge of the criminal justice process. This service could provide the bridge between the two parallel discourses identified in this study and assist victims in their right to access justice for the harm they have suffered.

Whilst it would appear that the government views VS as the best agency to fulfil this role, this thesis and previous research has highlighted victims' perceptions of VS as

currently inadequate to undertake this work. The fact that it is a charity reliant upon volunteers undermines the very status of victims within the criminal justice process, who deserve to receive services from trained and paid professionals, as do defendants, rather than to be perceived as the "charity cases" of a benevolent service. In addition, whilst volunteers do receive training, this was found to be insufficient for the needs of victims who require detailed information about the criminal process in relation to their case, and who require the services of trained professional counsellors, neither of which the VS volunteers were able to provide.

Whilst the success of VS has been phenomenal, it could be argued that it has itself become a victim of its own success. Whilst fiercely protective of its original philosophy, perhaps the time has come for it to expand its role and to be recognised as a statutory organisation, rather than to be used by the government as a cheap alternative for the provision of professional services for victims. This would not only raise the status of victims, but would also strengthen the position of those working with victims within the criminal process, to be seen and regarded as professionals rather than as tolerated guests. However, recent restructuring within the organisation, including the formation of regions governed by area executives in order to impose a more standardised approach, already indicates the beginnings of a more professional approach to the management of local schemes.

Final Comments

Evidence from the empirical research provided by this thesis argues that, despite two decades of increasing political rhetoric and reforms, victims are continuing to suffer secondary victimisation by the process itself, due to their redefinition as consumers and the lack of status this provides within the criminal justice process. In its response to the review of the Victim's Charter, the CPS acknowledges that:

'Whilst there are difficulties defining the proposed rights within statute, there is a case for moving away from the language of standards – language that is more appropriate in a client/customer scenario when the civilian has a choice of service providers. A middle way between "standards" and "rights" may be to impose statutory obligations or duties on criminal justice agencies to provide a defined level of service' (CPS, 2001e).

Although not committing itself to legislative rights for victims, the CPS does acknowledge the inadequacy of defining victims as consumers of the criminal justice system and recommends instead the introduction of statutory obligations. However, the difficulty here lies in the enforcement of such obligations, as is also the problem with ensuring that legislative rights are enforced. To address this, the Government has proposed an Ombudsman for victims, which although welcomed by the majority of responses to the review, was regarded by some as not going far enough. Other suggestions included having a Minister for Victims, whilst VS proposes a Commissioner for victims of crime (Victim Support, 2001). The view of VS is that a Commissioner will not only cover issues related to the criminal justice system, but would extend beyond this role to benefit the majority of victims who do not get into the system. The need for a wider response to victims of crime beyond the perimeters of the criminal justice system is stated in its most recent policy report, *Criminal neglect: no justice beyond criminal justice* (Victim Support, 2002b). However, the need for a wider response to victims of crime beyond the criminal justice process and the proposal for a Commissioner for Victims are not entirely new ideas, as both were included in the recommendations of the earlier JUSTICE report (1998).

Obviously these proposals have substantial resource implications, but at the present time the money used to assist victims is inconsequential compared to the total budget of the criminal justice system. Therefore, if the government is committed to assisting victims and to restoring public confidence in a system that relies on the goodwill of both for its legitimacy, then such investments are essential to ensure that citizens who become victims of crime are sufficiently empowered to engage in a criminal justice process, which acknowledges and responds to their status as valued participants, whilst continuing to acknowledge the rights of the defendant.

The Government, only very recently, reiterated that a balance of rights is essential to effective justice. The Home Secretary, David Blunkett, speaking at a conference on modernising criminal justice, stated that 'we need to rebalance the system so that it delivers real justice for victims and the wider community' (Home Office, 2002b). However, the *real injustice* would be if research in the next twenty years were still to repeat the research findings of the previous twenty years, as evidenced in the findings of this thesis.

APPENDICES

APPENDIX A

INTRODUCTORY LETTER AND POSTAL QUESTIONNAIRE

Dear Sir/Madam,

I am currently doing some research in [county] involving victims of crime. As part of my study I am interested in talking to people like your self, who have recently become a victim of crime.

If you could spare the time, I would be very grateful if you could complete the enclosed questionnaire, as it would be helpful to get an idea of what has happened to you since the incident was first reported to the police.

As part of my research I am hoping to follow a number of people a number of people through the criminal justice system, from the time the incident was reported through to the final outcome, whatever that may be. For this purpose, I will need to meet people, like yourself, to talk about your experiences and to get an idea of the types of advice and services you have received so far. If you were willing, it would be very helpful for us to meet within the next two months, at a time and place convenient to you, and again later as your case progresses.

I am currently a full-time research student at the University of Southampton and the research I am doing will form part of my PhD. I am funded by a University scholarship, which means my research is independent from any other agency and I am under no obligations to produce findings for anybody else. Your participation will be entirely voluntary and you will be free to change your mind at any time. This letter has been sent to you by [name of county] police and I will only learn of your name if you choose to put this information on the questionnaire enclosed.

As attempts are currently being made to improve the services given to victims of crime, your views would enable the professionals involved, e.g; the police and the courts, to know how they can best help victims in the future. The information you give will be treated with the strictest confidence and your anonymity will be safeguarded at all times.

If you would like to take part in this important study, a pre-paid envelope is enclosed for you to return the questionnaire to me within the next couple of weeks.

I look forward to hearing from you. Thank you very much for your time and assistance.

Yours sincerely,
Jacki Tapley

VICTIM CARE QUESTIONNAIRE

Attempts are currently being made to improve the services given to victims and your views would enable us to know how we can best help victims in the future. You have recently become a victim of crime and the purpose of this questionnaire is to find out about your experiences since reporting the offence to the police. On completing the questionnaire would you please return it in the pre-paid envelope provided.

Please answer by ticking the appropriate box or writing in the space provided.

1. Is this your first experience of being a victim of crime? Yes ☐ No ☐

REPORTING TO THE POLICE:

2. a) Did you report the offence to the police? Yes ☐ No ☐
(if NO, please go to **Question 3**)

b) Please give your reasons(s) for reporting the office to the police:

_____

_____

_____

_____

____

c) How did you contact the police?

(i) 999 Call ☐
(ii) telephone call to local police station ☐
(iii) in person at the local police station ☐
(iv) stopped passing police officer ☐
(v) other, please specify _____ ☐

d) How soon after it happened did you contact the police:

(i) within 5 minutes ☐
(ii) between 6-15 minutes ☐
(iii) between 16-30 minutes ☐
(iv) if longer, please say how long _____ ☐

e) If you did not report the matter to the police immediately, please give the reason(s):

_____

_____

_____

Please go to Question 4

3. a) If somebody else contacted the police, please say who?

(i) a friend
(ii) a relative
(iii) a work colleague
(iv) a neighbour
(v) a bystander
(vi) police officer passing and stopped
(vii) unknown
(viii) other, please specify _____

b) How did they contact the police?

(i) 999 Call
(ii) telephone call to local police station
(iii) in person at the local police station
(iv) stopped passing police officer
(v) other, please specify _____

c) How soon after it happened did they contact the police?

(i) within 5 minutes
(ii) between 6-15 minutes
(iii) between 16-30 minutes
(iv) if longer, please say how long _____
(v) unknown

d) If they did not report the matter to the police immediately, please give the reason(s). If you do not know the reason, please state "not known":

_____

_____

_____

MEETING THE POLICE:

4. a) If the police were contacted by a telephone call, how long did it take for them to reach you?

(i) within 5 minutes
(ii) within 6-10 minutes
(iii) within 11-15 minutes
(iv) within 16-20 minutes
(v) within 21-30 minutes
(vi) other, please specify if longer _____
(vii) unknown

b) Were you satisfied with this response time? Yes ☐ No ☐

c) If NO, please give your reason(s) why:

_____

_____

_____

_____

5. How long did your first meeting with the police last: ☐

6. Which of the following best describes what has happened to you?
(You may 'tick' more than one box)

Brief Details

(a) Physical assault _____ ☐
(b) Robbery _____ ☐
(c) Indecent assault _____ ☐
(d) Rape, attempted rape _____ ☐
(e) Other, please specify _____ ☐

7. a) Did you require immediate hospital treatment? Yes ☐ No ☐

b) If NO, did you require medical treatment later? Yes ☐ No ☐

MAKING A STATEMENT:

8. a) How soon after the event happened did you make a statement to the police? ☐

b) Where did you make the statement?

(i) police station ☐
(ii) own home ☐
(iii) other person's home ☐
(iv) hospital ☐
(v) scene of crime ☐
(vi) other, please specify _____ ☐

c) How long did this take? ☐

9. a) Is the offender known to you? Yes ☐ No ☐

b) If YES, please state the relationship _____

10. a) Was the offender arrested at the time of the incident? Yes ☐ No ☐

b) If NO, has somebody been arrested since the incident?

(i) Yes ☐
(ii) No ☐
(iii) Unknown ☐

11 Have the police asked you if you want to press charges?

(i) Yes ☐
(ii) No ☐
(iii) Not applicable ☐

INFORMATION AND ADVICE:

12. a) Following the incident did the police give you any information about what may happen next?

Yes ☐ No ☐

b) If YES, what? _____

_____

c) Were you given any practical advice about what you should do next?

Yes ☐ No ☐

d) If YES, what? _____

_____

13. a) Were you satisfied with your contact with the police? Yes ☐ No ☐

b) If YES, what pleased you the most? _____

_____

_____

_____

c) If NO, how could it have been made better? _____

_____

_____

_____

14. a) Have you received any further contact from the police since the statement was made?

Yes ☐ No ☐

b) If YES, please say what this contact has been: _____

_____

_____

_____

15. a) Have you had to contact the police yourself since the statement was made?
Yes ☐ No ☐

b) If YES, please say why: _____

_____

_____

VICTIM SUPPORT:

16. Did the Police give you a "Victim of Crime" leaflet? Yes ☐ No ☐

17. a) Since the offence have you been contacted by Victim Support?
Yes ☐ No ☐

b) If YES, how was contact made?

(i) Home Visit ☐
(ii) Letter ☐
(iii) Telephone call ☐

c) How long after the incident was contact made:

(i) within 1 day ☐
(ii) within 2 days ☐
(iii) within 3 days ☐
(iv) within 4 days ☐
(v) other, please specify _____ ☐

18. a) Have you contacted Victim Support yourself? Yes ☐ No ☐

b) If NO, do you think you might in the near future? Yes ☐ No ☐

19. a) Have you been in touch with any other support agency/organisation?
Yes ☐ No ☐

b) If YES, please state which one: _____

20. It would be helpful for the purpose of analysis if you could give your gender and age:

M / F: ☐ Age: ☐

21. a) In order to enable me to follow people's experiences through the criminal justice system as their case progresses, it will be necessary for me to meet them. Please say if you would be willing to meet to discuss your experiences and express your views about what has happened to you?

Yes ☐ No ☐

b) If YES, please state your preferred choice of venue:

(i) local police station ☐
(ii) Bournemouth University ☐
(iii) your own home ☐
(iv) other, please specify _____ ☐

c) Please give three dates and times within the next two months that would be convenient for you:

1. _____
2. _____
3. _____

CONTACT DETAILS:

Name: _____

Address: _____
_____
_____
_____

Postcode: _____

Telephone number: _____

Thank you very much for completing this questionnaire, please feel free to add any further comments:

_____
_____
_____
_____
_____
_____

On completing the questionnaire would you please post it in the pre-paid envelope provided.

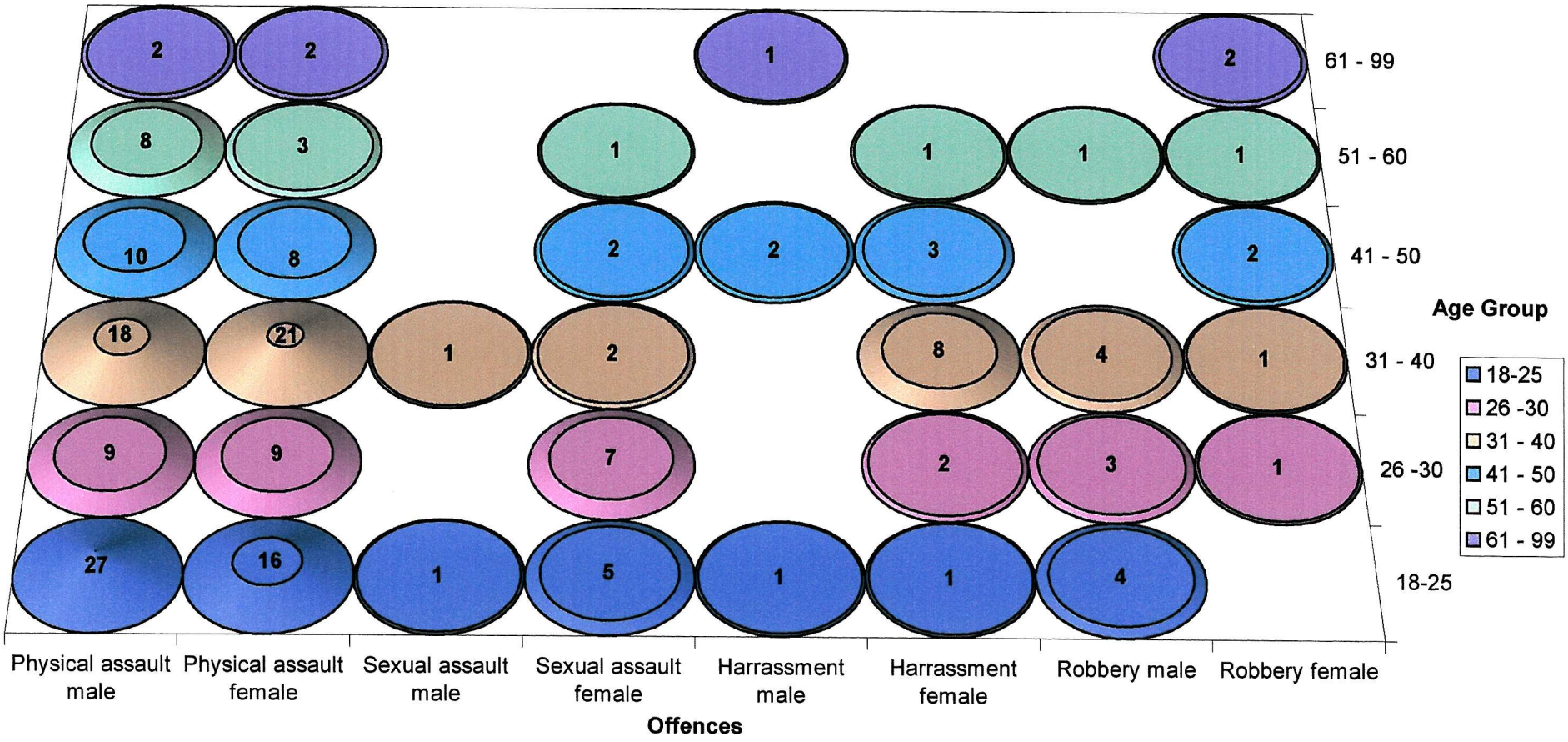
Thank you very much for your time.

APPENDICES B – E

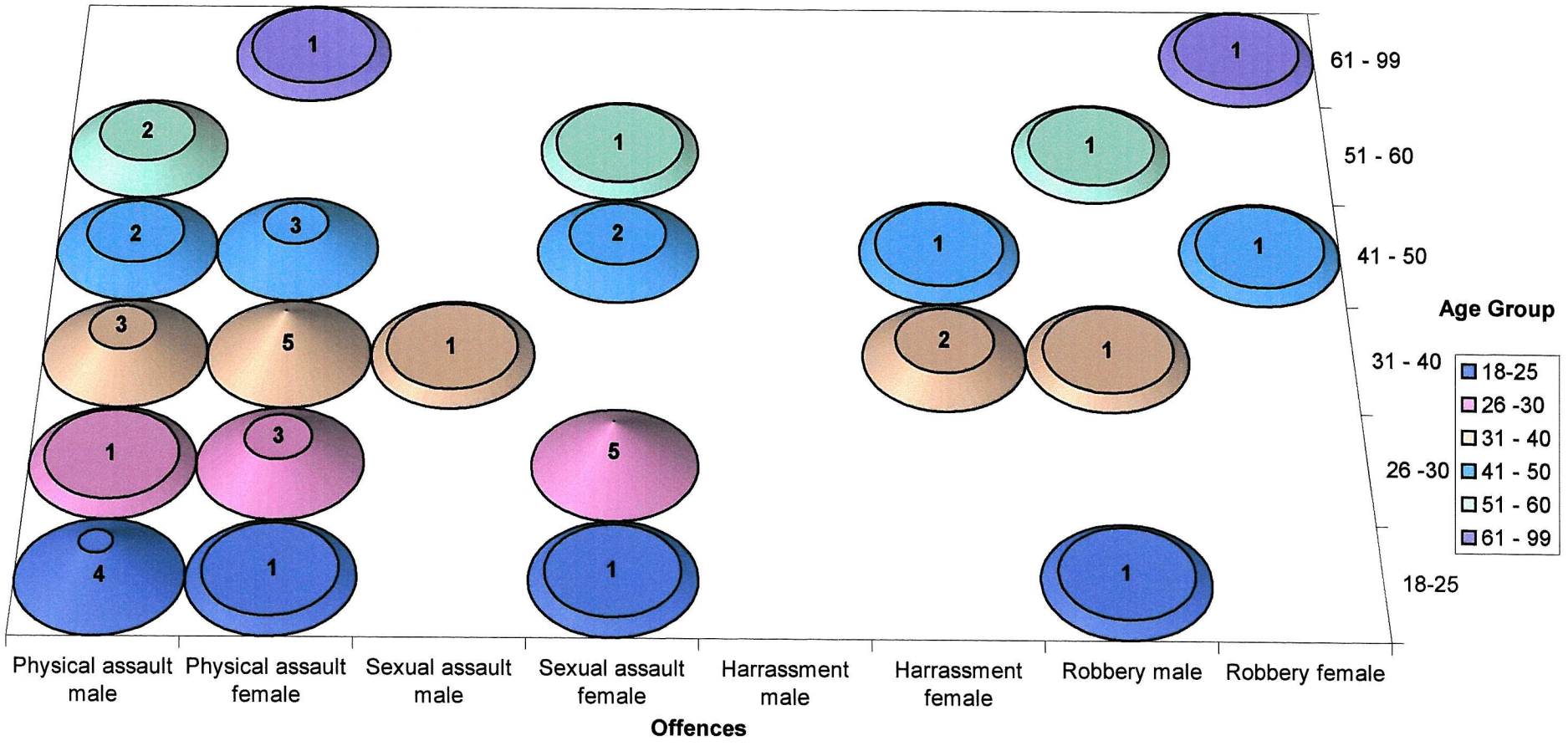
The following four graphs, illustrated in Appendices B to E, relate to the discussion in Chapter Two, pp.56-59, p.66 and p.77. They illustrate clearly how the research population was reduced from the original purposive sample of 190 postal questionnaires (Appendix B), to the 43 questionnaires that were returned (Appendix C). From those questionnaires returned, 25 respondents were subsequently interviewed (Appendix D), and of these, the cases of thirteen core participants proceeded to the later stages of the criminal justice process (Appendix E).

The graphs demonstrate that whilst the research sample was reduced at each stage, there remained a range of offences and respondents similar to that of the original sample. This indicates that the sample contained no significant bias, until the final graph (Appendix D), which shows that those reaching the prosecution stage were those cases classified as the most serious, involving physical violence and sexual assaults. This was not unexpected as previous research indicates that only a small minority of offences reach court and these include a higher proportion of those involving violence or sexual assault (JUSTICE, 1998: 58).

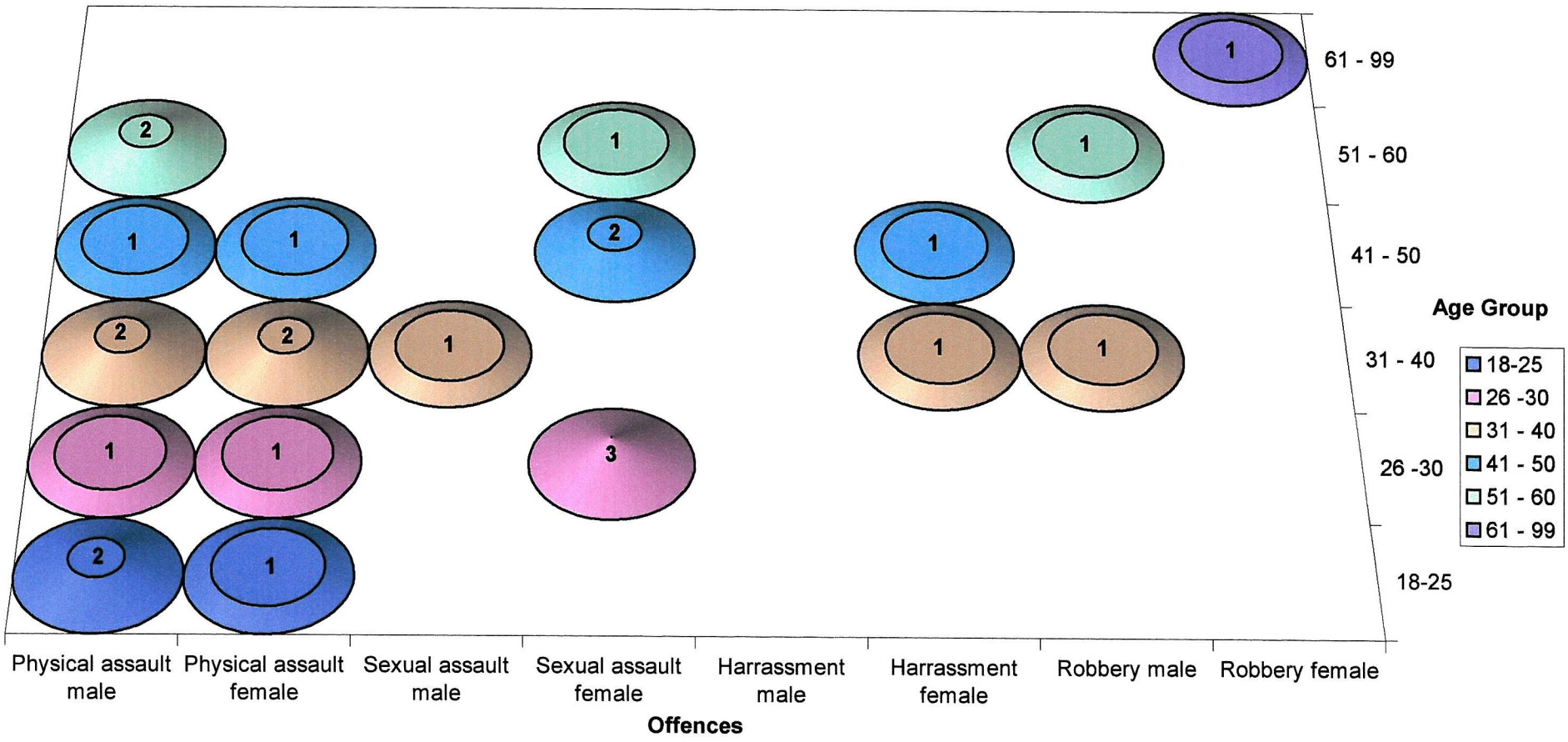
APPENDIX B Graph One - Total Questionnaires Sent 190



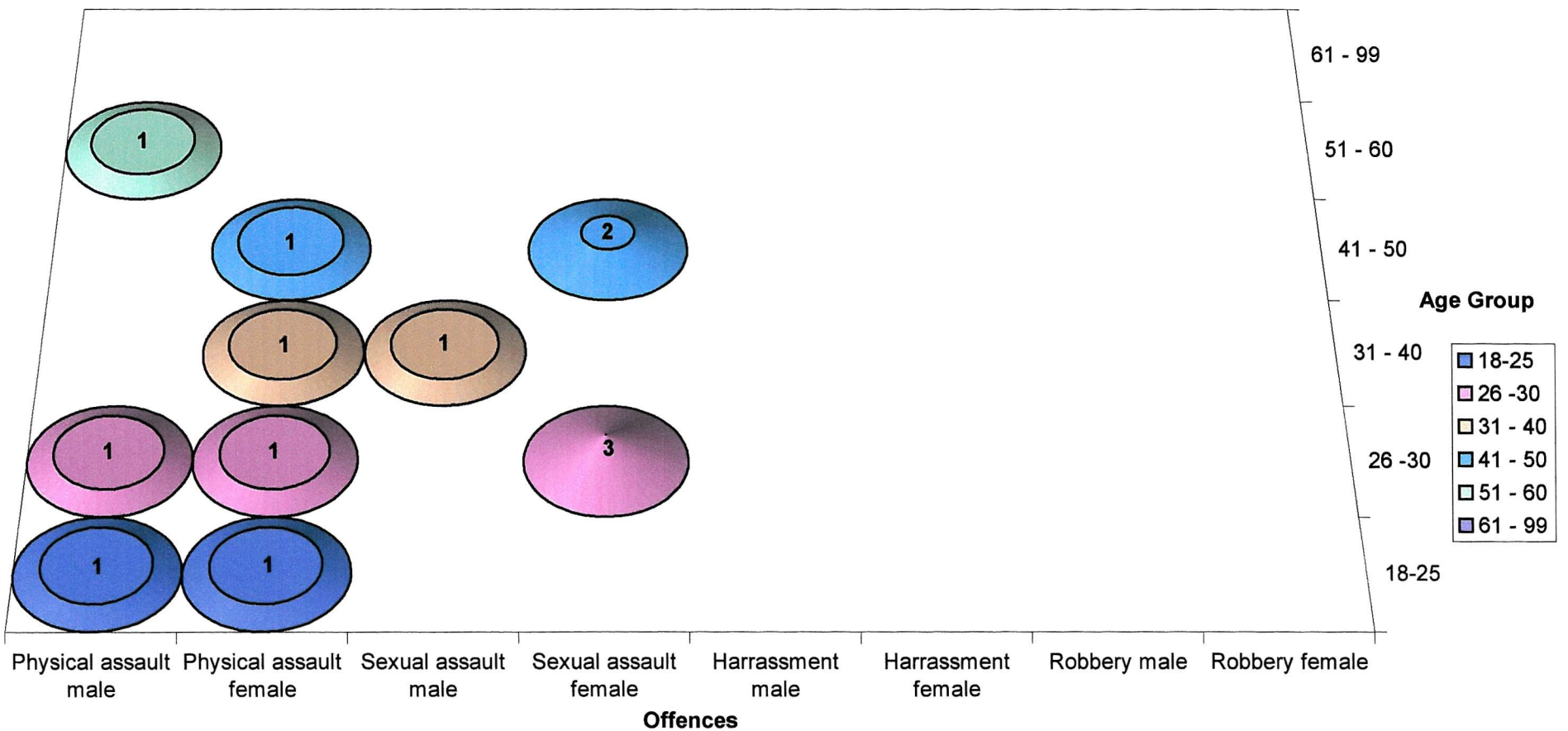
APPENDIX C Graph Two - Total Questionnaires Returned 43



APPENDIX D Graph Three - Total Respondents Interviewed 25



APPENDIX E Graph Four - Total Core Participants 13



	GENDER	AGE	OFFENCE	CHARGE	PLEA	COURT	SENTENCE	DATE R/PORT	DATE SENT'D	CICA COMP	ADVISED OF OUTCOME
P1	Female	18	Headbutted by unknown male in nightclub	1 Common Assault	Not Guilty	B'mth Magistrates	Case Dismissed	24/12/98	07/04/99	£1,000	Letter 02/06/99
P2	Female	42	Physical attack whilst in car	1 Common Assault 2 Criminal Damage	Guilty Not Guilty - (Changed Plea on day of trial)	B'mth Magistrates	18 mth Probation Order £75 Compensation Order for Common Assault £394.26 Compensation Order for C/D	17/01/99	26/04/99	£1,000	Comp Order 17/05/99
P3	Female	27	Physical assault by estranged husband	1 Common Assault	Not Guilty - (Changed Plea on day of trial)	B'mth Magistrates	25 weeks imprisonment	04/12/98	25/05/99	None	Letter 05/07/99
P4	Female	34	Physical attack by female	1 Common Assault 2 Criminal Damage	Guilty Guilty	Poole Magistrates	Compensation Order for Common Assault £50	30/12/98	19/02/99	None	Comp Order 19/02/99
P5	Male	20	Attacked by 3 unknown youths	1 Assault Occasioning Actual Bodily Harm	1 Youth - Not Guilty	Poole Youth Court	2 youths - 2mths Imprisonment YOI - Appeal Dismissed (14/05/99) 1 youth - Case Dismissed	30/01/99 30/01/99	14/04/99 21/04/99	£1,500	Tel 15/04/99 Tel 22/04/99
P6	Male	26	Physical attack by unknown male	1 Assault Occasioning GBH - reduced to lesser charge of Affray	Pleaded Guilty to lesser charge	B'mth Crown	Conditional Discharge	12/12/98	21/10/99	£4,100	Letter 15/11/99
P7	Male	57	Attacked by neighbour	1 Other Wounding	Not Guilty	B'mth Magistrates	Warrant Outstanding	12/12/98			Outcome unknown
P8	Female	50	Attacked in public toilet by unknown male	1 Attempted Rape 2 False Imprisonment 3 Robbery 4 Making Threat to Kill 5 Assault 6 Making Threat to Kill	Guilty Guilty Guilty Guilty Guilty Guilty	Winchester Crown	7 yrs Imprisonment concurrent 7 yrs Imprisonment concurrent 7 yrs Imprisonment concurrent 2 yrs Imprisonment concurrent 1 yr Imprisonment concurrent 3 yrs Imprisonment consecutive - 10 yrs in total	20/01/99	30/07/99	£4,000	Verbally Visit by CID 30/07/99
P9	Female	43	Indecently assaulted on pathway by unknown youth	1 Indecent Assault	Not Guilty	Dorchester Crown	18 mths Imprisonment YOI	24/12/98	20/01/00	£2,100	Verbally in street 23/01/00
P10	Female	26	Attacked in street by unknown youth	1 Indecent Assault	Guilty	B'mth Crown	2 yr Supervision Order	04/12/98	26/04/99	None	Letter 23/06/99 Victim moved
P11	Female	29	Sexually abused by family friend as a child	1 Rape 2 Rape 3 Indecent Assault	Not Guilty Not Guilty Not Guilty	Winchester Crown	6yrs Imprisonment concurrent 6yrs Imprisonment consecutive 2yrs Imprisonment concurrent - 12 yrs total SOA Registration - indefinite	16/07/98	06/12/99	£17,700	At Court for sentencing
P12	Female	29	Sexually abused by father as a child	1 Incest	Guilty	Winchester Crown	3 1/2 yrs Imprisonment	16/07/98	05/02/99	£17,500	Home visit by police officer 19/02/99
P13	Male	35	Sexually abused by family friend as a child	1 Gross Indecency 2 Buggery x 2	Not Guilty	Winchester Crown	No Verdict Unable to reach verdicts 12 yrs in total	12/11/98	06/12/99	£10,300	At Court for sentencing

BIBLIOGRAPHY

Acker, J., Barry, K. and Esseveld, J. (1991) 'Objectivity and Truth: Problems in Doing Research' in M. Fonow and J. Cook (eds) *Beyond Methodology: Feminist Scholarship as Lived Research,* Indianapolis: Indiana University Press.

ACPO/CPS (1992) *Manual of Guidance for the Preparation, Processing and Submission of Files,* London: Crown Prosecution Service.

ACPO/CPS (1997) *Manual of Guidance for the Preparation, Processing and Submission of Files,* London: Crown Prosecution Service.

ACPO (2002) *The Search for the Truth,* ACPO Media Initiative, London, 10th January, 2002.

Adler, Z. (1987) *Rape on Trial,* London: Routledge and Kegan Paul.

Amir, M. (1971) *Patterns of Forcible Rape,* Chicago: University of Chicago Press.

Area Criminal Justice Liaison Committee (May, 1998) *Protocol for Victims and Witnesses and Good Practice Checklist for Judiciary*, Southern Region.

Ashworth, A. (1983) *Sentencing and Penal Policy,* London: Weidenfeld and Nicholson.

Ashworth, A. (1986) 'Punishment and Compensation: Victims, Offenders and the State', *Oxford Journal of Legal Studies,* Vol.6, No.1, pp.86-122.

Ashworth, A. (1993a) 'Victim Impact Statements and Sentencing.' *Criminal Law Review:* pp.498-509.

Ashworth, A. (1993b) 'Plea, Venue and Discontinuance' *Criminal Law Review,* pp.830-39.

Ashworth, A. (1998) *The Criminal Process,* Oxford: Oxford University Press.

Ashworth, A (2000) 'Victims' Rights, Defendants' Rights and Criminal Procedure' in A. Crawford and J. Goodey (eds) *Integrating a Victim Perspective within Criminal Justice,* Aldershot: Ashgate.

Auld, Lord Justice. (2001) *Review of the Criminal Courts,* www.criminal-courts-review.org.uk.

Banks, S. (2001) *Ethics and Values in Social Work,* Basingstoke: Palgrave.

Bellamy, R. and Greenaway, J. (1995) 'The New Right conception of citizenship and the Citizen's Charter', *Government and Opposition*, 30, Autumn, 469-91.

Blumer, H. (1969) *Symbolic Interactionism: Perspective and Method,* Berkeley: University of California Press.

Bottoms, A.E. (1977) 'Reflections on the Renaissance of Dangerousness.' *Howard Journal,* Vol.16, pp.70-96.

Bottoms, A.E. (1983) 'Neglected features of the contemporary penal system' in D.Garland and and P.Ypong (eds), *The Power to Punish,* London: Heinemann.

Braithwaite, J. (2000) 'The New Regulatory State and the Transformation of Criminology' in D. Garland and R. Sparks (eds) *Criminology and Social Theory,* New York: Oxford University Press.

Brannen, J. (1988) 'The Study of Sensitive Subjects', *Sociological Review,* 36: 552-63.

Brannen. J.(1992) *Mixing Methods: Qualitative and Quantitative Research,* Aldershot: Avebury.

Brody, S.R. (1976) *The Effectiveness of Sentencing: A Review of the Literature,* Home Office Research Study 35. London: HMSO.

Brookfield, S. (1987) *Developing Critical Thinkers,* Milton Keynes: Open University Press.

Bulmer, M. (1984) *The Chicago School of Sociology.* Chicago: University of Chicago Press.

Bureau of Justice Statistics (1983) *Reports to the nation on crime and justice,* Washington DC: U.S. Dept. of Justice.

Burgess, R.G. (1982) *In the Field: an Introduction to Field Research,* London: Allen and Unwin.

Burnside, J. and Baker, N. (1994) *Relational Justice: Repairing the Breach,* Winchester: Waterside Press.

Button, M. (2002) *Private Policing,* Devon: Willan Publishing.

Cayley, D. (1998) *The Expanding Prison: The Crisis in Crime and Punishment and the Search for Alternatives,* Cleveland, OH: Pilgrim Press.

Chambers, G. and Miller, A. (1986) *Prosecuting Sexual Assault,* Edinburgh: Scottish Office Central Unit.

Christie, N. (1977) 'Conflicts as Property.' *British Journal of Criminology,* Vol.17, pp.1-15.

Christie, N. (1986) 'The Ideal Victim', in E. Fattah (ed) *From Crime Policy to Victim Policy,* London: Macmillan.

Clandinin, D.J. and Connelly, F.M. (1998) 'Personal Experience Methods' in N.K. Denzin and Y.S Lincoln (eds) *Collecting and Interpreting Qualitative Materials,* London: Sage Publications.

Cohen, L. and Felson, M. (1979) 'Social Change and Crime Rate Trends: a routine activity approach' *American Sociological Review,* Vol.44, pp.588-608.

Corbin, M. (1971) 'Appendix 3' in J.M. and R.E Pahl *Managers and their Wives,* London: Allen Lane.

Council of Europe. (1985) *Recommendation No. R (85)11 of the Committee of Ministers to member states on the position of the victim in the framework of criminal law and procedure.* Strasbourg, France: Council of Europe.

Crawford, A. and Enterkin, J. (1999) *Victim Contact Work and the Probation Service: A Study of Service Delivery and Impact,* Centre for Criminal Justice Studies: University of Leeds.

Crawford, A. and Enterkin, J. (2001) 'Victim Contact Work in the Probation Service: Paradigm Shift or Pandora's Box?' *British Journal of Criminology,* Vol.41, pp.707-725.

Cretney, A., Davis, G., Clarkson, C., and Shepherd, J. (1994) 'Criminalizing Assault: The Failure of the "Offence Against Society" Model' *British Journal of Criminology,* Vol. 34, No.1, pp.15-29.

Cretney, A. and Davis, G. (1997) 'Prosecuting Domestic Assault: Victims Failing Courts, or Courts Failing Victims?' *The Howard Journal,* Vol. 36, No.2, pp.146-157.

Criminal Justice System (26.02.01) www.criminal justice system.gov.uk

Crown Prosecution Service (13/1988) *The Role of the CPS concerning Witnesses and Victims of Crime and Relatives of Deceased Victims,* Policy and Information Division Circular.

Crown Prosecution Service (1993) '*Statement on the treatment of victims and witnesses by the Crown Prosecution Service'* London: HMSO.

Crown Prosecution Service (1994) *The Code for Crown Prosecutors,* London: HMSO.

Crown Prosecution Service (1995a) *Inform,* CPS Internal Magazine, 23rd June 1995: 2. London: Crown Prosecution Service.

Crown Prosecution Service (1995b) *CPS Policy for Prosecuting Cases of Domestic Violence,* London: Crown Prosecution Service.

Crown Prosecution Service (1996) *'Changes to Rules in Bar Code of Conduct Re. Contact with Witnesses'*, Guidance Letter to Chief Crown Prosecutors, 6th November 1996.

Crown Prosecution Service (1998) *Offences Against the Person Charging Standard, Agreed by the Police and the Crown Prosecution Service,* Prosecution Manual, London: Crown Prosecution Service.

Crown Prosecution Service (1999) *Report of the CPS Victims' Working Group,* London: Crown Prosecution Service.

Crown Prosecution Service (2000a) (4th Edition) *The Code for Crown Prosecutors,* London: HMSO.

Crown Prosecution Service (2000b) Letter from the Attorney General to the Chairman of the Bar Council, 14th August 2000.

Crown Prosecution Service (2001a) *Zero Tolerance for Domestic Violence,* www.cps.gov.uk Accessed 28.11.01.

Crown Prosecution Service (2001b) *Strategic Plan 2001-04: Business Plan 2001-02,* London: Crown Prosecution Service.

Crown Prosecution Service (2001c) *Policy for Prosecuting Cases of Domestic Violence,* London: Crown Prosecution Service.

Crown Prosecution Service (2001d) *CPS gets closer to the community.* http://tap.ccta.gov.uk/cps/infoup. Accessed 02.10.01.

Crown Prosecution Service (2001e) *CPS response to Home Office Consultation Paper – "A Review of the Victim's Charter",* Policy Directorate York.

Crown Prosecution Service Inspectorate (1998) *The Inspectorate's Report on Cases Involving Domestic Violence,* London: Crown Prosecution Service Inspectorate.

Cutrona, C. and Russell, D. (1990) 'Type of social support and specific stress: Toward a theory of optimal matching' in B.R. Sarason, I.G. Sarason and G.R. Pierce (eds) *Social Support: An Interactional View,* New York: John Wiley.

Denzin, N.K. (1970) *The Research Act,* Chicago: Aldine.

Denzin, N.K (1998) 'The Art and Politics of Interpretation' in N.K. Denzin and Y.S Lincoln (eds) *Collecting and Interpreting Qualitative Materials,* London: Sage Publications.

Denzin, N.K. and Lincoln, Y.S. (1998) (eds) *Collecting and Interpreting Qualitative Materials,* London: Sage Publications.

Dobash, R. and Dobash, R.E. (1980) *Violence Against Wives,* Shepton Mallet: Open Books.

Driver, S. and Martell, L (1997) 'New Labour's communitarianisms', *Critical Social Policy*, 17, 27-46.

Duff, P. (1998) 'The Measure of Criminal Injuries Compensation: Political Pragmatism or Dog's Dinner?' *Oxford Journal of Legal Studies*, 18, 1: 105-142.

Edwards, I. (2001) 'Victim Participation in Sentencing: The Problems of Incoherence' *Howard Journal of Criminal Justice*, 40, 1: 39-54.

Elias, R. (1986) *The Politics of Victimisation,* Oxford: Oxford University Press.

Elias, R. (1993) *Victims Still: The Political Manipulation of Crime Victims,* Newbury Park: Sage.

Ellison, N. (2000) 'Proactive and Defensive Engagement: Social Citizenship in a Changing Public Sphere' *Sociological Research Online,* Vol. 5, No. 3, http://www.socresonline.org.uk/5/3/ellison.html (accessed 13.06.01).

Erez, E. (1999) 'Who's afraid of the big bad victim? Victim impact statements as victim empowerment *and* enhancement of justice', *Criminal Law Review,* 545-76.

Erez, E. and Rogers, L. (1999) 'Victim Impact Statements and Sentencing Outcomes and Processes: The Perspectives of Legal Professionals' *British Journal of Criminology,* Vol. 39, No.2, pp.216-239.

Erlandson, D.A., Harris, E.L, Skipper, B.L and Allen, S.D. (1993) *Doing Naturalistic Inquiry: A Guide to Methods,* London: Sage.

Fattah, E.A (1986) (ed) *From Crime Policy to Victim Policy,* London: Macmillan.

Fattah, E.A (1992) *Towards a Critical Victimology,* London: Macmillan.

Fattah, E.A (1997) 'Toward a Victim Policy Aimed at Healing, Not Suffering' in R.C. Davis, A.J. Lurigio and W.G. Skogan (eds) *Victims of Crime,* London: Sage Publications.

Fattah, E.A (2000) 'Victimology: Past, Present and Future', *Criminologie,* Vol.33, No.1, pp.17-46, International Victimology Website (13.06.01).

Feeley, M. and Simon, J. (1992) 'The New Penology: Notes on the Emerging Strategy of Corrections and its Implications', *Criminology,* Vol.30/4, pp.449-74.

Fenwick, H. (1995) 'Rights of Victims in the Criminal Justice System: Rhetoric or Reality?' *Criminal Law Review* pp.843-53.

Fenwick, H. (1997a) 'Procedural "Rights" of Victims of Crime: Public or Private Ordering of the Criminal Justice Process?' *The Modern Law Review,* Vol.60, No.3, pp.317-333.

Fenwick, H. (1997b) 'Charge Bargaining and Sentence Discount: The Victim's Perspective' *International Review of Victimology,* Vol. 5, No.1, pp.23-36.

Finkelhor, D. (1997)'The Victimization of Children and Youth: Developmental Victimiology' in R.C. Davis, A.J. Lurigio and W.G. Skogan (eds.) *Victims of Crime,* London: Sage.

Firth, A. (1975) 'Interrogation', *Police Review,* 28 November, p.1507.

Foddy, W. (1993) *Constructing Questions for Interviews and Questionnaires,* London: Sage.

Form, W.H. (1973) 'Field Problems in Comparative Research: the Politics of Distrust' in M. Armer and A.D. Grimshaw (eds), *Comparative Social Research: Methodological Problems and Strategies,* New York: Wiley.

Fraser, P. (1999) 'Interview with Helen Reeves' *Criminal Justice Matters,* No.35, pp.7-9.

Friedrichs, D. (1983) 'Victimology: a consideration of the radical critique' *Crime and Delinquency,* Vol.29, pp.283-93.

Fry, M. (1951) *Arms of the Law,* London: Victor Golancz.

Fry, M. (1959) 'Justice for Victims', *Journal of Public Law,* 8, pp.191-94.

Garland, D. (1996) 'The Limits of the Sovereign State: Strategies of Crime Control in Contemporary Society', *British Journal of Criminology,* Vol.36, No.1, pp.445-71.

Garland, D. (2000) 'The Culture of High Crime Societies', *British Journal of Criminology,* Vol. 40, pp.347-375.

Gelsthorpe, L. (1994) 'Feminist Methodologies in Criminology: a New Approach or Old Wine in New Bottles?' in L. Gelsthorpe and A. Morris (eds) *Feminist Perspectives in Criminology,* Milton Keynes: Open University Press.

Glassner, B. and Loughlin, J. (1987) *Drugs in Adolescent Worlds: Burnouts to Straights,* New York: St Martin's Press.

Glidewell, I. (1998) *The Review of the Crown Prosecution Service: A Report* (Cmnd. 3960), London: HMSO.

Gottfredson, M. (1981) 'On the Etiology of Criminal Victimisation', *Journal of Criminal Law and Criminology,* Vol.72, No.2, pp.714-726.

Greenberg, M.S. and Ruback, R.B. (1992) 'After the Crime: Victim Decision Making', *Perspectives in Law and Psychology,* 9. New York: Plenum Press.

Grimshaw, R. (1989) 'Booktalk: policing', *Network,* (BSA Newsletter) January: pp.13-14.

Halliday (2001) *Review of Sentencing,* www.homeoffice.gov.uk/cpg/halliday.htm.

Harris, J and Grace, S. (1999) *A Question of Evidence? Investigating and Prosecuting Rape in the 1990s,* Home Office Research Study 196, London: HMSO.

Heater, D. (1990) *Citizenship: The Civic Ideal in World History, Politics and Education,* London: Longman.

Held, D. (1989) *Political Theory and the Modern State*, Cambridge: Polity.

Henderson, L.N. (1992) 'The wrongs of victim's rights' In E.A. Fattah (ed) *Towards a Critical Victimology,* London: Macmillan.

Heron, J. (1996) *Co-Operative Inquiry: Research into the Human Condition,* London: Sage.

Hindelang, M.J., Gottfredson, M.R. and Garofalo, J. (1978) *Victims of Personal Crime: an empirical foundation for a theory of personal victimisation,* Cambridge, Mass: Ballinger.

Hinton, M. (1996) 'Guarding against victim-authored victim impact statements', *Criminal Law Journal,* Vol.20, pp.310-20.

HMCPSI (2002) *A Report on the Joint Inspection into the Investigation and Prosecution of Cases involving Allegations of Rape,* London: HM Crown Prosecution Service Inspectorate.

Holstein, J.A. and Gubrium, J.F. (1997) 'Active Interviewing' in D. Silverman (ed) *Qualitative Research: Theory, Method and Practice,* London: Sage.

Holtom, C. and Raynor, P. (1988) 'Origins of Victim Support: Philosophy and Practice' in M. Maguire and J. Pointing (eds) *Victims of Crime: A New Deal?* Milton Keynes: Open University Press.

Home Affairs Committee (1984) *Compensation and Support for Victims of Crime* (chairman Sir Edward Gardner). HC43. London: HMSO.

Home Office (1961) *Compensation for Victims of Crimes of Violence,* Cmnd 1406, London: HMSO.

Home Office (1988) *Victims of Crime* (Circular Instruction 20/1988) London: Home Office.

Home Office (1990a) *Victim's Charter: A Statement of the Rights of Victims.* London: HMSO.

Home Office (1990b) *Domestic Violence* (Circular Instruction 60/1990), London: Home Office.

Home Office (1990c) *Crime, Justice and Protecting the Public,* White Paper, London: HMSO.

Home Office (1990d) *Supervision and Punishment in the Community,* Green Paper, London: HMSO.

Home Office (1994a) *Victims of Crime,* London: HMSO.

Home Office (1994b) *The Cautioning of Offenders* (Circular Instruction 18/1994), London: Home Office.

Home Office (1995) *Administrative Burdens on the Police in the Context of the Criminal Justice System,* Efficiency Scrutiny, London: Home Office.

Home Office (1996) *Victim's Charter: A Statement of Service Standards for Victims of Crime.* London: HMSO.

Home Office (1997) *Witness in Court,* London: HMSO.

Home Office (1998a) *Speaking Up for Justice,* London: HMSO.

Home Office (1998b) *Crime and Disorder Act: Introductory Guide,* London: HMSO.

Home Office (1998c) *Keeping Victims Informed of Developments in their Case,* (Circular Instruction 55/1998).

Home Office (1999) *Criminal Justice System Strategic Plan 1999-2002,* London: Home Office.

Home Office (2000a) *Living Without Fear: Multi-Agency Guidance for Addressing Domestic Violence,* London: Home Office.

Home Office (2000b) *Domestic Violence: Revised Circular to the Police* (Circular Instruction 19/2000), London: Home Office.

Home Office (2000c) 'Home Secretary announces national victims statements' Home Office Press Release (147/2000) http://wood.ccta.gov.uk/homeoffice (accessed .08.06.00).

Home Office (2000d) *The Victim Perspective: Ensuring the Victim Matters,* Thematic Inspection Report, HM Inspectorate of Probation. London: Home Office.

Home Office (2001a) *A New Choreography*, London: National Probation Service for England and Wales and the Home Office Communication Directorate.

Home Office (2001b) *Victim Contact Work – National Monitoring Arrangements*, (Circular 61/2001), London: National Probation Directorate, Home Office.

Home Office (2001c) *The Victim Personal Statement Scheme: Guidance note for practitioners or those operating the scheme.* London: HMSO.

Home Office (2001d) *Catching Up with Crime and Sentencing*, London: Home Office.

Home Office (2002a) 'Review of the Victim's Charter: Summary of the Responses' www.homeoffice.gov.uk/cpd/pvu/vcreviewintro.htm (accessed 18.01.02).

Home Office (2002b) 'Balance of Rights Essential to Effective Justice' Home Office Press Release (163/2002) www.homeoffice.gov.uk (accessed 20.06.02).

Home Office, Lord Chancellor's Department and the Attorney-General (2001) *A Review of the Victim's Charter,* London: Home Office.

Hood, C. (1991) 'A Public Management for All Seasons?' *Public Administration,* 69 (1), 3-19.

Hough, J.M and Mayhew, P. (1983) *The British Crime Survey: First Report.* Home Office Research Study 76. London: Home Office.

Hough, M. and Roberts, J. (1998) *'Attitudes to Punishment: Findings from the British Crime Survey'*, Home Office Research Study No. 179. London: Home Office.

Hoyle, C., Cape, E., Morgan, R. and Sanders, A. (1998) *Evaluation of the 'One Stop Shop' and Victim Statement Pilot Projects,* University of Bristol: Department of Law.

Huberman, A.M. and Miles, M.B. (1998) 'Data Management and Analysis Methods' in N.K. Denzin and Y.S Lincoln (eds) *Collecting and Interpreting Qualitative Materials,* London: Sage Publications.

Hudson, A. (1994) '"Elusive subjects": Researching Young Women in Trouble' in L. Gelsthorpe and A. Morris (eds) *Feminist Perspectives in Criminology,* Milton Keynes: Open University Press.

Hurd, D. (1988) 'Citizenship in the Tory Democracy', *New Statesman,* 29th April 1988.

Institute of Public Policy Research (2001) *Reluctant Witness,* London: Institute of Public Policy Research.

Jackson, S. and Nixon, P. (1999) 'Family Group Conferences: A Challenge to the Old Order? in L. Dominelli (ed) *Community Approaches to Child Welfare: International Perspectives,* Aldershot: Ashgate.

James, A. and Raine, J. (1998) *The New Politics of Criminal Justice,* London: Longman.

Janoff-Bulman, R. (1985a) 'The aftermath of victimization: Rebuilding shattered assumptions', in C. Figley (ed) *Trauma and its wake: The study and treatment of post-traumatic stress disorder.* New York: Bruner/Mazel.

Janoff-Bulman, R. (1985b) 'Criminal versus Non-Criminal Victimisation: Victims' Reactions', *Victimology: An International Journal,* Vol.10, No.4, pp.498-511.

Janoff-Bulman, R. and Frieze, I. (1983) 'A theoretical perspective for understanding reactions to victimization.' *Journal of Social Issues,* 39, pp.1-17.

Jefferson, T. and Shapland, J. (1990) 'Criminal justice and the production of order and control: trends since 1980 in the UK', paper presented to GERN Seminar on the Production of Order and Control, Paris: CESDIP.

Jefferson, T. and Shapland, J. (1994) 'Criminal Justice and the Production of Order and Control: Criminological Research in the UK in the 1980s', *British Journal of Criminology*, Vol.34, No.3, pp.265-290.

Johnson, J.M. (1975) *Doing Field Research,* New York: Free Press.

Johnston, P. (1995) 'The Victim's Charter and the Release of Long-Term Prisoners', *Probation Journal,* Vol.42, No.1, pp.8-12.

Johnstone, G. (2002) *Restorative Justice: Ideas, Values, Debates,* Willan Publishing.

Jones, T., MacLean, B. and Young, J. (1986) *The Islington Crime Survey,* Aldershot: Gower.

Joutsen, M (1987) *The Role of the Victim of Crime in European Criminal Justice Systems,* Helsinki: HEUNI.

JUSTICE (1998) *Victims in Criminal Justice,* Justice: London.

Karmen, A. (1990) *Crime victims: An introduction to victimology,* Monterey, CA: Brooks/Cole.

Kelly, D.P. (1990) 'Victim Participation in the Criminal Justice Systems' In R.C. Davis, A.J. Lurigio and W.G. Skogan (eds) *Victims of Crime: Problems, policies and programs* Newbury Park, CA: Sage.

Kelly, D.P. and Erez, E. (1997) 'Victim Participation in the Criminal Justice System' In R.C. Davis, A.J. Lurigio and W.G. Skogan (eds) (2nd Edition) *Victims of Crime,* Newbury Park, CA: Sage.

Kershaw, C., Chivite-Matthews, N., Thomas, C. and Aust, R. (2001) *The 2001 British Crime Survey,* Home Office Statistical Bulletin, 18/01. London: Home Office.

King, D.S (1987) *The New Right, Politics, Markets and Citizenship,* Basingstoke: Macmillan.

Laslett, B. and Rapoport, R. (1975) 'Collaborative interviewing and interactive research', *Journal of Marriage and the Family,* 37: 968-77.

Lee, R.M. (1995) *Doing Research on Sensitive Topics,* London: Sage.

Lees, S. (1997) *Ruling Passions: Sexual Violence, Reputation and the Law,* Milton Keynes: Open University Press.

Lincoln, Y. (26th October 2000) *Qualitative Research International Conference,* University of Bournemouth.

Lister, R. (1990) *The Exclusive Society: Citizenship and the Poor.* London: CPAG.

Lister, R. (1997) *Citizenship: Feminist Perspectives,* London: Macmillan Press Ltd.

Loader, I. (1996) *Youth, Policing and Democracy,* London: Macmillan.

Long, K. (1995) 'Community input at sentencing: victim's rights or victim's revenge?', *Boston University Law Review,* Vol. 75, pp.187-229.

Lurigio, A.J. (1987) 'Are all victims alike? The adverse, generalised, and differential impact of crime', *Crime and Delinquency,* Vol.33, No.4, pp.452-67.

MacKinnon, C. (1989) *Towards a Feminist Theory of the State,* Cambridge, MA: Harvard University Press.

Maguire, M (1980) 'The Impact of Burglary Upon Victims' *British Journal of Criminology,* Vol. 20, No.3, pp.261-275.

Maguire, M. (1991) 'The Needs and Rights of Victims of Crime' in M.Tonry (ed) *Crime and Justice: A Review of the Research,* Vol.14, pp. 363-433. Chicago.

Maguire, M. and Bennett, T. (1982) *Burglary in a Dwelling.* London: Heinemann.

Maguire, M. and Corbett, C. (1987) *The Effects of Crime and the Work of Victim Support Schemes.* Aldershot: Gower.

Maguire, M. and Kynch, J. (2000) *Victim Support: Findings from the 1998 British Crime Survey,* Research Findings No.117, London: Home Office Research, Development and Statistics Directorate.

Maguire, M. and Shapland, J. (1997) 'Provision for Victims in an International Context' in R.C. Davis, A.J. Lurigio and W.G. Skogan (eds) *Victims of Crime,* London: Sage.

Marshall, T.H. (1950) *Citizenship and Social Class,* Cambridge: Cambridge University Press.

Marshall, T.H (1975) *Social Policy in the Twentieth Century, 4th ed.* London: Hutchinson.

Matthews, R. and Young, J. (1992) (eds) *Issues in Realist Criminology,* London: Sage.

Mattinson, J. and Mirrlees-Black, C. (2000) *Attitudes to Crime and Criminal Justice: Findings from the 1998 British Crime Survey.* Home Office Research, Development and Statistics Directorate, Home Office Research Study 200, London: Home Office.

Mawby, R.I (1988) 'Victims' needs or victims' rights: alternative approaches to policy-making' in M. Maguire and J. Pointing (eds) *Victims of Crime: A New Deal?* Milton Keynes: Open University Press.

Mawby, R.I. and Gill, M. (1987) *Crime Victims: Needs, Services and the Voluntary Sector,* London: Tavistock.

Mawby, R.I. and Walklate, S. (1994) *Critical Victimology,* London: Sage.

May, T. (1997) *Social Research: Issues, Methods and Process,* Milton Keynes: Open University Press.

Mayhew, P. and Hough, M. (1988) 'The British Crime Survey: origins and impact' in M. Maguire and J. Pointing (eds) *Victims of Crime: A New Deal?* Milton Keynes: Open University Press.

McCracken, G. (1988) *The Long Interview,* California: Sage.

Mendelsohn, B. (1956) 'Une nouvelle branche de la science bio-psycho-sociale: victimologie' *Revue Internationale de Criminologie et de Police Technique,* pp.10-31.

Mezey, G.C. and King, M.B. (2000) (eds) *Male Victims of Sexual Assault*, Oxford: Oxford University Press.

Miers, D. (1980) 'Victim Compensation as a Labelling Process', *Victimology,* Vol.5, pp.3-16.

Miers, D. (1989) 'Positivist Victimology: A Critique', *International Review of Victimology,* No.1, pp.3-22 and 219-30.

Miers, D. (1990) 'Compensation and Conceptions of Victims of Crime', *Victimology,* Vol.8, pp.204-12.

Miers, D. (2000) 'Taking the Law into their Own Hands: Victims as Offenders' in A. Crawford and J. Goodey (eds) *Integrating a Victim Perspective within Criminal Justice,* Aldershot: Ashgate.

Miers, D., Maguire, M., Goldie, S., Sharpe, K., Hale, C., Netten, A., Uglow, S., Doolin, K., Hallim, A., Enterkin, J. and Newburn, T. (2001) *An Exploratory Evaluation of Restorative Justice Schemes*, London: Home Office.

Miller, J. and Glassner, B. (1997) 'The "Inside" and the "Outside": Finding Realities in Interviews' in D. Silverman (ed.) *Qualitative Research: Theory, Method and Practice,* London: Sage.

Mirrlees-Black, C. (2001) *Confidence in the Criminal Justice System: Findings from the 2000 British Crime Survey.* Home Office Research, Development and Statistics Directorate, Research Findings 137. London: Home Office.

Morgan, R. and Sanders, A. (1999) *The Uses of Victim Statements* (a report for the Home Office Research Development and Statistics Directorate), Bristol: Department of Law, University of Bristol.

Morris, A. (1987) *Women, Crime and Criminal Justice,* Oxford: Blackwell.

Mullender, A. (1996) *Rethinking Domestic Violence: the Social Work and Probation Response.* London: Routledge.

Narey (1997) *Review of Delay in Criminal Justice System,* www.homeoffice.gov.uk/cpd/pvu/crimerev.htm

Newburn, T. and Merry, S. (1990) *Keeping in Touch – Police-Victim Communication in Areas,* Home Office Research Study 116, London: HMSO.

Newburn, T. and Stanko,E. (1994) 'When men are victims: The failure of victimology' in T. Newburn and E. Stanko (eds) *Men, Masculinities and Crime: Just Boys Doing Business?* London: Routledge.

Norris, F.H., Kaniasty, K., and Thompson, M.P. (1997) 'The Psychological Consequences of Crime: Findings From a Longitudinal Population-Based Study' in R.C. Davis, A.J. Lurigio and W.G. Skogan (eds.) *Victims of Crime,* London: Sage.

Oakley, A. (1981) 'Interviewing Women: A Contradiction in Terms' in H. Roberts (ed.) *Doing Feminist Research,* London: Routledge and Kegan Paul.

Oakley, A. (2000) *Experiments in Knowing: Gender and Method in the Social Sciences,* Cambridge: Polity Press.

Olesen, V. (1998) 'Feminisms and Models of Qualitative Research' in N. Denzin and Y. Lincoln (eds) *The Landscape of Qualitative Research: Theories and Issues,* London: Sage.

Parole Board (2001) *Release Directions,* www.paroleboard.gov.uk/release.htm. Accessed 14.03.01.

Parole Board (2003) *Determinate Sentencing,* Personal email correspondence with Terry McCarthy, 19.02.03.

Pease, K. (2002) 'Crime Reduction' in M. Maguire, R. Morgan and R. Reiner (eds) *The Oxford Handbook of Criminology*, (3rd ed) Oxford: Oxford University Press.

Phipps, A. (1988) 'Ideologies, Political Parties and Victims of Crime' in M. Maguire and J. Pointing (eds) *Victims of Crime: A New Deal?* Milton Keynes: Open University Press.

Plant, R. (1988) *Citizenship, Rights and Socialism,* London: Fabian Society.

Pointing, J. and Maguire, M. (1988) 'Introduction: the rediscovery of the crime victim', in M. Maguire and J. Pointing (eds) *Victims of Crime: A New Deal?* Milton Keynes: Open University Press.

Pollard, C. (2000) 'Victims and the Criminal Justice System: A New Vision' *Criminal Law Review*: pp.5-17

Priestly, P. and McGuire, J. (1995) 'Reviewing "What Works": Past, Present and Future,' in J. McGuire (ed) *What Works: Reducing Offending – Guidelines from Research and Practice,* John Wiley & Sons Ltd.

President's Task Force on Victims of Crime (1982) *Final Report,* Washington, DC: Government Printing Office.

Punch, K. (1998) *Introduction to social research: quantitative and qualitative approaches,* London: Sage.

Raine, J.W. and Smith, R.E. (1991) *The Victim /Witness in Court Project: Report of the Research Programme,* University of Birmingham.

Rapoport, R. and Rapoport, R. (1976) *Dual Career Families Re-examined,* London: Martin Robertson.

Reason, P. and Rowan. J. (1995) (eds) *Human Inquiry,* New York: John Wiley & Sons.

Reeves, H. and Mulley, K. (2000) 'The New Status of Victims in the UK: Opportunities and Threats' in A. Crawford and J. Goodey (eds) *Integrating a Victim Perspective within Criminal Justice,* Aldershot: Ashgate.

Reeves, H. and Wright, M. (1995) 'Victims: towards a reorientation of justice' in D. Ward and M. Lacey (eds) *Probation: Working for Justice,* Whiting and Birch.

Reinharz, S (1992) *Feminist Research Methods in Social Research,* Oxford University Press.

Richards, T. and Richards, L. (1998) 'Using Computers in Qualitative Research' in N.K. Denzin and Y.S.Lincoln (eds) *Collecting and Interpreting Qualitative Materials,* London: Sage.

Riding, A. (1999) 'The Crown Court Witness Service: Little Help in the Witness Box', *Howard Journal of Criminal Justice*, 38, no. 4: 411-20.

Rock, P. (1990) *Helping Victims of Crime: The Home Office and the Rise of Victim Support in England and Wales,* Oxford: Clarendon.

Rock, P. (1994) *Victimology,* Aldershot: Dartmouth.

Rock, P. (1998) 'Murderers, Victims and Survivors', *British Journal of Criminology,* Vol.38, No.2, pp.185-200.

Rock, P. (1999) 'Acknowledging Victims Needs and Rights' *Criminal Justice Matters,* No.35, pp.4-5.

Rose, N. (1996) 'The Death of the Social? Re-figuring the territory of government', *Economy and Society,* Vol.25, No.3, pp.327-356.

Rose, N. (2000) 'Government and Control' in D. Garland and R. Sparks (eds) *Criminology and Social Theory,* New York: Oxford University Press.

Ryan, M. (1994) *The Children Act 1989: Putting it into Practice*, Aldershot: Ashgate Publishing Limited.

Sanders, A. (1994) 'From Suspect to Trial' in M. Maguire, R. Morgan and R. Reiner eds) *The Oxford Handbook of Criminology,* Oxford: Clarendon Press.

Sanders, A. and Young, J. (1994) *Criminal Justice,* London: Butterworths.

Shapland, J. (1988) 'Fiefs and Peasants: Accomplishing Change for Victims in the Criminal Justice System', in M. Maguire and J. Pointing (eds) *Victims of Crime: A New Deal?* Milton Keynes: Open University Press.

Shapland, J. (2000) 'Victims and Criminal Justice: Creating Responsible Criminal Justice Agencies' in A. Crawford and J. Goodey (eds) *Integrating a Victim Perspective within Criminal Justice,* Aldershot: Ashgate.

Shapland, J. and Cohen, D. (1987) 'Facilities for victims: The role of the police and the courts.' *Criminal Law Review,* pp.28-38.

Shapland, J., Willmore, J. and Duff, P. (1985) *Victims in the Criminal Justice System,* Aldershot: Gower.

Sheurich, J.J. (1997) *Research Method in the Postmodern,* Falmer Press.

Silver, R., Boon, C. and Stones, M. (1983) 'Searching for Meaning in Misfortune: Making Sense of Incest' *Journal of Social Issues*,.39, no.2: 81-102.

Silverman, D. (1993) *Interpreting Qualitative Data: Methods for Analysing Talk, Text and Interaction,* London: Sage.

Sjoberg, G. and Nett, R. (1968) *A Methodology for Social Research,* New York: Harper and Row.

Smith, B.L. (1985) 'Trends in the Victims Rights Movement and Implications for Future Research' *Victimology,* Vol.10, pp. 34-43.

Spalek, B. (1999) *Victims, Victimology and Criminal Justice,* Portsmouth: Institute of Criminal Justice Studies.

Sparks, R., Genn, H. and Dodd, D. (1977) *Surveying Victims,* Chichester: Wiley.

Spicker, P. (1988) *Principles of Social Welfare,* London: Routledge.

Spradley, J.P. (1979) *The Ethnographic Interview,* New York: Holt, Rinehart and Winstone.

Stanko, E. (1985) *Intimate Intrusions: women's experience of male violence,* London: Virago.

Stanko, E. (1988) 'Fear of crime and the myth of the safe home: a feminist critique of criminology' in K. Yllo and M. Bograd (eds) *Feminist Perspectives on Wife Abuse,* London: Sage.

Stanko, E. (1993) 'Ordinary fear: women, violence and personal safety' in P. Bart and E. Moran (eds) *Violence Against Women: the bloody footprints,* London: Sage.

Stanko, E. (2001) *The Problem of Victims of Violence: The unhappy fit of statute to context,* Paper given at the 'Crime and Punishment' conference, London School of Economics, 19.09.01.

Stewart, J. and Walsh, K. (1992) 'Change in the Management of Public Services, *Public Administration,* 70 (4), 499-518.

Strauss, A. and Corbin, J. (1998) 'Grounded Theory Methodology: An Overview' in N. Denzin and Y. Lincoln (eds) *Strategies of Qualitative Inquiry,* London: Sage.

Straw, J. (2001) *Criminal Justice – The Way Ahead,* Command Paper, Statement to the House on 26.02.01, Home Office website www.homeoffice.gov.uk/dob/spt.htm.

Tapley, J. (2000) *An Evaluation of Probation Victim Contact Work,* Unpublished Paper.

Taylor, M. (1999) 'Family Group Conferences: A Co-ordinator's Perspective' in L. Dominelli (ed) *Community Approaches to Child Welfare: International Perspectives,* Aldershot: Ashgate.

Taylor, I., Walton, P. and Young, J. (1973) *The New Criminology,* London: Routledge and Kegan Paul.

Temkin, J. (1987) *Rape and the Legal Process,* London: Sweet and Maxwell.

Temkin, J. (1997) 'Plus ca Change: Reporting Rape in the 1990s' *British Journal of Criminology,* Vol. 37, No.4, pp.507-28.

Temkin, J. (1999) 'Reporting Rape in London: A Qualitative Study' *The Howard Journal,* Vol. 38, No.1, pp. 17-41.

The Court Service (1995) *Charter for Court Users,* London: HMSO.

The Guardian (2000) 'Tide of violence in the home' London: The Guardian, 26.10.00: 6)

The Guardian (2001) 'Straw raises crime victims' cash sums' London: The Guardian, 20.02.01: 6.

The Independent (1997) 'Rape victim trial ordeal angers judge' London: The Independent, 06.12.97: 3.

The Independent (1998) 'Jail terms to be clarified in open court' London: The Independent, 22.01.98: 6.

The Independent (2000) 'Violent husbands face new courts' London: The Independent, 29.10.00: 12).

The Times (1998a) 'Too tied in red tape to prosecute' London: The Times, 02.06.98: 4.

The Times (1998b) 'Victims to be spared rape questioning' London: The Times, 06.03.98: 1.

Trials Issues Group (1999) *TIG Update Special Edition,* The Trials Issues Group Newsletter, Issue 12 May 1999.

Tuck, M (1991) 'Community and the Criminal Justice System', *Policy Studies,* 12, pp.22-29.

United Nations (1985) *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.* New York: UN Department of Public Information.

United Nations (1999) *Handbook on Justice for Victims,* New York: United Nations Office for Drug Control and Crime Prevention, Centre for International Crime Prevention.

van Dijk, J. (1988) 'Ideological trends within the victims movement: an international perspective', in M. Maguire and J. Pointing (eds) *Victims of Crime: A New Deal?* Milton Keynes: Open University Press.

Vennard, J. (1976) 'Justice and recompense for victims of crime', *New Society,* 19 February: 379-81.

Victim Support (1988) *The Victim in Court: Report of a Working Party convened by the National Association of Victim Support Schemes,* Chair: Lady Ralphs, London: Victim Support.

Victim Support (1991) *Response to the Royal Commission on Criminal Justice,* London: Victim Support.

Victim Support (1995) *The Rights of Victims of Crime.* London: Victim Support.

Victim Support (1997) *Going to Court,* London: Victim Support.

Victim Support (2001) *Manifesto 2001,* London: Victim Support.

Victim Support (2002a) http://www.victimsupport.com/witness.htm, (accessed 21.01.02).

Victim Support (2002b) *Criminal neglect: no justice beyond criminal justice*, http://natiasso03.uuhost.uk.uu.net/neglect/criminal-neglect.htm (accessed 20.06.02).

von Hentig, H. (1948) *The Criminal and His Victim,* New Haven: Yale University Press.

von Hirsch, A. (1976) *Doing Justice: The Choice of Punishment,* New York: Hill and Wang.

Walker, S. (1985) *Sense and Nonsense About Crime: A Policy Guide,* Monterey, CA: Brooks/Cole.

Walklate, S. (1989) *Victimology: The Victim and the Criminal Justice Process.* London: Unwin Hyman Ltd.

Walklate, S. (1992) 'Appreciating the victim: conventional, realist or critical victimology?', in R. Matthews and J. Young (eds) *Issues in Realist Criminology,* London: Sage.

Walklate, S. (2001) *Gender, Crime and Criminal Justice,* Devon: Willan Publishing.

Wertham, F. (1949) *The Show of Violence,* New York: Doubleday.

Williams, B. (1999a) 'The Victim's Charter: Citizens as Consumers of Criminal Justice Services', *The Howard Journal,* Vol.38, No.4, pp. 384-396.

Williams, B. (1999b) *Working with Victims of Crime: Policies, Politics and Practice.* London: Jessica Kingsley Publishers.

Wiseman, J. (1990) 'The Research Web' in J. Bynner and K.M. Stribley (eds) *Social Research: Principles and Procedures,* New York: Longman, in association with The Open University Press.

Wolfgang, M.E. (1958) *Patterns in Criminal Homicide,* Philadelphia, Pa.: University of Pennsylvania Press.

Women's National Commission (1985) *Violence Against Women: Report of an Ad-Hoc Working Group,* London: Women's National Commission.

Wright, M. (1996) *Justice for Victims and Offenders – A Restorative Response to Crime.* Winchester: Waterside Press.

Wright, M. (1999) *Restoring Respect for Justice: A Symposium*, Winchester: Waterside Press.

Young, J. (1994) 'Incessant Chatter: recent paradigms in criminology' in M. Maguire, R. Morgan and R. Reiner (eds), *The Oxford Handbook of Criminology,* Oxford: Clarendon Press.

Young, M.A. (1997) 'Victim Rights and Services: A Modern Saga' in R.C. Davis, A.J. Lurigio and W.G. Skogan (eds) *Victims of Crime,* London: Sage.

Zedner, L. (1994) 'Victims', in M. Maguire, R. Morgan and R. Reiner (eds), *The Oxford Handbook of Criminology,* Oxford: Clarendon Press.

Zedner, L. (2002) (3rd Ed) 'Victims', in M. Maguire, R. Morgan and R. Reiner (eds), *The Oxford Handbook of Criminology,* Oxford: Oxford University Press.

Zehr, H. (1990) *Changing Lenses: A New Focus for Crime and Justice,* Scottdale, PA: Herald Press.

Ziegenhagen, E. (1978) *Victims, Crime and Social Control,* New York: Praeger.