





## CHAPTER 12

# Vulnerable groups: Victims of crime

### Learning objectives for Chapter 12

After completing this chapter you should be able to:

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- *Describe or define what a victim of crime is*
- *Discuss the UN international standards for law enforcement officials on how to deal with victims of crime*
- *Describe the basic rights of victims of crime*
- *Understand that not all victims of human rights abuses have been victims of crime, and vice-versa*
- *List the responsibilities that police officers have towards victims of crime*
- *Understand how police responses to crime victims affect public perception of and confidence in police, affecting their effectiveness*
- *Consider how police officers can also be victims of crime*
- *Describe the difference between victims of crime and victims of abuse of power*



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## Chapter 12

### Vulnerable groups: Victims of crime

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## 12.1. Introduction

Victims of crime are a neglected but very important element in criminal justice and law enforcement systems. Often, one finds that it is the police services that draw public attention to the significance of the victim's interests. However, in the investigation and prosecution of crime, victims are sometimes overlooked, poorly protected or even mistreated by police officers. In many countries, police are not provided with adequate training regarding the impact of violent crime on victims, nor with methods of ensuring that victims are informed of their rights and referred to essential services. Therefore, police are often not sensitive enough when dealing with emotionally distraught victims. Actions like this impair relations between the police and the community, and undermine the confidence of victims (and their families) in the police service and their willingness to participate in the criminal justice process.

During the past few years, consciousness and recognition of the place of victims of crime has been enhanced. Progress has been made in improving police responses to victims. In many countries, victim support programmes for the police have developed, and police officers have been specially advised and trained on how to deal with victims of crime. This is extremely important given that in a significant number of crimes, no perpetrator is ever apprehended: then the only hope for victim assistance from the criminal justice system is at the police level.

In 1985, the United Nations General Assembly adopted the *Declaration on Principles of Justice for Victims of Crime and Abuse of Power*. This is the only instrument offering guidance to member states on the issue of protection and redress for victims of crime and abuse of power. Some Commonwealth countries have taken significant legislative and other steps to protect the rights of victims of crime. In 2002, an Expert Group set up by the Human Rights Unit of the Commonwealth Secretariat produced the *Commonwealth Guidelines on Best Practice for the Treatment of Victims of Crime*, which provides a model framework for member states to address the needs of victims of crime.

In this chapter the rights of victims of crime, and the responsibilities of police officers towards such victims, will be discussed. There is an echo with the chapters dealing with vulnerable groups.

## 12.2. Definition of victims of crime

Any person – including police officers – can become victim of a crime.

A victim can be defined as anybody who has individually suffered unlawful harm (physical, sexual or psychological injury, fear or emotional suffering, damage to property, or other impairment. (Note that from a human rights perspective, 'victims' include those who suffer violations of internationally recognised norms of human rights whether or not the relevant abusive conduct is also provided for in national criminal laws.) It is useful to think of 'victims' in a broad way so that attention is given not only to the primary victim of an assault (for example) but also to the person's children or family.

Police must ensure that they treat every victim with dignity, respect and compassion, irrespective of the victim's race, status, sex, age, etc.

Apart from the hazards they face from direct unlawful conduct against them, police officers can also be seen indirectly as victims of crime. Some police officers work on traumatic or violent cases, for example, murders, robberies, rapes, violence against children or people being killed

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in motor accidents, on a regular basis. This may have a serious effect on these police officers. Police commanders should ensure that police are provided with the necessary training and support to deal with such difficult circumstances.

### **12.3. Rights of victims of crime**

The rights of victims of crime are closely linked to the responsibilities of police officers. The set of standards developed by the United Nations applicable to the police when dealing with victims of crime are as follows:

- Victims shall have access to mechanisms of justice and prompt redress.
- Redress procedures shall be expeditious, fair, inexpensive and accessible.
- Victims shall be informed of their rights in seeking redress and protection.
- Victims shall be informed of their role in formal proceedings, of the scope, timing and progress of such proceedings, and of the disposition of their cases.
- Victims shall be allowed to present their views and feelings on all matters where their personal interests are affected.
- Victims shall receive all necessary legal, material, medical, psychological and social assistance, and shall be informed of their availability.
- Inconvenience to victims shall be minimised in the handling of cases.
- The privacy and safety of victims shall be protected.
- Unnecessary delay in the handling of victims' cases shall be avoided.
- Offenders should, where appropriate, make restitution.
- Governments should make restitution where public officials are at fault.

Finally, a most importantly in relation to the purpose of this manual:

- Police shall be trained in the needs of victims, and should be provided with guidelines to ensure proper and prompt aid.

### **12.4. Responsibilities of police towards victims of crime**

Police officers should always avoid treating victims of crime in a way that compounds the initial suffering resulting from the crime itself ('re-victimisation'). Such people are already victims at the time police attend, and have suffered because of the actions of someone else. Therefore, police should not treat them in such a way that they effectively become victims for a second time. All victims of crime or abuse of power shall be treated with compassion and respect. Police officers should receive proper training on how to deal with and support victims of crime. At a station level, systems and information for referring victims to supportive agencies should exist.

It is important for trainers to instil in police officers the understanding that part of effective community relations (resulting in effective police operations) is the manner in which police treat victims of crime and their families.

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Using the above international standards and practices as the basis, here are some guidelines on actions that can be followed by police, beginning with immediate on-site crisis intervention, which is one of the first steps in victim support:

- Promptly providing crisis intervention at the scene of the crime, securing of emergency medical assistance, and providing physical and psychological first aid.
  - Accompanying victims to emergency medical services in cases involving injury.
  - Informing victims of the possibility of pregnancy or infection with diseases as a result of a crime.
  - Immediately referring victims, verbally or with a written supporting reference, to community agencies that offer emergency services to victims, together with information about different forms of assistance (for example, a brochure should be developed in different languages and given to victims that includes information about emergency and long-term services, victim compensation, likely reactions to crime victimisation and information about the investigative process).
  - In addition, police should provide victims with information regarding their rights, and with referrals to services and resources that can help the victim to heal. Police should refer victims to medical and/or counselling and support services in the community, for example, psychologists, welfare officers, women's support groups for domestic violence and rape, etc.
  - Victims/complainants/witnesses should be treated courteously, with dignity and with respect.
  - Statements from people approaching police as victims should be taken in a sensitive and professional manner. The victim's right to privacy should be respected by, if possible, taking statements in private.
  - In cases of sexual or domestic violence against women, a female police officer might be selected to take statements and provide referrals.
  - Cases should be investigated swiftly, in a professional manner – this should include regular feedback to victims and their families about the course of the investigation (where appropriate).
  - Confidential information is to be handled securely.
  - Police should provide advice on crime prevention.
  - Informing victims about how to protect evidence.
  - Providing information to crime victims about their rights, as well as the availability of crime victim compensation.
  - Ensuring that the victim is personally contacted by telephone or in person 24 to 48 hours following the initial response, in order to see whether assistance has been sought and/or received.
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- Ensuring that the property of the victim is secured so that personal safety is not compromised as a result of crime.

Where appropriate, the police should provide to victims of crime the following information about police procedure (investigations) and criminal procedure, as soon as possible, and, if possible, in writing:

- the name and details of the investigating officer;
- regular feedback during the investigation on the status of investigation – this is especially important in cases where a person was the victim of violent crime;
- the date of the trial of his or her case;
- cancellation of any trial, and new dates;
- the date on which the convicted person will be sentenced;
- the outcome of the trial and the sentence that was passed;
- the place where and time when, and the person from whom, any confiscated property of the victim may be collected; and
- any provisions that exist for public victim's compensation, support services, etc.

**Police commanders should:**

- ensure that systems exist at station level for proper communication with and referral of crime victims;
- establish and enforce strict property return protocol and procedures – this should be a standardised, jurisdiction-wide programme (closely co-ordinated with prosecutors' offices and the courts) designed to eliminate potential confusion as to exactly which property return rights and procedures are enforced by different law enforcement agencies; and
- establish protocols for proper detention and investigation of suspects in order to protect the safety of victims.

**12.5. Victims of abuse of power**

The *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* defines 'victims of abuse of power' as persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss, or substantial impairment of their fundamental rights, through acts or omissions that may not constitute violations of national criminal laws as such, but which are the result of officials exceeding their authority.

Police officers are sometimes responsible for abuse of the authority that is granted to them under the law. A person who is a victim of police abuse of power is in a very difficult situation – to whom does such a person go to in order to make a complaint? Who will protect that person? In many countries, organisations such as Human Rights Commissions, the Office of

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the Ombudsman, External Complaints Mechanisms or Internal Complaints Mechanisms may be available. Non-governmental organisations will often assist victims. These actions may in many instances result in findings, disciplinary or criminal action, or civil suits against the state or police.

The responsibilities of police towards victims of crime apply equally for those subject to non-criminal abuses of power: the existence of complaints mechanisms; complaints should be recorded and properly investigated; victims should be treated with compassion to ensure that they are not re-victimised; in case of injury to a victim he/she should be provided with medical treatment; etc.

### **12.6. Summary**

- Police are normally the first group of people to get in contact with victims of crime and, thus, have a critical role to play. Their behaviour may determine if victims feel protected and respected, or if they feel re-victimised and neglected. Apart from the rights of victims, negative treatment can also affect public perceptions of the police and impact on community relations.
- Victims can also play an important role in solving the crime and apprehending the perpetrators, and should be treated with respect and care as victims and witnesses.
- Police officers should receive proper training on how to deal with victims of crime and they should understand their basic role and responsibilities towards victims.
- On the other hand, police officers can also be direct and indirect victims of crime and they should receive the necessary support to deal with it.

### **12.7. Questions for self-evaluation**

- *Can you describe in your own words who is a 'victim of crime'?*
- *Can police officers also be victims of crime?*
- *List the basic rights of victims of crime.*
- *Name the responsibilities that police officers have towards victims of crime.*
- *What is the difference between 'victims of crime' and 'victims of abuse of power'?*