CHAPTER - V

VICTIMS RIGHTS, TRAUMA & EXPECTATIONS
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Historically, the criminal justice system was patterned from the English judicial system. Traditionally, criminal prosecutions were private actions brought by the victim or a representative of the victim. But now, it is moved to a tradition of public prosecution undertaken by a public official -- the public prosecutor. A crime is considered to have been committed against the state -- in other words, against society as a whole -- rather than solely against a victim. One especially unfortunate result of our system is that victims have been treated as evidence against the accused, usually included only as a witness to the crime committed against them. Since the crime is considered to have been committed against the state, and it is the state's job to prosecute, victims are not even recognized as a party to the case. Thus, they have had little or no involvement in the process of bringing offenders to justice.

In recent years, the victims' movement has sought to re-establish a place for the victim in the criminal justice process and to enhance the rights of crime victims. It is important to note that the thrust of the victims' movement has been to increase the rights of victims, not to eliminate or reduce the rights of criminal defendants.
5.1. Victims' Rights

Today, the rights of victims are becoming more clearly defined to take into consideration the unique concerns of distinct victim populations such as sexual assault victims, domestic violence victims, child abuse or neglect victims, victims of abuse of power, victims with disabilities, victims of hate-motivated crimes etc. These groups have been granted rights and remedies to address their special needs, such as restraining orders for domestic violence victims, videotaped testimony and testimonial aids for child victims, and protective services for elderly victims.

Victims' rights include:

* The right to notification of the stages/proceedings in the criminal process;
* The right to attend and/or participate in criminal justice proceedings;
* The right to notification of other legal remedies
* The right to protection from intimidation and harassment;
* The right to notice of the release or escape of the offender;
* The right to privacy, including confidentiality of records;
* The right to speedy trial provisions;
* The right to confer or discuss the case with the prosecutor;
* The right to prompt return of the victim's personal property seized as evidence from the offender;
* Victim compensation and restitution.

Some of these primary rights are described in more detail below.
In addition to the direct victims of applicable crimes, victims' rights may often be exercised by a family member of a homicide victim, or the parent, guardian, or other relative of a minor, disabled or incompetent victim. A victim's legal representative or another person designated by the victim may also exercise rights on the victim's behalf.

i. Right to Notification about the Crl. Justice Process & Other Legal Remedies

The victims or their families shall have the right to be notified of important, scheduled criminal proceedings and the outcomes of those proceedings. They also notify victims when hearings have been canceled and rescheduled. In addition, victims may also have the right to be informed of various rights, including the rights: to attend a proceeding and/or submit a victim impact statement, to sue the offender for money damages in the civil justice system, to have a court order that they be protected from the offender and/or the offender's family and associates, and to collect witness allowance for their evidence, among others. The right to be informed is crucial, because without notice of their rights, victims cannot, as a practical matter, assert those rights, and without notice of court proceedings, victims may miss the opportunity to exercise the rights they have been afforded.

ii. Right to Attend and Participate in Criminal Justice Proceedings

Usually, the victim's right to attend proceedings includes the right to attend the trial, sentencing, and parole hearing of the offender. Also, victims generally have the right to make an oral or written statement, at sentencing or a parole hearing, concerning the impact that the crime has had on their lives. Victims are increasingly being given the right to attend and address the court at other critical proceedings in the criminal justice process, such as:

* Hearings on bail or pre-trial release of the offender;
* Entry of Conviction on Plea of guilty;
* Post-trial relief or release hearings;
* Probation hearings;
* Change of security status hearings (i.e., transfer of the offender from maximum to minimum security facilities, home detention, or escape); and
* Commutation or pardon hearings.

iii. Protection from Intimidation and Harassment

A crime victim often has the right to protection from intimidation and harassment by the offender or the offender's family or associates. This protection may, under certain circumstances, be extended to a victim's family members as well. Some examples of this protection include:


Police escorts to and from court; Secure waiting areas separate from those of the accused and his/her family, witnesses and friends during court proceedings; Closed courtrooms to those who are not parties to a case; Residence relocation; and Denial of bail or imposition of specific conditions of bail release for offenders found to present a danger to the community or to protect the safety of victims and/or witnesses.

iv. Right to Notice of Release or Escape of Offender

Having the right to be notified of an offender's release can help provide for victims' peace of mind. Advance notice that an offender will soon be back on the streets gives victims an opportunity to mentally and emotionally prepare for an offender's release, as well as to develop a safety plan, if necessary, for themselves and their families.

Generally, the term "notice of release" refers to post-conviction release, and includes notice of final release from imprisonment and notice of parole release. It may also include notice of other conditional releases, such as work release or furlough, if specified in a statute. It may also provide for notice of the pretrial release of an offender on bond, or of an offender's release from a mental facility.

Further, victims are also entitled to notice if the offender escapes from confinement; the victim should be informed when the offender is recaptured.

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In addition to compensation, victims often have the right to restitution, or payment by the convicted offender for the harm caused by the crime. The court generally orders restitution at the time of sentencing.

As a rule, neither victim compensation nor restitution include punitive damages for injury or loss suffered by the victim. A lawsuit in civil court is usually required to recover punitive damages -- damages imposed as punishment, rather than as payment for specific, actual losses.

However, there is still much that needs to be done, that merely providing statutory right for victims, does not guarantee the enforcement of such rights. Even with relatively strong protection for victims' rights, many crime victims were denied their rights.

v. Financial Assistance: Crime Victim Compensation

The direct victim of a violent crime is generally eligible for compensation. The compensation to victims are those who are physically injured in the course of the crime, while others also compensate victims of violent crime who were traumatized but not physically injured by the crime.

Family members

Families of homicide victims can get compensation to pay the medical bills and funeral or burial expenses, and to pay for counseling and loss of support. Compensation to family members in certain other types of cases, for example, paying for counseling

for family members in cases of sexual assault, child abuse, or
domestic violence.
Most compensation programs require that victims:
* report the crime promptly to the police (the reporting time may
  varies, for child victims, incapacitated victims, and other special
  circumstances);
* cooperate with the police and prosecutors in the investigation
  and prosecution of the offense;
* submit an application for compensation within a certain time;
* not have been committing a crime at the time (for example,
  someone cannot get compensation for being shot while drug
  dealing), or not have been involved in other serious misconduct
  that caused or contributed to the injury or death; and
* have costs from the crime that are not covered by insurance or
  some other program, such as Workers' Compensation or Medicaid.

When the offender is behind bars

Even when an offender is convicted and sent to prison, a
victim may still have questions and concerns. Victims may want to
know when the offender will be released, may fear an escape, may
be waiting for payment on an order of restitution, or have other
concerns.

KEEPING VICTIMS INFORMED

Victims of crime should have right to be notified of the
offender's escape and of any parole hearing or parole release of
any or all of the following:
* Escape
* Recapture
* Earliest possible release date
* Transfer to another prison
* Change in security status (e.g., medium security to minimum security)
* Transfer to a mental institution
* Death of the offender in prison
* Post-conviction
* Parole application
* Parole hearing
* Parole release
* Release upon completion of sentence
* Pardon/mercy application
* Pardon/mercy hearing
* Pardon/mercy release

The right to be notified of the escape or release of an offender may be limited to victims of certain types of crimes. Victims of violent crime should have this right also notify victims of other crimes, or victims of certain violent misdemeanors.

This is to notify witnesses or certain other people of the release or escape of the offender, particularly if those people have safety concerns. For example, in the case of a serial offender who was charged and convicted of a crime against one victim, other victims of that same offender may be entitled to notice.

Victims who wish to be notified of releases, escapes, or other developments should contact the victim/witness coordinator in the prosecutor’s office or the victim assistance office at the concerned department. A request must be filed through the prosecutor’s office.
vi. Collecting Restitution

Offenders may be sentenced to pay restitution to the victim, in addition to serving time in prison. While victims often find they must wait until the offender is released before they receive restitution payments, this is not always the case. Many prisons have work programs that enable offenders to earn money to pay restitution and child support. Some prisons collect a portion of the inmate's personal funds each month to pay restitution orders. Others may be able to collect other sources of money, such as lottery winnings or tax refunds. Some offenders are especially motivated to pay restitution while incarcerated, because compliance with the restitution order may increase his or her chances for parole.

It is important to make sure the victim assistant at the department of corrections is aware of the restitution order, so that victims do not lose any opportunity to collect restitution. Victims should contact the victim assistant or victim services office to verify that the restitution order has been received, or contact the prosecutor's victim/witness coordinator to verify that the information was sent to the department of corrections.

vii. Protection From Harassment

In some cases, a victim or witness continues to be harassed or intimidated by an offender who is in prison. Victims and witnesses who receive harassing phone calls and threatening letters from prisoners should contact the victim assistant or victim services unit at the department of corrections. It is important to let
officials know of the continuing threat the offender poses to a victim or witness.

MEETING WITH THE OFFENDER

Any program that allows victims to meet face to face with their offender should be completely voluntary (both the victim and offender must agree) and usually involve careful preparation before the meeting takes place. While not every victim or offender is interested in such a meeting, many of those who participate find it beneficial.

VICTIM IMPACT PANELS

Many departments of corrections also organize victim impact panels, where victims and survivors of homicide victims can share with others the impact of the offense on their lives. Victim impact panels may address offenders, especially juveniles, or may be arranged for the general public. Panels can educate offenders about the real consequences of their crimes. They also serve to inform the public of the extent of the impact of crime on those in their community. And they can often promote healing of the victim or survivor.

RELEASE PROCEEDINGS:

a. Parole: Violent crime victims should have the right to submit a victim impact statement, in person or in writing, to the parole board, also allow victims to attend the parole hearing. The victim's right to have input is limited to a meeting with one of the members of the parole board prior to the parole hearing to submit a videotaped or audiotaped statement, or even to testify via closed-
circuit testimony from another location. This right to make a statement does not, however, mean victims have a veto over the parole of an offender. The decision remains in the hands of the parole board.

b. Pardon/Commutation: Victims of violent crime should have the opportunity to provide input when a defendant is being considered for pardon or commutation of sentence. When an offender is pardoned, the offender is exonerated and the conviction is erased. Commutation occurs when the offender's sentence is changed to one that is less severe, often resulting in an earlier release from prison. It must provide victims with a legal right to notice and an opportunity to be heard regarding an offender's request for pardon or commutation. As with parole proceedings, the victim's right to make a statement does not mean a right to control the decision. That decision rests with the governor or with the board of pardons and paroles.

5.2. VICTIM TRAUMA

Psychological trauma impairs the ability and/or willingness of crime victims to cooperate with the criminal justice system. Victims must be treated better by the criminal justice system because it cannot accomplish its mission without the cooperation of victims. Victims whose crime-related fear makes them reluctant to report crimes to police or who are too terrified to testify, effectively make it impossible for the criminal justice system to accomplish its mission. Thus, it is important to understand:

a. Victims' crime-related mental health problems.
b. What aspects of the criminal justice system process are stressful to victims.
c. What can be done to help victims with their crime-related mental health problems.
d. What can be done to help victims cope with criminal justice system-related stress.

Effective persons among the criminal justice system, victim assistance personnel, and trained mental health professionals can help victims with crime-related psychological trauma and with criminal justice system-related stress. By helping victims through such partnerships, the criminal justice system also helps itself become more effective in curbing and reducing crime. There are several psychological theories that are useful in understanding why victims might develop psychological trauma and why interactions with the criminal justice system are usually stressful for victim.

i. Trauma of Victimization

The trauma of victimization is a direct reaction to the aftermath of crime. Crime victims suffer a tremendous amount of physical and psychological trauma. The primary injuries victims suffer can be grouped into three distinct categories: physical, financial and emotional. When victims do not receive the appropriate support and intervention in the aftermath of the crime, they suffer "secondary" injuries.

The physical injury suffered by victims may be as apparent as cuts, bruises, or broken arms and legs. However, it is not uncommon for victims to be fatigued, unable to sleep, or have increased or decreased appetites. Many victims believe that the stress caused by victimization endangers them to physical problems later in life. Victims and survivors suffer financially when their money or jewelry is taken, when their property is damaged, when their medical insurances does not cover all expenses, and when they must pay funeral costs. The primary emotional injuries of victimization cause both immediate and long-term reactions to victims, their loved ones and, sometimes, their friends.

Victims will react differently depending upon the level of personal violation they experience and their state of equilibrium at the time of victimization. Victims of non-violent crimes — such as theft — may experience less of a personal violation than victims of violent crimes, however, that is not always the case. Homicide is the ultimate violation for a crime victim, and leaves behind the victim's survivors to experience the personal violation. All people have their own "normal" state of equilibrium. This normal state is influenced by everyday stressors such as illness, moving, changes in employment, and family issues. When any one of these changes occur, equilibrium will be altered, but should eventually return to normal. When people experience common stressors and are then victimized, they are susceptible to more extreme crisis reactions. There are certain common underlying reactions that a victim will undergo either in the immediate hours or days after the crime. Frequent responses to a criminal victimization include, but are not
limited to: shock; numbness; denial; disbelief; anger; and, finally, recovery.

i. Shock and numbness: Shock and numbness are usually considered a part of the initial stage of the crisis reaction. Victims are faced with a situation beyond their control, and some may almost immediately go into shock and become disoriented for a while. Victims may experience what is referred to as the "fight or flight" syndrome. The "fight or flight" syndrome is a basic automatic physiological response that individuals have no control over. Because many victims do not understand this response, and their lack of control over it, they do not understand why they fled instead of fought, and vice versa. A woman who takes a self-defense course may blame herself when confronted with an attacker because she is unable to put into practice what she has learned. A man may be criticized, or not believed, if he did not fight back when confronted. To question a victim's response to a criminal incident is to inflict a second injury on that crime victim and can cause emotional harm.

In many instances, physical and emotional paralyses occur whereby the victim is unable to make rational decisions such as reporting the incident to the police or obtaining medical attention. The individual loses control, feels vulnerable, lonely, and confused; the sense of self becomes invalidated.

ii. Denial, Disbelief and Anger: In this phase, victims' moods will fluctuate. victims almost always think, "This could not have happened to me!" or "Why did this happen to me?" Many will
replay the disturbing event by dreaming, having nightmares or even fantasies about killing or causing bodily harm to the offender. Survivors or homicide victims may even express anger at their loved one, believing that if the victim had done something differently, he or she would not have been killed. During this period, victims must contend with a variety of stressful emotions, such as fear, despair, self-pity, and even guilt and shame for their anger and hostility.

Every victim's experience is different, and the recovery process can be extremely difficult. It can take a few months or years -- or an entire lifetime -- depending upon the variables involved. For instance, if an individual has suffered from other traumatic incidents prior to the victimization -- such as the death of a close relative or friend -- his or her initial emotional reaction, reorganization and recovery might be different from someone who is experiencing victimization for the first time. The road to recovery is very similar to a roller-coaster with unexpected "ups and downs." This is why crisis intervention and supportive counseling play a significant role in helping victims recover.

If victims have difficulty rebuilding or finding a new equilibrium, they may suffer from a long-term crisis reaction or from posttraumatic stress disorder. Victims never completely forget about the crime. The pain may lessen and even subside, but their lives are changed forever. Victims who suffer from long-term crisis reactions can be thrown back into the initial crisis reaction by what are known as "triggers." Many victims will have particular triggers...
that remind them of their victimization, such as sights, smells, noises, birthdays, holidays or the anniversary of the crime.

iii. Grief: Coping with the Death of a Loved One
Grief is a continuing process of mourning through which one learns to live with loss. When a loved one dies, those left to mourn, or survivors, often find themselves entangled in a complex web of emotions and reactions. The death of a loved one can be an overwhelming, frightening and painful experience. The psychological, social and physical effects of loss are articulated through the practice of grief.

How individuals grieve depends on many factors: their support system; the circumstances of the death; the response by family members, friends and the criminal justice system; the nature of the relationship with the deceased; religious or cultural beliefs and customs; and the individual's coping skills. No two people will grieve in the same way. However, survivors often find it helpful to speak with others experiencing loss, as there are common reactions and experiences that may prove useful to share.

iv. Other Common Grief Reactions Include:
* Feelings of powerlessness;
* Numbness;
* Hypersensitivity;
* Hypervigilence (jumpiness);
* Overwhelming sense of loss and sorrow;
* Disruptive sleep patterns;
* Inability to concentrate;
* Lethargy;
* Fear and vulnerability;
* Confusion;
* Social withdrawal;
* Change in eating habits
* Restricted affect (reduced ability to express emotion);
* Questioning of faith;
* Physical and financial problems; and
* Constant thoughts about the circumstances of the death.

v. Grief Spasms
Survivors may feel, even years after the loss of a loved one, brief periods when feelings of loss are particularly intense. These "grief spasms" are usually brought about by "triggers." Triggers are occasions, scents, tastes, songs, or other stimuli which remind survivors of their loved one and loss. For example, birthdays, anniversaries, weddings, or driving by the scene of a drunk driving crash may bring about intense feelings of grief for those learning to cope with loss. As time passes, most survivors find that grief spasms lose their intensity and frequency, and are a normal part of processing the loss of a loved one.

ii. Crisis Intervention
Crisis is defined as "a dramatic emotional or circumstantial upheaval in a person's life" and "a stage in a sequence of events at which the trend of all future events, especially for better or for worse, is determined; a turning point."
A wide range of human emotions and behaviors can accompany crisis, particularly when the crisis relates to victimization. People react differently to stress and crisis situations based on their own skills or behaviors, abilities to cope, maturation levels, and personalities. For some, a crisis situation may be coupled with changes in behavior such as sleeplessness or overeating. For others, a crisis may include denial, disbelief, and the inability to cope. Still others may experience physiological changes such as an increase in their heart rate, sweating, or fainting.

The importance of crisis intervention for victims of crime is paramount. The goal of crisis intervention is to help victims confront the reality of what happened, begin to deal with the crisis, and to go beyond the pain and emotional trauma toward new strength and opportunities for growth and change. Victims may include those who were the target of the victimization, as well as others affected by the crime such as parents, spouses, friends, or witnesses. The challenge for crisis intervention programs is to provide effective crisis support and assistance as soon as possible following victimization, and to make available resources and services to meet the needs of victims by providing direct assistance or referrals to other agencies.

Crisis intervention for victims of crime may vary depending on the needs of the victim and the type of victimization. However, there are some critical elements to crisis intervention services that are necessary for all victims, including:

* Psychological first aid; and
* Survivor needs assessment and empathetic support.
The Three Phases of Crisis Intervention

Immediate crisis intervention or "psychological first aid" involves establishing a rapport with the victim, gathering information for short-term assessment and service delivery, and averting a potential state of crisis. Many victims may be resistant to crisis intervention due to fear or anxiety. Resistance is one form of the victim's response to a crisis situation. The immediacy of the response is critical to ensure the safety of the victim and his or her family. Time may be extremely important because of impending danger to the victim or the family. Victims should not wait hours or days to see a crisis intervention to assist in their time of need.

Immediate crisis intervention also includes caring for the medical, physical, mental health and personal needs of the victim, and providing information to the victim about local resources or services. Referrals should be made to other agencies for other services, such as shelter facilities, home security, or for crime victim compensation.

The second phase of crisis intervention involves an assessment of needs to determine the services and resources required by the victim in order to provide emotional support to the victim. The purpose of this phase is to determine how the crisis affects the victim's life so that a plan for recovery can be developed, allowing the victim to begin moving towards the future.

The third phase--recovery intervention--helps victims re-stabilize their lives and become healthy again. It also involves
helping the victim prevent further victimization from the criminal justice system or other agencies the victim may come into contact with in the aftermath of victimization. This is the initial period of recovery for the victim, and may require considerable time, effort and resources before the victim resolves long-term issues associated with the victimization.

Victim service providers also focus on reducing risk factors for victims, maximizing their social support systems, maximizing and improving their coping skills, and helping victims attain greater self-esteem and self worth. This includes working with other agencies to reduce added trauma imposed on victims who go through the complex and often frustrating criminal justice system.

Crisis intervention is an important element of the healing process for victims. Crisis intervention should not be assigned to one specific agency or organization, but should be an important element of each agency or organization that deals with victims of crime. This includes victim advocacy organizations, private agencies or organizations (such as hospitals or schools), social service agencies, law enforcement, and corrections. Many law enforcement agencies have developed crisis intervention teams staffed by professional social workers to respond to crisis situations they face as a result of emergency calls. To be effective, crisis intervention must be provided in an orderly, structured, humanistic manner and must focus on the individuality of the victim and his or her needs.
If victims are to recover from the traumatic event, it is crucial that they are provided with the proper support during the initial impact stage and throughout the criminal justice process. Immediate crisis intervention is needed. Trained crisis intervenors should inquire about the victim's welfare by asking if they feel safe, assuring victims that they are safe if that is true, and determining if they are in need of medical attention. Victims will often blame themselves for the crime. The crisis intervenor needs to assure the victim that they were not at fault. If these initial and crucial steps are missing, the trauma can have long-term effects on the healing and recovery process. After experiencing the initial traumatic reactions to victimization, victims will most likely undertake the task of rebuilding their equilibrium. Their lives will never be the same, but they begin to regain some form of control and a sense of confidence.

iii. Post-traumatic Stress Disorder

Posttraumatic stress disorder (PTSD) was first applied to military veterans who experienced psychological trauma while serving in combat. Researchers are now applying this syndrome to crime victims. Being a victim of crime does not necessarily mean that an individual will develop PTSD. If victims receive appropriate crisis intervention, the chances of developing PTSD are reduced.

Some recognizable symptoms of PTSD are:

* Sleeping disorders/continued nightmares;
* Constant flashbacks/intrusion of thoughts;
* Extreme tension and anxiety;
* Irritability/outbursts of anger;
* Non-responsiveness or lack of involvement with the external world;
* Prolonged feelings of detachment or estrangement of others; and
* Memory trouble.

i. Secondary Injuries

Victims not only have to struggle with primary injuries in the aftermath of the crime, but they must also battle with the "secondary" injuries. Secondary injuries are injuries that occur when there is a lack of proper support. These injuries can be caused by friends, family and most often by the professionals victims encounter as a result of the crime. Law enforcement officers, prosecutors, judges, social service workers, the media and even mental health professionals can cause secondary injuries. Those individuals may lack the ability or training to provide the necessary comfort and assistance to the victim. Often, those individuals blame the victim for the crime. Failing to recognize the importance of the crime or to show sympathy can be damaging to the victim's self-worth and recovery process.

ii. Interaction with the Criminal Justice System

Perhaps the most agonizing experience for victims involves dealing with the criminal justice system if and when an offender is apprehended. At this level, the crime is considered to have been committed against the state, and victims become witnesses to the crimes. This procedure is very difficult for the crime victim to understand and come to terms with, because in the victim's mind, he or she is the one who has suffered emotionally, physically, psychologically and financially. At this stage of the process, a
victim can sometimes feel that he or she is losing complete control because he or she is not directly involved in the prosecution or sentencing of the offender.

However, participation in the criminal justice system can aid victims in rebuilding their lives. If victims are kept well-informed about the criminal proceedings and feel that they have a voice in the process, they will feel that they are a part of a team effort. This added effort enables victims to understand the judicial process and helps to return to them a sense of control to their lives and circumstances.

In order to have a better understanding of the aftermath of criminal victimization, we must begin to accept the reality that crime is random, senseless and can happen to anyone regardless of the precautions that are taken to prevent being victimized. We must also understand that a victim's life is turned upside down when he or she becomes a victim of crime. In order to help victims learn to trust society again and regain a sense of balance and self-worth, we must educate all those who come in contact with victims and survivors. With proper training, all professionals will be better able to assist victims in dealing with the aftermath and trauma of victimization.

iv. Classical Conditioning Theory

A violent criminal victimization is a real life classical conditioning experience in which being attacked is an unconditioned stimulus that produces unconditioned responses of
fear, anxiety, terror, helplessness, pain, and other negative emotions. Any stimuli that are present during the attack are paired with the attack and become conditioned stimuli capable of producing conditioned responses of fear, anxiety, terror, helplessness, and other negative emotions.

Classical conditioning theory predicts that any stimuli present at the time of a violent crime are potential conditioned stimuli that will produce conditioned fear, anxiety and other negative emotions when the victim encounters them. Thus, characteristics of the assailant (e.g., age, race, attire, distinctive features), or characteristics of the setting (e.g., time of day, where the attack occurred, features of the setting) might become conditioned stimuli. Thus, a woman who exhibits a conditioned fear response to the sight of her rapist might also experience fear to the stimulus of men who resemble the rapist through the process of stimulus generalization. Eventually, this stimulus generalization process may result in the rape victim showing conditioned fear to all men.

The most common response to conditioned stimuli is avoidance behavior. Thus, there is a natural tendency for crime victims to avoid contact with such conditioned stimuli and to escape from situations which bring them in contact with such stimuli.

A second classical conditioning mechanism with important implications for understanding the behavior of crime victims is second-order conditioning. If a neutral stimulus is paired with a
conditioned stimulus (without presenting the unconditioned stimulus), this neutral stimulus becomes a second order conditioned stimulus that can also produce a conditioned response. Thus, any stimuli present at the same time a crime-related conditioned stimulus is present can become a second-order conditioned stimulus that also evokes fear, other negative emotions, and a strong tendency to engage in avoidance behavior. This is important for practitioners as police, prosecutors, and victim service providers may become associated as a second-order conditioned stimulus.

Involvement with the criminal justice system requires crime victims to encounter many cognitive and environmental stimuli that remind them of the crime. These range from:
a. Having to look at the defendant in the courtroom.
b. Having to think about details of the crime when preparing to testify.
c. Confronting a member of "second-order conditioned stimuli" in the form of police, victim/witness advocates, and prosecutors.

Such avoidance behavior is generated by conditioned fear and anxiety, not by apathy. Avoidance can lead victims to cancel or not show up for appointments with criminal justice system officers, or victim advocates.

v. Crime-related Psychological Trauma

Most crime victims achieve some significant recovery sometime between one and three months (1-3 months) after the crime. During this time period, they are shocked, surprised, and
terrified about what has happened to them. They often have feelings of unreality, thinking, "this can't be happening to me." Many will also report having periods of rapid heart rate and hyperventilation. Such physiological and emotional reactions are normal "flight or fight" responses that occur in dangerous situations.

In the days, weeks, and first two or three months after the crime, most violent crime victims continue to have high levels of fear, anxiety, and generalized distress. This distress disrupts their ability to concentrate and to perform simple mental activities that require concentration. They are preoccupied with the crime (e.g., they think about it a great deal of the time; they talk about it, they have flashbacks and bad dreams about it). They are often concerned about their safety from attack and about the safety of their family members. They are concerned that other people will not believe them or will think that they were to blame for what happened. Many victims also experience negative changes in their pre-crime beliefs that the world is a safe place where you can trust other people, and where people get the things they deserve out of life.

Long-term psychological trauma also takes on various forms. The DSM-IV diagnosis of PTSD refers to a characteristic set of symptoms that develop after exposure to an extreme stressor.

Sexual assault, physical attack, robbery, mugging, being kidnapped, child sexual assault, observing the serious injury or
death of another person due to violent assault, and learning about the violent personal assault or death of a family member or close friend are specifically mentioned in the DSM-IV as types of stressors that are capable of producing PTSD. When exposed to these stressor events, the person's response must (according to the DSM-IV) involve intense fear, helplessness, or horror. Characteristic symptoms of Post-Traumatic Stress Disorder include:

1. Persistent re-experiencing of the event (i.e., distressing dreams, distressing recollections, flashbacks, or emotional and/or physiological reactions when exposed to something that resembles the traumatic event.)

2. Persistent avoidance of things associated with the traumatic event or reduced ability to be close to other people and have loving feelings

3. Persistent symptoms of increased arousal (i.e., sleep difficulties, outbursts of anger, difficulty concentrating, constantly being on guard, extreme startle response).

4. Duration of at least one month of symptoms.

5. Disturbance produces clinically significant distress or impairment in social, occupational or other important areas of functioning.

Long-term, crime-related psychological trauma is not limited to PTSD. Compared to people without a history of criminal victimization, people with criminal victimization have been found to have significantly higher rates of major depression, thoughts of suicide, alcohol and drug problems, panic disorders, agoraphobia, and obsessive compulsive disorders.
In addition to these mental disorders and mental health problems, violent crime often results in profound changes in other aspects of the victims' life. Many victims experience problems in their relationships with family and friends. Among the relationship problems they can experience is difficulty in sexual relations with their partner.

**Post traumatic Stress Disorder**

Criminal victimization can cause both short-term and long-term stress reactions. When a person survives a crisis such as a violent crime, there may be residual trauma and stress reactions. Many people who experience long-term stress reactions continue to function. Those who are unable to function within a normal range, or have difficulties may be suffering from *Posttraumatic Stress Disorder* (PTSD). PTSD can occur at any age.

Survivors of crime, whether they are direct victims or the family members of victims, will experience a variety of emotional consequences. Dr. Morton Bard (1986) has described a victim's reaction to crime as the *crisis reaction*. Victims will react differently depending upon the level of personal violation, their personality, experiences, and support systems, and their state of equilibrium at their victimization.

All people have a normal state of equilibrium. Everyday stressors such as illness, moving, changes in employment, and family issues influence this. When any one of these happen, equilibrium will be altered, but should eventually return to normal.
When people experience common stress of life, and are then victimized, they are susceptible to more extreme crisis reactions.

After experiencing initial reactions to victimization, victims' lives will never be the same, as they begin to heal, they will regain control and a sense of confidence. The recovery process can be difficult, and can take months or even years. PTSD is the diagnosis that mental health professionals apply to people who have suffered severe trauma in their lives and have developed certain symptoms as a result. Many crime victims experience PTSD.

Being in crisis does not mean a victim will develop PTSD. However, victims who do not have the opportunity to work through their experience and begin to heal, increase their chances of developing PTSD. Conversely, if victims receive appropriate crisis intervention and counseling, the chance of developing PTSD is reduced.

Definition of PTSD

PTSD is defined in the Diagnostic and Statistical Manual of Mental Disorders, (DSM-IV-TR) (2000) at Section 309.81. This disorder is described as occurring when a person has been exposed to an extreme traumatic stressor in which both of the following were present:

- The person directly experienced an event or events that involved actual or threatened death or serious injury, or other threat to one's physical integrity; or the person witnessed an event or events that involved death, injury, or a threat to the
physical integrity of another person; or the person learned about unexpected or violent death, serious harm, or threat of death or injury experienced by a family member or other close associate; and

* The person's response to the event or events must involve intense fear, helplessness or horror (note: in children, the response must involve disorganized or agitated behavior).

For a diagnosis of PTSD, the traumatic event is then persistently re-experienced in at least one of the following ways:

1. Recurrent, and intrusive, distressing recollections of the event, including images, thoughts or perceptions (note: in young children, repetitive play may occur in which themes or aspects of the trauma are expressed);

2. Recurrent distressing dreams of the event during which the event is replayed (note: in young children, there may be frightening dreams without recognizable content);

3. Acting or feeling as if the traumatic event were recurring, including a sense of reliving the experience, illusions, hallucinations and dissociate flashback episodes lasting from a few seconds to a number of hours, and including those episodes that occur upon awakening or when intoxicated (note: in young children, trauma-specific reenactment may occur);

4. Intense psychological distress at exposure to internal or external cues (triggers) that symbolize or resemble an aspect of the traumatic event, including anniversaries of the trauma; and/or
I. Physiological reactivity upon exposure to internal or external cues (triggers) that symbolize or resemble an aspect of the traumatic event (e.g., a woman who was raped in an elevator breaks out in a sweat when entering any elevator).

PTSD also involves the persistent avoidance of stimuli associated with the trauma and numbing of general responsiveness (not present before the trauma), as indicated by at least three of the following:

1. Efforts to avoid thoughts, feelings or conversations associated with the trauma;
2. Efforts to avoid activities, places or people that arouse recollections of the trauma;
3. Inability to recall an important aspect of the trauma;
4. Diminished response to the external world, or "emotional amnesia." Markedly diminished interest or participation in significant activities (note: in young children, loss of recently acquired developmental skills such as toilet training or language skills may occur);
5. Feelings of detachment or estrangement from others;
6. Restricted range of affect or reduced ability to feel emotions (e.g., unable to have loving feelings); and/or
7. Sense of a foreshortened future (e.g., does not expect to have a career, marriage, children, or even a long life span).

Most of these persistent avoidance of stimuli and diminished responsiveness to the outside world usually begin soon after the traumatic event and are referred to as psychic numbing. This is an automatic reflex reaction in which the mind virtually shuts down to
protect the survivor's psyche from further trauma, allowing the victim to do what is necessary in order to function.

PTSD also involves persistent symptoms of increased arousal (not present before the trauma), as indicated by at least two of the following:

1. Difficulty falling or staying asleep;
2. Irritability or outbursts of anger;
3. Difficulty concentrating or completing tasks;
4. Hypervigilance; and/or
5. Exaggerated startle response.

PTSD is diagnosed as acute if the duration of the symptoms is less than three months, and chronic if the duration of symptoms is three months or more. PTSD is diagnosed with delayed onset if the symptoms appear at least six months after the traumatic event. Symptoms of PTSD can take a long time to manifest themselves. Anyone who experiences any of these symptoms, should consult a professional.

**Trigger Events for Crime-Related PTSD**

Crisis reactions can be "triggered" by certain events. Most victims find their symptoms gradually diminish and disappear, though certain situations, sights, sounds and/or smells may spark a memory or flashbacks of the event. During a flashback, the survivor may experience intense feelings of fear, or a panic attack, in which the heart races, the throat tightens, or the person becomes physically ill. Triggers may be internal or external, are different for different victims, and may include such events as:

* Identification of the assailant
People with PTSD will avoid things or situations that trigger memories or flashbacks of the traumatic event. If untreated, the victim's life may become dominated by attempts to avoid situations that remind him or her of the event.

Risks of PTSD for Victims

Crime has immediate and long-term psychological impact. Scientific evidence is emerging that indicates many victims of crime suffer psychological trauma that is long-term in nature, thus placing them at a relatively high risk of developing PTSD. The sheer numbers of crime victims with major crime-related mental health problems makes this a major health issue for communities and the nation.

Recovery Process

Not all victims will develop PTSD. If the trauma is dealt with quickly, the severity of the victim's reactions may be eased, and the risk of developing PTSD is diminished (Williams, 1987). The assistance of a professional is recommended.

A therapist or counselor can help the victim restructure the fragments of their lives; understand and accept some irrevocable changes brought about by the trauma; reopen channels of feeling.
that may have been repressed; and learn to manage the impact of distressing, invasive thoughts or flashbacks.

Crime has a persistent impact on the functioning of many victims. Due to the high risk for victims and survivors of developing crime-related PTSD, mental health referrals and services for crime victims should be provided to all victims. This issue remains a major concern and challenge in every community around the country.

5.3 VICTIM EXPECTATIONS

Most crime victims think that the criminal justice system should be responsible for providing them with counseling for crime-related psychological trauma. This is particularly noteworthy because virtually all crime victims are eligible for crime victim compensation coverage for their mental health counseling. Clearly, a problem exists because most crime victims expect the criminal justice system to provide them with access to counseling, but most victims -- including those with crime related PTSD -- say they don't get the counseling they need.

i. Privacy and the Media

The news media can often inflict a "second victimization" upon crime victims or survivors by exacerbating victims' feelings of violation, disorientation, and loss of control. Common concerns victims express about the media include: interviews at

Victims may feel numb, confused or disoriented, especially immediately after the crime occurs—the point at which the media is often most interested in the news value of the crime. Journalists, while having a legal right to make certain information public, should be aware that news coverage about crimes may have a negative impact on victims and that certain considerations can ameliorate that impact.

The study Centers for Journalism and Trauma offers useful tips for journalists who interview crime victims and their families. It provides tips for sensitive reporting including starting the conversation with "I'm sorry for your loss," and reminding the interviewee periodically about the terms of the interview, (e.g., "I am recording this interview"). It reminds reporters to be respectful and polite to victims who don't want to talk, and to leave a business card with a phone number for the victim to contact when he/she is ready to be interviewed.

Victim service providers can support victims of crime by serving as a "go-between" for a reporter and a victim. Victim advocates can help victims establish the parameters and conditions under which the interview will take place. Even when victims appear in public, such as in the course of criminal justice proceedings, in hospitals, or at funerals, there are ways in which
victim advocates can help limit unwanted exposure to the media. This support can help minimize the invasion of privacy felt by the victim, allows advocates to advise victims about their rights in the media, and gives the media access to the story. Additionally, such a process assists those victims who wish to refuse to grant an interview. It also provides an opportunity for the advocate to assist the victim in preparing a statement, including reviewing the facts that can and cannot be released to the public, calming their fears, and being present when the actual interview is conducted.

ii. Victim Impact Statements

The term "victim impact statement" refers to written or oral information about the impact of the crime on the victim and the victim's family. Victim impact statements are most commonly used at sentencing. Such statements provide a means for the court to refocus its attention, at least momentarily, on the human cost of the crime. They also provide a way for the victim to participate in the criminal justice process. The right to make an impact statement generally is extended beyond the direct victim to homicide survivors, the parent or guardian of a minor victim, and the guardian or representative of an incompetent or incapacitated victim.

Victim impact statements usually describe the harm the offense has had on the victim, including descriptions of the financial, physical, psychological or emotional impact, harm to familial relationships, descriptions of any medical treatments or
psychological services required by the victim or the victim's family as a result of the victimization, and the need for any restitution.

The original victim impact statement that was prepared for the sentencing hearing is included in an incarcerated offender's file by corrections and paroling authorities, and reviewed as part of the parole process, which can include any evidence of communication they may have received from the offender or the offender's associates since sentencing, as well as any other new or updated information concerning the crime's impact on the victim (such as additional physical therapy, surgeries, etc., or continued psychological impact and/or treatment).

Less frequently, victims have input into bail hearings, pretrial release hearings, plea bargain hearings, and other proceedings. Courts should allow victims to submit an impact statement which shall be attached to the file and may be used by the prosecutor or court in making decisions at any stage of the proceedings involving predisposition, sentencing, or determination of restitution.

Generally, the law specifies that victim impact statements may be oral or written, but the statement may also be made by means of videotape, audiotape, or other electronic means. Such flexibility in the form of the impact statement can be particularly beneficial for victims who wish to give input to a parole board, as the victim may live hundreds of miles from the facility where a parole hearing is held.
The right to present victim impact information, whether written or oral, is usually guaranteed by law. However, the matter is left to the discretion of the judge or other officials (such as the parole board). While the laws do not always ensure that the victim impact statement will do more than allow victims a chance to express themselves, specifically require the court or board ruling on the offender’s status to consider the victim’s statements in making its decision.

A defendant has the right to contest assertions made in the victim impact statement. This is most often limited to objecting to factual statements in the statement. The defendant or defense counsel may have the right to cross-examine the victim about the impact statement.

iii. Right to Privacy Legislation

Right to Privacy Legislation is a law to protect the confidentiality of victims of crime. Most of these laws relate to specific groups of victims: sexual assault victims, domestic violence victims, abused, missing persons, hate crime victims, and child victims. Confidentiality laws exist to encourage the reporting of offenses, and to prevent the re-victimization of the crime victim through publicity, unwarranted intrusion upon the victim’s privacy, and insensitive treatment by the media.

Regarding the release of information by courts may restrict the release of the name or other identifying information about the victim. More common is the confidentiality of the victim’s address or phone number and also to prohibit the media from publication or
broadcast of a victim's identity, photo, address or similar identifying information.

Privacy Rights of Sexual Assault Victims

The identity and the address of a victim of sexual assault should be confidential and also prohibit the publication of such information. These laws exist in part to encourage the reporting of an offense which has historically carried much stigma to the victim. States such as Alaska provide that a sexual assault victim will be referred to in all public court records by her initials. In Texas, the victim is given a pseudonym on request to the court (although the victim's name is still released to the defendant and the defense lawyer). Thereafter, the victim may not be required to disclose her or his name, address or phone number. In West Virginia, the identity of a sexual assault victim may not be released prior to an indictment. After indictment, a minor victim may still have his or her identity protected upon request to the court.

There are exceptions to the confidentiality laws as it may permit the defendant or the defense legal representative to have access to the information. It may allow a victim services agency to have access to certain information in order to provide services to the victim or to the victim's family. The paroling authorities keep victim impact statements confidential from inmates and/or their counsel, often allow researchers access to confidential files, although the law ordinarily requires that the information identifying the victim(s) be deleted first.