

Victims of crime by intimates, acquaintances or strangers. Differences in the contexts, experiences and needs of the judicial system. Summary.

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A substantial part of all crime is committed by people who are not strangers to the victims. These suspects or offenders can be intimates, such as (ex-) partners, family members and former friends, but also colleagues, vague acquaintances, clients, neighbours, etc. The central question in this study was: *"in what respects do the experiences of victims of crime differ according to the various degrees of familiarity with the offenders, and what are the consequences for these victims' needs when they seek a judicial response?"* This was investigated through an extensive literature review and a secondary analysis of an existing dataset of 494 Dutch crime victims whose cases were tried by the Public Prosecution Service. The data included both male and female victims of crimes in different victim-offender relationships. They were victims of violence, property crimes and vandalism/public-order crimes. Prior research in this area almost solely involved victims of violent crimes and was usually limited to female victims. The existing knowledge of the effect of victim-offender relationships on the victims' needs when seeking a response by the legal system could be expanded through this study.

The concept of *relational distance* played a key role in this investigation. This is the extent to which people participate in each other's lives. In the most intimate relationships, the lives of the parties in the relationship are almost fully entangled; there is no such entanglement between strangers. The relational distance gradually increases from primary relationships with direct family members, partners and friends at a small relational distance via acquaintances, neighbours, colleagues, etc. at an average relational distance to strangers at the greatest relational distance.

The literature review covered the contexts and characteristics of crime, the experiences of their victims, their psychological impact, their victims' reporting behaviour as well as their needs for a judicial response – always in connection with the victim-offender relationship. Crime committed by intimates and non-intimate acquaintances (non-intimates) are more often conflict-related than crime committed by strangers (which are often predatory). Very little is known about the characteristics of property crime in relation to relational distance. As for violence crime, it is known that the smaller the relational distance between the victim and the offender, the greater the relative number of female victims as opposed to men. The degree of repetition or chronicity of crime increases as the relational distance becomes smaller. The use of firearms and the number of offenders, on the other hand, decrease. As for the occurrence of acute and post-traumatic stress symptoms in the victims – controlled for their duration since the crime was committed – no correlation with the relational distance was found, albeit that the victims of primarily sexual violence by family members (not including former or current partners) seem to suffer from post-traumatic stress complaints more than others. Violent crime at a smaller or in fact greater relational distance cannot unambiguously be categorised as 'more serious' on the grounds of the objective characteristics as referred to.

The reporting behaviour of victims – controlled for the seriousness of the crime – does not seem to differ according to the relational distance to the offender, at least not if the comparisons are made within the subpopulation of victims who regard the event as a crime at least. It is an important fact that as the relational distance to the offender decreases, relatively more victims do *not* consider themselves as victims of a crime. This is another subpopulation of victims who, according to

definitions of criminal law, can be seen as victims of a punishable act but do not qualify themselves as such.

The scientific research into victims' needs, if and when they make a distinction according to the victim-offender relationship, usually distinguishes two groups: the offender was 'known versus unknown' to the victim, or they focus on victims of domestic/partner violence versus 'the rest'. This thesis firstly shows that crime committed by offenders who are known to the victims is not solely violent crime. Depending on the specifics of the crime, empirical research has found percentages of up to 40% for property crime committed by offenders known to their victims, and the same can be said for the majority (approximately two-thirds) of offenders in violent crime. The victim-offender relationship was found to have an impact on the victims' needs, regardless of the type of crime and the victim's sex. Victims of property crime and vandalism by intimates (partners, former partners and family members) more so than victims of crime committed by strangers expressed the wish for protection as a reason for their reporting the crime to the police, as do victims of violent crime by intimates. It is important that it be acknowledged that it is not only *violent* crime by intimates that can be threatening. Other types of crime may possibly be a forewarning for violence or a signal of other problems to which certainly not only women and girls are vulnerable, albeit that the need for protection is certainly great among this group. The secondary analysis found that, more so than victims of crimes by strangers, boys and men who were victims of a crime committed by intimates also seek contact with the police with a view to their wish for protection.

The study showed that the frequently applied distinction according to merely two victim-offender relationships does no justice to the empirical truth. Within the group of victims of crime by non-strangers, both the victims' experiences and their judicial needs vary. Victims of non-intimates (neighbours, other non-intimate acquaintances) cannot be equated with either victims of crime by intimates or victims of crime by strangers. Where the need for retribution is concerned, the non-intimates have the most in common with the victims of crime committed by strangers. In the sample examined in this study, the desire for the offender to be punished is the main reason for the victims of crime by non-intimates to report the crime to the police, as it is for victims of crime by strangers. For victims of crime by intimates, on the other hand, it is the wish for protection that ranks first. The wish for financial compensation is another reason for victims of crime by non-intimates to go to the police, more so than for victims of crime by intimates.

This study also examined whether the victims' interest in a victim-offender meeting under professional guidance differs according to their relational distance to the offender. This is regarded as an indication for the need for 'reconciliation' – for loss of a better word – or any form of relationship repair. Reconciliation may be too big a word for the actual happenings during such meetings. Theoretically, the need for 'reconciliation' is greater against the background of continuing relationships and interlocking networks between the parties. They will usually meet again in the future, but on what terms? A meeting with the offender is, in principle, a good instrument when it concerns conflict related crime where both parties contributed to the events. The smaller the relational distance between the victim and the offender, the more this is the case. Reconciliation would also do more justice to the symbolic meaning of the event when the relational distance is smaller. For a victim at a smaller relational distance, the symbolic meaning of the crime more often lies in the violation of the values that were supposed to be shared. A meeting with the offender enables them to talk about what happened, perhaps receive an apology, look ahead and make agreements. Such an agreement may be to leave one another alone. The examined sample showed

no evidence of a large-scale need on the part of the victims of a meeting with the offender. Yet the victims of crime by intimates were more open to the idea of a meeting with the offender than victims of crime by strangers, even if the chance of 'solving it among themselves' had long gone at this stage. Victim-offender meetings (but also mediation in criminal law, which was not included here) are relatively new facilities in the Dutch criminal law system in the wider sense of the word. These relative innovations can be seen as an improvement primarily for the victims of crime committed by intimate and non-intimates. Such facilities provide room for the reparation of the 'moral balance' in other ways, if desired, than (just) the retributive response. For people who have had a longstanding relationship and are bound to meet in the future, their value is potentially greater than for strangers.

The wish to use participation modalities in criminal law was greater for victims of crime committed by intimate and non-intimates than for victims of crime by strangers. The maximum penalty carried for the offence as charged (a prison sentence of 8 years or more) is currently the criterion applied in the Netherlands for the exercise of the right to submit an oral victim impact statement and be invited to a meeting with the public prosecutor or advocate general.¹ The secondary analysis, however, showed that the seriousness of the crime in terms of the maximum penalty is not a predictor for the wish to participate in the ensuing criminal proceedings, whereas the victim-offender relationship is. As for the wish to be kept informed of the developments in the case, on the other hand, no differences were found. Nine out of 10 victims expressed this wish, regardless of their distance to the offender. It has been concluded that the victims of crime by intimates and non-intimates attach more value to *mutual* communication with the judicial authorities than victims of crimes committed by strangers. They are not looking for one-sided information from the judicial authorities more than others, but rather for the possibility to actually communicate: provide *and* receive information.

The study of victimhood and victims' needs from the perspective of relational distance to the offender has shed more light on the group of victims at an average relational distance. This is a group, not counting exceptions, that is rather overlooked by both victimologists and judicial policymakers. Whereas victims of 'domestic violence' have been a prominent item on the agenda of policy and research in recent decades, the victims of crimes committed by non-strangers at a greater relational distance such as neighbours and acquaintances, have more or less been ignored. Given the group's substantial size and their situation, this is unjustified. These victims do not coincide with the victims of crime by intimates or victims of crime committed by strangers. They are probably less vulnerable to repetition than the group of victims of crime by intimates, but more so than victims of crime committed by strangers: they struggle far more with the problem of the offender and his or her network being difficult to avoid. It would be quite an improvement if, from now on, victimological studies would make a distinction between at least 3 groups: strangers, non-intimates and intimates.

Relational distance is a relevant concept for victimologists, but not a concept that is easy to operationalise. The dimension of social and spatial environment being shared to a greater or lesser extent is relevant, but the same goes for the socio-psychological dimension of a greater or lesser identification with the offender. The operationalisation of relational distance is also difficult because the relational distance prior to the crime might be quite different from the distance preferred from then on. Will intimates still be intimates? Would the victim and offender rather avoid one another in

¹ And in a number of specified crimes in Article 51e of the Dutch Code of Criminal Procedure.

the future? Is that even possible? The question of whether they will meet in the future and share a network is an issue in many relationships, whether it is with direct neighbours, other people in the neighbourhood, family members, ex-partners or acquaintances. This is not only of importance to the question as to whether, and how fast, victims turn to the judicial system, but also to the response they seek from the judicial system (in the widest sense) or the response to which they are receptive. The sheer knowledge that an offender is a neighbour or former partner of the victim does not suffice as a predictor of the symbolic implications of the event (a violation of shared values?) and the length of the 'shadow over the future'. A short shadow over the future would indicate a lesser need for relationship repair, since the chance that the victim and offender will meet again is slim. The possibilities for the judicial system to contribute to the reparation of the sense of justice in the people involved, apart from its own responsibility for the law, is partly based on these types of questions.

The victim-offender relationship affects the importance victims attach to certain aspects of the judicial response. The systematic distinction of the victim-offender relationship from closely related variables, such as the type of crime and the sex of the victim, has proved to be relevant. Considering both the desired outcomes (protection, punishment, financial compensation and reconciliation) and the desired proceedings (participation), differences were found between the victims of crimes by intimates, non-intimates and strangers. These seem to be relevant regardless of the type of crime and the victim's sex. It is, therefore, certainly not solely the female victims of violence by intimates whose interests towards the judicial system differ from (all) other victims'.