

# Victimology: A Brief History with an Introduction to Forensic Victimology

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## KEY TERMS

*Criminal investigation:* the process of gathering facts to be used as evidence and proof in a court of law.

*The Dark Age:* in victimology, the era after the emergence of written laws and structured governments, where all offenses were viewed as perpetrated against the king or state, not against the victims or their family.

*Forensic victimology:* the study of violent crime victims for the purposes of addressing investigative and forensic questions. It involves the accurate, critical, and objective outlining of a victim's lifestyles and circumstances, the events leading up to an injury, and the precise nature of any harm or loss suffered.

*General victimology:* the study of victimity in the broadest sense, including those that have been harmed by accidents, natural disasters, war, and so on.

*The golden age:* in victimology, the era thought to have occurred before written law, where victims played a direct role in determining the punishment for actions of another committed against them or their property.

*Interactionist/penal victimology:* an approach to victimology from a criminological or legal perspective, where the scope of study is defined by criminal law.

*Reemergence of the victim:* the era in the middle of the twentieth century, when a small number of people began to recognize that those who were most affected by criminal acts were rarely involved in the criminal justice process. This led to the realization that victims were also being overlooked as a source of information about crime and criminals.

*Sanctity of victimhood:* the belief that victims are inherently good, honest, and pure, making those who defend them righteous and morally justified.

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*Scientific method:* a way to investigate how or why something works or how something happened through the development of hypotheses and subsequent attempts at falsification through testing and other accepted means.

*Victim:* used in the modern criminal justice system to describe any person who has experienced loss, injury, or hardship due to the illegal action of another individual, group, or organization.

*Victima:* a Latin word used to refer to those who were sacrificed to please a god.

*Victimology:* the scientific study of victims and victimization, including the relationships between victims and offender, investigators, courts, corrections, media, and social movements.

*Victim precipitation:* when a crime is caused or partially facilitated by the victim.

*Victim prone:* individuals who share a capacity for being victimized.

Historically, the Latin term *victima* was used to describe individuals or animals whose lives were destined to be sacrificed to please a deity. It did not necessarily imply pain or suffering, only a sacrificial role. In the nineteenth century, the word *victim* became connected with the notion of harm or loss in general (Spalek 2006). In the modern criminal justice system, the word *victim* has come to describe any person who has experienced injury, loss, or hardship due to the illegal action of another individual, group, or organization (Karmen 2004).

The term *victimology* first appeared in 1949, in a book about murderers written by forensic psychiatrist Fredric Wertham. It was used to describe the study of individuals harmed by criminals (Karmen 2007). Today, as explained in our Preface, *victimology* refers generally to the scientific study of victims and victimization, including the relationships between victims and offenders, investigators, courts, corrections, media, and social movements (Karmen 1990).

According to Ezzat Fattah, PhD, an Egyptian prosecutor turned criminologist, as well as a leading author on the subject of victimology (Fattah 2000, 24):

the study of victims and victimization has the potential of reshaping the entire discipline of criminology. It might very well be the long awaited paradigm shift that criminology desperately needs given the dismal failure of its traditional paradigms: search for causes of crime, deterrence, rehabilitation, treatment, just desserts, etc.

The authors and contributors of this text concur.



**FIGURE 1.1**

Dr. Fredric Wertham (1895–1981) reading the first issue of *Shock Illustrated*. A psychiatrist for the New York Department of Hospitals connected with the Court of General Sessions, he is best remembered for his expert testimony in the trial of serial murderer Albert Fish and for his opposition to comic books. In 1954, he wrote a book titled *Seduction of the Innocents*, which argued that comic books were the lowest form of literature and a primary cause of juvenile delinquency, citing their depiction of sex, drugs, and violence. That same year, this book led to an official Congressional Inquiry that ultimately resulted in the “voluntary” creation of the Comics Code Authority (CCA) by the Comics Magazine Association of America. The CCA screened all comic books prior to publication, acting essentially as an industry censor.

Jan Van Dijk, a professor of victimology at Tilburg University, has proposed that there are currently two major types of victimology (1999): general victimology and penal victimology, with major differences stemming from the definitions used to identify victims. General victimology studies victimity in the broadest sense, including those that have been harmed by accidents, natural disasters, war, and so on (Van Dijk 1999). The focus of this type of victimology is the treatment, prevention, and alleviation of the consequences of being victimized, regardless of the cause.

Interactionist (or penal) victimologists, on the other hand, generally approach the subject from a criminological or legal perspective, where the scope of study is defined by criminal law. According to Van Dijk (1999, 2) “the research agenda of this victimological stream combines issues concerning the causation of crimes with those relating to the victim’s role in the criminal proceedings,”

where victims are only those who become such as a result of a crime. Generally speaking, this type of victimology advocates for victims, for their rights or in relation to certain types of prosecutions.

There remains a level of ignorance regarding the nature and even existence of victimology across the professional spectrums that intersect with the subject. Most notably this occurs within the criminal justice system itself, which tends to be populated by those without a scientific, behavioral, or research background. A primer is therefore necessary. The purpose of this chapter is to provide a brief history of victimology as it has evolved in relation to systems of justice until modern times, as a precursor to the development of forensic victimology as a subspecialty. It will then close with discussions on the rationale for the investigative and forensic use of victimology. If readers have not yet studied the Preface, now would be a good time to go back and do so.

## HISTORY

It is important to acknowledge where the field of victimology originated and how it has developed. To that end, this section involves a general overview of the victim's role in various systems of justice throughout history. It will conclude with a more specific rendering of the contributions of selected victimologists, subsequent research, and its impact on the discipline.<sup>1</sup>

The concept of victim study as it relates to legal conflict is not new. In fact, it has been around for centuries in various forms. For example, Jerin and Moriarty (1998, 6) contend that there are three distinct historical eras defining the victims' role within justice systems: the *golden age*, the *dark age*, and the *reemergence of the victim*.

### The Golden Age

In the so-called *golden age*, which Jerin and Moriarty suggest existed prior to written laws and established governments, tribal law prevailed. In much of tribal law, victims are said to have played a direct role in determining punishments for the unlawful actions that others committed against them or their property. It was reportedly a time when personal retribution was the only resolution for criminal matters. As such, victims actively sought revenge or demanded compensation for their losses directly from those who wronged

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<sup>1</sup>As will become clear, the victimological literature has often been the product of advocates interested in victim rights, legal reforms, and various liabilities, as opposed to those interested in objective study for the advancement of scientific knowledge. Therefore, some of the terminology used has been less than scientific and even partial. It is presented here purely in an effort to maintain the historical record.

them (Karmen 2007; Shichor and Tibbetts 2002). Doerner and Lab (2002, 2) go so far as to describe this as a *victim justice system* as opposed to a *criminal justice system*, explaining that

it was up to victims or their survivors to decide what action to take against the offender. Victims who wished to respond to offenses could not turn to judges for assistance or to jails for punishment. These institutions did not exist yet. Instead, victims had to take matters into their own hands.

Clearly, this was not a time of objectivity and critical regard towards victims and their claims. Victims would define the extent of any loss or harm and then seek their own retribution rather than either being investigated or assessed by a disinterested or higher authority. Ostensibly, this could occur without any preestablished burden of proof, with the victim's word set against that of the accused, and judged in an ad hoc fashion within a given community, group, or tribe. In such a system, fault and legal consequence become a matter of character and influence.

Victim-driven approaches to justice became somewhat problematic as populations grew, and as families and groups expanded. This was partly because, in many instances, crimes were not suffered or inflicted against just one person. Depending on the nature of an offense, it might be harmful to an entire family, tribe, or culture. And if the actual offender were not available to be punished, his or her kinsman might bear the responsibility for the harm that had been caused. Worse still, in some instances, successive generations would inherit any insult and injustice committed against the last—wrongfully victimized or wrongfully prosecuted alike. So the commission of a single crime had the potential to draw in many people. Resulting vendettas could lead to longstanding blood feuds between families or tribes for harms that may or may not have actually happened.

Eventually, many came to the realization that although it promoted strong family, clan, and even cultural loyalty, this form of justice did little to resolve conflict. The notion that a crime against one is a crime against many did not serve to alleviate the hardship endured by the individual victims. Neither did holding one kinsman responsible for the crimes of another. Rather, this scheme of justice expanded the harm of the original crime to people that weren't directly involved. It also resulted in cycles of revictimization as groups sought their share of vengeance back and forth (Shichor and Tibbetts 2002). Rather than serving the victim, victim-driven justice actually made matters much worse.

For example, a long-practiced victim-oriented remedy to the problem of crime, debt, and related blood feuds is marriage: the mixing of blood from both sides

to vest interests, pay back a loss, or end the need for retaliation. However, even in cultures where tribal law maintains a foothold and such problems are common—as is the case in modern-day Afghanistan—this widely accepted “solution” is known to fail and actually create new victims. As explained in Tang (2007):

Despite advances in women's rights and at least one tribe's move to outlaw the practice, girls are traded like currency in Afghanistan and forced marriages are common. Antiquated tribal laws authorize the practice known as “bad” in the Afghan language Dari—and girls are used to settle disputes ranging from debts to murder.

Such exchanges bypass the hefty bride price of a traditional betrothal, which can cost upward of US\$1,000. Roughly two out of five Afghan marriages are forced, says the country's Ministry of Women's Affairs.

Though violence against women remains widespread, Afghanistan has taken significant strides in women's rights since the hard-line Taliban years, when women were virtual prisoners—banned from work, school, or leaving home unaccompanied by a male relative. Millions of girls now attend school and women fill jobs in government and media.

There are also signs of change for the better inside the largest tribe in eastern Afghanistan—the deeply conservative Shinwaris. Shinwari [tribal] elders from several districts signed a resolution this year outlawing several practices that harm girls and women. These included a ban on using girls to settle so-called blood feuds—when a man commits murder, he must hand over his daughter or sister as a bride for a man in the victim's family. The marriage ostensibly “mixes blood to end the bloodshed.” Otherwise, revenge killings often continue between the families for generations. . . .

About 600 elders from the Shinwar district put their purple thumbprint “signatures” on the handwritten resolution.

More than 20 Shinwari leaders gathered in the eastern city of Jalalabad, nodding earnestly and muttering their consent as the changes were discussed last week.

They insisted that women given away for such marriages—including those to settle blood feuds—were treated well in their new families. But the elders declined requests to meet any of the women or their families.

“Nobody treats them badly,” Malik Niaz said confidently, stroking his long white beard. “Everyone respects women.”

But Afghan women say this could not be further from the truth. “By establishing a family relationship, we want to bring peace. But in reality, that is not the case,” said Hangama Anwari, an independent human rights commissioner and founder of the Women and Children Legal Research Foundation. The group investigated about 500 cases of girls given in marriage to settle blood feuds and found only four or five that ended happily. Much more often, the girl suffered for a crime committed by a male relative, she said. “We punish a person who has done nothing wrong, but the person who has killed someone is free. He can move freely, and he can kill a second person, third person because he will never be punished,” Anwari said.

A girl is often beaten and sometimes killed because when the family looks at her, they see the killer. “Because they lost someone, they take it out on her,” Naderi said.

There are no reliable statistics on blood-feud marriages, a hidden practice. When it happens, the families and elders often will not reveal details of the crime or the punishment.

Several years ago in nearby Momand Dara district, a taxi driver hit a boy with his car, killing him. The boy’s family demanded a girl as compensation, so the driver purchased an 11-year-old named Fawzia from an acquaintance for US\$5,000 and gave her to the dead boy’s relatives, according to the Afghan Women’s Network office in Jalalabad. Three years ago, Fawzia was shot to death, according to a two-page report kept in a black binder of cases of violence against women.

The story of Malia and the nine sheep illustrates the suffering of girls forced into such marriages. Malia listened as her father [Ahmad] described how he was held hostage by his lender, Khaliq Mohammad, because he could not come up with the money to pay for the sheep, which Ahmad had sold to free a relative seized because of another of Ahmad’s debts.

Ahmad was released only when he agreed to give Malia’s hand in marriage to the lender’s 18-year-old son. Asked how she felt about it, Malia shook her head and remained silent. Her face then crumpled in anguish and she wiped away tears. Asked if she was happy, she responded halfheartedly, “Well, my mother and father agreed . . .” Her voice trailed off, and she cried again. Does she want to meet her husband-to-be? She clicked her tongue—a firm, yet delicate “tsk”—with a barely perceptible shake of her head. The answer was no.



**FIGURE 1.2**

“Nazir Ahmad said he was forced to pay a debt of less than \$200 by betrothing his [16-year-old] daughter Malia, third from left. From left to right Malia’s father, sister, Malia, and her mother, during an interview with Associated Press in their home in Jalalabad, Afghanistan, Sunday, July 1, 2007” (Tang 2007).

The theory is not entirely unsound—join groups or families and their interests to stop the cycle of retaliation and end the need for generational vendettas. However, in reality such marriages can create a whole new set of victims when arranged or coerced in opposition to the desires of those involved. In such cases, the “good news” is different for everyone.

In any event, the notion that this time period or its related practices represents some kind of *golden age* of discretionary justice for any but a favored few seems misplaced, if not entirely mythical. Certainly some victims were free to accuse those who harmed them and seek the vengeance they desired. This would naturally result in increased false reporting. Moreover, there might not be anyone to protect them from the consequences if they did make a report, true or not, let alone protect them from the accused. Consider the following realities of this type of justice:

- The less power or perceived character one had, the less able to report and sustain sympathy for actual victimization;
- The more power or perceived character one had, the more able to abuse the power of accusation (make false allegations for personal gain);



- Given the absence of any standard of evidence, and the known fallibility of eyewitness accounts, the likelihood of being wrong in one's accusations was necessarily high;
- Making an accusation could result in generations of retaliation, including dishonor for children and grandchildren;
- Committing a crime could result in generations of retaliation, including dishonor for children and grandchildren;
- In patriarchal systems, women and children were often forced to pay the price of crimes committed by their adult male kinsman, becoming victims without any voice or recourse.

The list of problems does not end here, but the point is that this was not a golden age for victims or offenders by any stretch of the imagination. Although it might look good to some through the distance of time, the sword of justice swings erratically and irrevocably under such circumstances—and it still favors the favored.

## The Dark Age

It has been argued that the so-called *dark ages* of victimology were the result of the emergence of structured local governments and the development of formal legal statutes. These were a byproduct of more stable economic systems, which came about through urbanization and the industrial revolution as well as the rise in power of the Roman Catholic Church (Karmen 2007; Shichor and Tibbetts 2002). As families moved away from their farms and into cities, neighborhoods became depersonalized; the old tribal systems, based on culture and kinship, were no longer viable (Doerner and Lab 2005).

In these emerging criminal-oriented justice systems, offenses were increasingly viewed as perpetrated against the laws of the king or state, not just against a victim or the victim's family. Eventually, focus shifted towards offender punishments and rights, as opposed to victim rights and restoration. Subsequently, as formal systems of criminal justice rose and spread, victim involvement eroded to little more than that of witness for the police and prosecution (Doerner and Lab 2002; Karmen 2007). As Doerner and Lab (2002, 3) explain:

The development of formal law enforcement, courts, and correctional systems in the past few centuries has reflected an interest in protecting the state. For the most part, the criminal justice system simply forgot about victims and their best interests.

A result of this ongoing evolution is that modern criminal justice systems do not necessarily seek to help the victim in a given case. As subsequent chapters will discuss, those in power invariably create laws to protect cultures, societies, and institutions. In modern Western cultures, for example, society at large is the intended beneficiary: the criminal justice systems seek to separate criminals

from society, to deter others from acting criminally via ever-harsher punishments, and ultimately to prevent future victimizations. Whether this is actually being accomplished is a matter of debate, and individual victims are often left by failed law enforcement efforts to seek remedy for the harms they suffer in civil court.

### Reemergence of the Victim

A so-called *reemergence of the victim* occurred in the 1950s and 1960s, when a small number of people began to recognize that those who were most affected by criminal acts were rarely involved in the process. Unsettled with the fact that victims' rights and needs had gone by the wayside, they fought to bring this disparity to the public's attention (Karmen 2007). It soon became the consensus amongst various groups, including journalists, social scientists, and those involved directly with the criminal justice system, that "victims were forgotten figures in the criminal justice process whose needs and wants had been systematically overlooked but merited attention" (Karmen 2007, 27).

During the same time, a collection of sociologists, criminologists, and legal scholars came to the same realization—that victims were being overlooked as a source of information about crime and criminals. Their interest in studying victims is what ultimately led to the birth of traditional victimology as a discrete scientific endeavor. While victims' rights were gaining attention, victimology, in its early years, did not seek to address the needs of victims and alleviate their suffering. Rather, it came from a desire to better understand the victim's role in the criminal act, relationship to the offender, and culpability (Doerner and Lab 2002). It is from this research that the field of criminology formally spawned the subspecialty of victimology, and by the early 1970s courses on the subject were being taught at universities across the United States. As announced and described in *Time Magazine* (1971):

At its last conference, the International Criminological Society included a special session on the behavioral patterns of victims. For the first time in the U.S., three courses in victimology are being offered, one at the University of California, the others at Northeastern University and at Boston University Law School. A major book on the subject is nearing publication, and an international conference devoted solely to victimology has been scheduled for Jerusalem in 1973.

Most behavioral scientists agree with University of Montreal Criminologist Ezzat Abdel Fattah, who contends that "there are people who attract the criminal as the lamb attracts the wolf." Some of these victims are masochistic or depressed; Criminologist Hans von Hentig described them as longing "lustfully" for injury.

Others, says Northeastern University Victimologist Stephen Schafer, have certain personality traits—for example, the Kennedys' ambition for power—that invite attack by “offending the offender.” Israeli Criminologist Menachem Amir, who set up the victimology course at Berkeley, cites cultural factors: to participate in certain lifestyles, such as prostitution and drug addiction, is to court trouble. There are some occupations, too, that are likely to attract violence: cab driver, bank teller, and policeman, among others. The motivation for seeking these jobs sometimes includes an unconscious need to be a victim, or a wish to defy fate.

The type of crime often fits the behavior that provoked it. Theft, for instance, is often stimulated by the victim's negligence, swindles by his greed, and blackmail by his guilt. Murder can be invited by belligerence: in 1969 a national study of bus drivers showed that three who were killed during robberies had vowed not to let “any punk kid” rob them, and had carried and tried to use guns in violation of company rules. In other cases, suicidal wishes have provoked murder—a phenomenon that the mother of Congressional Medal of Honor Winner Dwight Johnson may have recognized when she surmised that her son, shot while committing a holdup, had “tired of life and needed someone else to pull the trigger.”

Much of the early research in victimology is foundational to questions that are still being asked today. A brief discussion of the early victimologists and their thinking is warranted.

## KEY FIGURES

As mentioned earlier, the origins of scientific victimology can be attributed to a few key figures in criminology, including Hans von Hentig, Benjamin Mendelsohn, Stephen Schafer, and Marvin Wolfgang (Karmen 2007). Their early work involved the first attempts at studying the victim-offender relationship in a systematic fashion, however misguided by generalizations, personal bias, and professional agendas. Each of them will be discussed, as their approaches to victim study are the most relevant to some of the questions posed by modern-day forensic victimologists.

### Hans von Hentig

In the first half of the last century, Hans von Hentig was a criminologist from Germany seeking to develop better crime prevention strategies. Having researched the factors that predisposed one to criminality, he began to wonder what might cause a victim to become a victim. He ultimately found that certain

victim's characteristics did play a role in shaping the crimes suffered (Doerner and Lab 2005; Meadows 2007).

Specifically, Von Hentig believed that some victims contributed to their own victimization by virtue of many converging factors, not all of which were in their control. Von Hentig described his beliefs to the mainstream media in *Time Magazine* (1948):

The characteristics and forces that tend to make a man a criminal ... are diverse and complicated. A contributing factor may be ugliness, deafness, a physical handicap ...

Victims, Dr. Von Hentig believes, are born or shaped by society much as criminals are ... Some types of criminals are attracted to slum areas; so are their victims. Feeble-mindedness, common among some types of criminals, is also common among their victims.

... certain characteristics of law-abiding citizens arouse a counter reaction in the criminal. The inexperienced businessman, for example, invites embezzlement; the nagging wife is flirting with murder; the alcoholic is a natural for robbery. Thus the victim becomes the "tempter."

To his credit, Von Hentig was perhaps the first to systematically study the role victims could play in the crimes committed against them (Van Dijk 1999). He later published *The Criminal and His Victim: Studies in the Sociobiology of Crime* (1948), which contained a chapter devoted solely to discussing these theories. Von Hentig argued for acknowledging the responsibility some victims had in becoming victimized. He even developed a system of categorizing victims along a continuum that depended on their contribution to the criminal act, though currently his terminology may be considered offensive to some.

Von Hentig originally classified victims into one of 13 categories, which could easily be described as a list of characteristics that increase victim vulnerability or exposure to danger (adapted from pages 404–438, with discussion by the authors):

1. *The Young*: Von Hentig was referring to children and infants. From a contemporary point of view, children are physically weaker, have less mental prowess, have fewer legal rights, and are economically dependent on their caretakers (parents, guardians, teachers, and so forth); they also have the potential to be exposed to a wider range of harm than adults. Moreover, they are less able to defend themselves and sometimes less likely to be believed should they seek assistance. This includes children who suffer emotional, physical, and sexual abuse at home because of abusive parents (often under the influence of

drugs and alcohol); children who are bullied at school because of some aspect of their appearance or personality; and children who are forced into acts of prostitution or sold into slavery by impoverished parents. Each suffers different levels and frequencies of exposure to different kinds of harm.

2. *The Female*: Von Hentig was referring to all women. From a contemporary point of view, many women are physically weaker than men. Many have been culturally conditioned, to varying degrees, to accept male authority. And many women are financially dependent on the men in their lives (fathers, husbands, and so forth). To make matters worse, many Western women are conditioned to believe that their value is associated with their bodies, or specifically, their sexuality. In extreme cases, this can lead to low self-esteem, depression, substance abuse, promiscuity, and prostitution, with varying exposure to harm.
3. *The Old*: Von Hentig was referring to the elderly. In a contemporary sense, they have many of the same vulnerabilities as children: they are often physically weaker, mentally less facile, and may be under someone else's care. This can expose them to a range of harms, from the theft of personal property to physical abuse. However, they are also particularly vulnerable to confidence scams, as they can have greater access to money, along with poor memory and a sense of pride that may combine to prevent them from reporting loss.
4. *The Mentally Defective and Deranged*: Von Hentig was referring to the feeble-minded, the "insane," drug addicts, and alcoholics. Those who suffer from any of these conditions have an altered perception of reality. As a consequence, depending on the level of their affliction, personality, and environment, these potential victims may harm themselves and others to varying degrees. They may also suffer many of the same general kinds of exposures as children and the elderly.
5. *Immigrants*: Von Hentig was referring to foreigners unfamiliar with a given culture. Anyone traveling to a culture different from their own is subject to varying gaps in communication and comprehension. This can, depending on where they go and whom they encounter, expose them to all manner of confidence schemes, theft, and abuse, to say nothing of prejudices.
6. *Minorities*: Von Hentig was referring to the "racially disadvantaged," as he put it. What this truly means is prejudice. Groups against which there is some amount of bias or prejudice by another may be exposed to varying levels of abuse and violence.

7. *Dull Normals*: Von Hentig was referring to “simple-minded persons,” as he put it. From a contemporary viewpoint, we might consider these as having the same types of exposure to harm as those who are mentally defective and deranged.
8. *The Depressed*: Von Hentig was referring to those with various psychological maladies. From a contemporary viewpoint, those who are depressed may expose themselves to all manner of danger, intentional and otherwise. Additionally, they may take psychotropic medication that alters perception, affects judgment, and impairs reasoning.
9. *The Acquisitive*: Von Hentig was referring to those who are greedy and looking for quick gain. Such individuals may suspend their judgment, or intentionally put themselves in dangerous situations, in order to achieve their goals.
10. *The Wanton*: Von Hentig was referring to promiscuous persons. People who engage in indiscriminate sexual activity with many different partners expose themselves to different levels of disease and varying personalities. Some of these personalities may be healthy and supportive; some may be narcissistic, jealous, and destructive.
11. *The Lonesome or Heartbroken*: Von Hentig was referring to widows, widowers, and those in mourning. From a contemporary standpoint, loneliness is at epidemic proportions, with more than half of marriages ending in divorce, the rise of the culture of narcissism since the late 1970s (see Lasch 1979), and diminishing intimacy skills across all cultures. This category does not apply only to those in mourning; those who are lonely or heartbroken are prone to substance abuse, and can be easy prey for con men, the abusive, and the manipulative.
12. *The Tormentor*: Von Hentig was referring to the abusive parent. In contemporary terms, there are abusive caretakers, intimates, and family members of all kinds. All such abusers expose themselves to the harm they inflict, the resulting angst, and the degree to which their victims fight back. For example, an abusive mother who gets drunk and punches a child exposes herself to the dangers of injuring her hand, of misjudging her strike and even her balance, and of the child punching back.
13. *The Blocked, Exempted, or Fighting*: Von Hentig was referring to victims of blackmail, extortion, and confidence scams. In contemporary times, such victims are still exposed to continual financial loss or physical harm, or must suffer the consequences that come from bringing the police in to assist. In such cases, the attention of law enforcement, and any subsequent publicity, may be the very thing that the victim wishes to avoid.

From a research point of view, these are interesting and even somewhat useful classifications with important theoretical implications, though the terminology is sometimes inappropriate. However, the case-working victimologist must study each victim to determine the extent to which such a classification has a bearing on the harm suffered within a particular crime. Some children are smart and fast; many women are strong and self-assured; some of the elderly are quick and resourceful; immigrants learn languages and customs; and the “blocked” may decide to go to the police. In short, many of the generalizations suggested in this typology may not hold when applied to a specific crime or victim.

### Benjamin Mendelsohn

Benjamin Mendelsohn was a French-Israeli lawyer who began studying victims in 1947 (Karmen 2005). While working on the defense of a rape case, he became interested in the correlations between rapists and their victims. He found that there was often a strong interpersonal relationship between the two, and that it could lead some victims to unknowingly invite or even cause their own victimization (Meadows 2007). He referred to this as *victim precipitation*:<sup>2</sup> crime caused or partially facilitated by the victim. He ultimately believed that many victims shared an unconscious capacity for being victimized, and referred to this as being *victim prone*.

Similar to Von Hentig, Mendelsohn developed a typology that categorizes the extent to which a victim is culpable in his or her demise. However, while Von Hentig’s typology explains victim contribution based on personal characteristics, Mendelsohn’s typology uses situational factors. Mendelsohn’s six victim types, as adapted from Meadows (2007, 22) are:

1. *Completely innocent victim*: Exhibits no provocative or contributory behavior prior to the offender’s attack.
2. *Victim due to ignorance*: Unwittingly does something that places him or her in a position to be victimized.
3. *Voluntary victim*: Suicides, or those injured while participating in high-risk crimes such as drug abuse or prostitution.
4. *Victim more guilty than the offender*: Victim provokes a criminal act (e.g., throws the first punch in a fight but ends up the loser).
5. *Most guilty victim*: The initial aggressor, but due to circumstances beyond his or her control ends up the victim (e.g., attempts to rob a convenience store but is shot by the storeowner).
6. *Simulating or imaginary victim*: A pretender, or false reporter.

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<sup>2</sup>According to Doerner and Lab (2002, 9): “Victim precipitation deals with the degree to which the victim is responsible for his or her own victimization.”



**FIGURE 1.3**

A Chinese prostitute is found by authorities in a Guangzhou hotel room with two men. Were she to become the victim of an assault or contract a venereal disease, as do many prostitutes, those using Mendelsohn's typology would likely dismiss her as a *voluntary victim*. This may or may not be accurate. For instance, many prostitutes around the world are sold or tricked into sex work by relatives and brothel owners at a very young age, and then become captive by circumstances that they cannot control.<sup>3</sup> In some cases they are broken in to the trade with beatings, rape, and other forms of torture. Eventually, they can become trapped by fear, shame, poverty, addiction, and disease.

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<sup>3</sup>The United States is no stranger to the problem of *human trafficking*, which is among the most profitable forms of organized crime in the world. According to Srikantiah (2007, 162–163): "Trafficking is modern-day slavery. Men, women, and children from developing countries are trafficked to industrialized countries for forced prostitution, forced labor, and other forms of exploitation. Increased globalization, including cheaper transportation and communication methods, has resulted in increased migration, including increased trafficking in persons. According to U.S. government estimates, up to 800,000 people are trafficked across international borders annually, and up to 17,500 people are trafficked into the United States each year. These victims include men, women, boys, and girls. The majority of trafficked persons are women and girls, who are more vulnerable to trafficking because of a greater susceptibility to poverty, illiteracy, and lower social status. Individuals are typically trafficked from poor countries, often in the global South, to wealthier countries. Trafficking is an extremely profitable international criminal enterprise, ranking third in profits after the arms and drug markets. The International Labour Organization estimates that human trafficking generates \$31.6 billion in organized crime profits annually."



The danger with Mendelsohn's typology is that it doesn't always come with explicit instructions. It does have some important conceptual value, in showing a continuum of possible victim culpability or precipitation. However, if applied broadly, simplistically, and without careful investigation into the facts, it could be misused. Before these descriptors can be applied to a specific case, attention must be paid to the details. This means accepting that not every prostitute or drug user is a voluntary victim; not every bar fight involves a more guilty or most guilty victim; and not everyone who fails to exhibit provocative behavior prior to an attack is completely innocent. While Mendelsohn's typology is interesting in theory, its application to specific cases can be problematic, if not entirely inappropriate, when contextual information is not investigated and considered.

### **Stephen Schafer, PhD**

Dr. Stephen Schafer was a professor of sociology at Northeastern University in Boston, Massachusetts. In 1968, he published what is regarded by some as the first textbook on the subject of victimology, *The Victim and His Criminal: A Study in Functional Responsibility*. According to Van Dijk, this work was significant to the advance of victimology, as it was an "independent study of the relationships and interactions between offender and victim, before, during, and after the crime" (1999, 2). Schafer's study involved interviews with criminals and aimed to build upon the typologies presented in previous works by focusing on victim culpability.

According to Doerner and Lab (2002), Schafer proposed seven types of victim responsibility (or victim precipitation), which are essentially a variation on the work of Von Hentig (2002, 8):

1. *Unrelated victims* (no victim responsibility)
2. *Provocative victims* (victim shares responsibility)
3. *Precipitative victims* (some degree of responsibility)
4. *Biologically weak victims* (no responsibility)
5. *Socially weak victims* (no responsibility)
6. *Self-victimizing* (total victim responsibility)
7. *Political victims* (no responsibility)

In reviewing this typology, we find it to be less of an inclusive measure and more of an incomplete list of circumstances that mitigate victim responsibility because they increase general vulnerability. While it is true that lines are drawn between the *provocative*, the *precipitative*, and the *self-victimizing*, from the examples cited in the literature it is unclear how these categories would be applied to a specific case, as the defining elements are highly subjective. Also, Schafer has inappropriately defined (and therefore presumptively assumed) the specific responsibility of each victim type. There appears to be no room for mitigating circumstances once a victim is put in a particular slot, which is what

a pedantic or bureaucratic victimologist could do with this labeling system. *Socially weak victims*, such as immigrants, are regarded as having no responsibility, but what if they are shot while robbing a convenience store? *Biologically weak victims*, such as the elderly, are also regarded as having no responsibility, but what if they are abusing alcohol and become a rancorous precipitative drunk, only to start a physical altercation at home that they lose? As will be discussed throughout this text, the relationships between victims and criminals are far too complex for such rigid presumptions.

However problematic, Dr. Schafer's contribution to the field of victimology must not be dismissed. As Young and Stein explain: "The importation of victimology to the United States was due largely to the work of the scholar Stephen Schafer, whose book *The Victim and His Criminal: A Study in Functional Responsibility* became mandatory reading for anyone interested in the study of crime victims and their behaviors" (2004, 2). Were it not for his efforts, subsequent work leading to our research would not have been possible.

### Marvin E. Wolfgang, PhD



**FIGURE 1.4**

Dr. Marvin Wolfgang, a pioneer of quantitative and theoretical criminology, died in 1998 at the age of 73.

Dr. Marvin Wolfgang was a professor of criminology, legal studies, and law at the Wharton School, and founding director of the Sellin Center for Studies in Criminology and Criminal Law, at the University of Pennsylvania. According to Doerner and Lab (2005), Wolfgang was the first to present empirical research findings as support for his theories of victimology. In his work *Patterns of Criminal Homicide* (1958), Wolfgang presented the results of his study of police homicide records, which concluded that over a quarter of the homicides in the city of Philadelphia between 1948 and 1952 involved some element of victim contribution and participation (Doerner and Lab 2005). Wolfgang went so far as to label one type of homicide *victim-precipitated*, where the initial physical violence or threat of physical violence came from the victim, not the offender (Shichor and Tibbetts 2002). This concept of victim precipitation has since been used to study many violent crimes, but it loses some of its validity when property and sex crimes are considered, since provocation by the victim becomes much more subjective in such cases (Shichor and Tibbetts 2002).

### VICTIM STUDY: PAST TO PRESENT

As we have described, the formal discipline of victimology was born out of a desire to study victims for the purpose of answering social and legal questions

regarding cause and culpability. Liu explains that “victimologists consider how victims help create the conditions in which they are victimized, how victims contribute to and even provoke their own victimization, and the demographic relationship between victims and offenders” (2006, 175).

On the one hand, victimology began as a preventative issue relating to social health: what can we do to avoid becoming a victim today, and what can we do to reduce the number of victims tomorrow? On the other hand, it was a matter of legal consequence: to what extent did the victim contribute to his or her own demise with respect to circumstances, ignorance, negligence, or intentional provocation? Victimology was the beginning of an attempt, however imperfect, to peel back the layers of the onion and expose the dynamics of the victim-offender relationship. But the political climate has changed how we study victims today.

Modern texts on the subject of victimology, many of them cited in this chapter, have moved away from asking questions that might reveal victim falsity and weaken related advocacy or criminal prosecutions. Rather, they tend to focus on victim statistics, the impact of crime, enhancing victim rights, victim compensation, and developing new victim remedies. Furthermore, they offer broad yet thin reference to victim groups by crime type, in accordance with the Uniform Crime Reports (UCR, to be discussed in Chapter 2). Some texts do not achieve even that level of coverage, being little more than compilations of various writings by authors with diverse views and agendas without organization or theme.

In short, current victimology texts presume victimhood for all of the numbers that apply and provide little that would help inform an objective or critical investigation into the facts and dynamics of a particular victim-offender relationship. In this current perspective, crime is regarded as a social disease with victimology acting as its sociostatistical thermometer—taking the temperature of victim groups and providing a speculative lens for their various maladies. We understand that this is a genuinely important role and one that must not be completely abandoned by the field. Somebody has to look at the numbers and give voice to these groups.

However, it must be acknowledged that despite the collection of victim data, the use of victim statistics, and the promotion of victim sympathy, such approaches to victimology can regularly be found lacking in actual science. In fact, they may even be viewed as biased, or as pandering to victims, advocates, bureaucracies, and their respective agendas. Certainly these voices need the floor, but not the whole floor and not the whole agenda.

Any victim bias is a problem when studying victims of crime: pro-victim and anti-victim alike. However, as discussed in the Preface, a pro-victim bias in victimology is currently being rewarded, because it is socially and politically

inoffensive, and maintains the much-needed sanctity of victimhood. Without a presumptive showing regarding the *sanctity of victimhood*,<sup>4</sup> some investigators become lax and apathetic, some prosecutors are loath to go to trial, and some juries are hesitant to convict. As a consequence, anything that gets in the way, whether it be research asking the politically inappropriate questions, investigations that might reveal negative victim information, or forensic examinations that might disprove victim claims, is too often regarded as off-limits to mainstream victimologists.

Victimologists, to achieve any scientific threshold, must be free to remain skeptical, inquisitive, and above all objective. They cannot be attached to a particular sociocultural view or agenda; they cannot be working to achieve satisfaction or remedies for the victim; and they cannot assume the existence of victimhood. Victimologists must be free to question and interpret victim evidence as it is found. As a counterbalance to the victimologists who are in the business of taking temperatures of crime victim populations, often amidst a host of biasing influences including pressure to maintain the sanctity of victimhood, there must be those free to doubt and seek proofs in individual cases. This is the considered role of *forensic victimology*.

## FORENSIC VICTIMOLOGY: AN INTRODUCTION

Although many diverse aspects of victim study are encapsulated within general victimology, interactionist victimology, and critical victimology (discussed in this chapter and in the Preface), there is one concept that has been largely overlooked in the related literature to date. *Forensic victimology*,<sup>5</sup> the idiographic and nomothetic study of violent crime victims for the purposes of addressing investigative and forensic issues, has been an implicit feature of the field since its inception. However, forensic victimology has been inappropriately folded in with treatment, punishment, and even advocacy-oriented goals. Expropriated from scientific study and commonly disguised as professional compassion to serve nonscientific agendas, explicit discussions of what may be viewed as forensic victimology by behavioral scientists have been limited.

Forensic victimology is a subdivision of interactionist victimology, in which victims are defined by having suffered harm or loss due to a breach of law.

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<sup>4</sup>The *sanctity of victimhood* refers to the belief that victims are good, honest, and pure, making those who defend them both righteous and morally justified. Conversely, it suggests that those who doubt them are immoral and unjust in their tasks. Ultimately, it requires victims to meet an unrealistic standard of near perfect victimity. It is anathema to the scientific method.

<sup>5</sup>The term *forensic victimology* was originally defined in Petherick and Turvey (2008). However, the general purpose and practice are as old as criminal investigation itself.

It involves the accurate, critical, and objective outlining of victim lifestyles and circumstances, the events leading up to their injury, and the precise nature of any harm or loss suffered. The purpose of this text is to provide readers with an applied understanding of the principles and practice of forensic victimology; to excavate it from its current place in the literature as an explicit area of scientific victim study; and to outline its value to investigative and forensic purposes.

## **Purpose**

The primary goals of those involved with other fields of victimology commonly relate to the restoration of victims. They work at empowering the victims; returning the victims to the state they were in prior to suffering harm or loss; or making them feel comfortable again, and satisfied that justice has been served (Williams 2004). Forensic victimology, however, does not seek to assist with victim advocacy or promote victim sympathy. Nor is the forensic victimologist invested in restoring victims and making them whole. However, there is an awareness that the victim evidence gathered, as well as subsequent interpretations, may be used by others for these purposes at a later time.

Forensic victimology is an applied discipline as opposed to a theoretical one. The forensic victimologist seeks to examine, consider, and interpret particular victim evidence in a scientific fashion in order to answer investigative and forensic (i.e., legal) questions. Usually, forensic victimologists serve investigations and court proceedings by endeavoring to

1. Assist with contextualizing allegations of victimization;
2. Help support or refute allegations of victimization;
3. Help establish the nature of victim exposure to harm or loss;
4. Assist with the development of offender modus operandi and motive;
5. Help establish an investigative suspect pool;
6. Assist with the investigative linkage of unsolved cases.

It is understood that investigative and forensic venues are quite different in scope, structure, and function. The questions they need answered are particular to their unique geographical variations. They also represent very different standards of evidence. What may be investigatively useful speculation or theory at one point may lack the sufficiency for subsequent court-worthy opinions. Given the capacity for investigative work to find its way into court, this distinction must be ever-present and crystal clear.<sup>6</sup>

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<sup>6</sup>This will be discussed shortly and again in Chapter 3.

## Philosophy

The unimpeachable philosophy of forensic victimology is that victim facts are preferable to victim fictions; that victim evidence must be gathered and examined in a consistent, thorough, and objective fashion as with any other form of evidence; and that interpretations of victim evidence must comport with the tenets of the scientific method, whether examining the results of a rape kit or assessing victim risk.

The guiding principle for studying victims in investigative and forensic contexts is this: a comprehensive understanding of the victims and their circumstances will allow for an accurate interpretation of the nature of their harm or loss, and it will also teach us about their offender. The less we know about the victim, the less we know about the crime and the criminal. Consequently, the way we collect and develop victim evidence is just as important as our eventual interpretations: they must not be weak, narrow, or based on unproved assumptions.

With this as our standard, it is not possible to avoid the fact that the best way to objectively build knowledge and render valid interpretations is through the scientific method. As Turvey (2008, 47) explains:

*The scientific method* is a way to investigate how or why something works, or how something happened, through the development of hypotheses and subsequent attempts at falsification through testing and other accepted means. It is a structured process designed to build scientific knowledge by way of answering specific questions about observations through careful analysis and critical thinking. Observations are used to form testable hypotheses, and with sufficient testing hypotheses can become scientific theories. Eventually, over much time, with precise testing marked by a failure to falsify, scientific theories can become scientific principles. The scientific method is the particular approach to knowledge building and problem solving employed by scientists of every kind.

It is important to explain that scientists use the scientific method to build knowledge and solve problems; its use defines them. If one is doing something else, then one is not actually a scientist. As Faigman *et al.* (1997, 48) warns: “Not all knowledge asserted by people who are commonly thought of as scientists is the product of the scientific method.”

It follows that in order to meet the definition of scientific study that victimology aspires to, forensic victimology must be conducted with a scientific mindset by those properly educated and trained to employ the scientific method. Any other approach is out of step with this philosophy, serving some other purpose or rationale.

## Rationale

Forensic victimology is intended to serve the justice system by educating it. It is aimed at helping provide for informed investigations, requiring scientific examinations of victim evidence presented in court, and more informed legal outcomes. As with any other forensic discipline, it does not take sides and it does not seek to intrude on the ultimate issues of guilt, innocence, or victimity. Further explanation is necessary.

As described in Dienstein (2005, 160) *criminal investigation* is the process of gathering facts to be used as evidence and proof in a court of law. Without an investigation, the facts will be absent and proofs will be impossible to attain. Schultz (2005, 122) explains that prior to being tested in the courtroom, a competent investigation will gather or prepare evidence of the following: “knowledge or proof that a crime has been committed; the existence of a victim(s) ... an approved report of the investigation answering the questions of who, what, where, when, why and how; and evidence that has been identified and preserved for the prosecutor.” Only then may investigators proceed with their case to the district attorney for prosecutorial consideration.

In the investigative realm, forensic victimology provides for the consistent recognition, collection, preservation, and documentation of victim evidence, all of which will be detailed in subsequent chapters. Questions are asked, context is established, and history is documented. Each piece of victim evidence is scrutinized by investigators and then acted upon again and again until it is an exhausted possibility. This informs the nature, scope, and depth of the investigation. It can also lead to the discovery of additional relevant or dispositive evidence. Ultimately, forensic victimology assists with answering the question of whether and how criminal charges and civil liabilities may be appropriate, which is going to be decided by the court.

More and more, criminal and civil trials alike require the assistance of forensic experts to introduce and explain various kinds of evidence to the jury. In order to do so, a potential witness must first be qualified as an expert by the court. According to Lilly (1987, 483):

an expert witness possesses knowledge and skill that distinguishes him from ordinary witnesses. Presumably, he is in a position superior to the other trial participants, including the jury, to draw inferences and reach conclusions within his field of expertise.

Significantly different from investigative opinions, which are dynamic and often rendered in haste with incomplete information amidst ongoing efforts to gather facts, forensic opinions are those expert findings regarding the state of the record held to such a level of confidence and certainty that they may be presented in court as best evidence.

In the forensic realm (which necessarily involves and therefore must continuously anticipate the courtroom), forensic victimology is a form of evidence that informs the nature, scope, and depth of any legal proceedings to be decided by the trier of fact (a judge or jury). When presented by a forensic expert, it involves the scientific interpretation of various kinds of victim evidence gathered during the investigation and any subsequent analysis. Ultimately, it assists with demonstrating the actual limits of victim evidence—which criminal or civil theories it supports and which it refutes.

## CASE EXAMPLE: INVESTIGATIVE USE OF FORENSIC VICTIMOLOGY

### FIGURE 1.5

On December 19, 2007, and partially as the result of media attention by ABC News, Jamie Leigh Jones testified at congressional hearings (the House of Representatives Judiciary Subcommittee on Crime, Terrorism, and Homeland Security Hearing: “Enforcement of Federal Criminal Law to Protect Americans Working for U.S. Contractors in Iraq”) regarding her alleged rape and detainment by fellow employees of Kellogg, Brown, and Root (KBR) at Camp Hope, Iraq, in 2005.



Consider the ongoing case of Jamie Leigh Jones, a former administrative assistant with Houston-based Kellogg, Brown, and Root (KBR), a former subsidiary of Halliburton. Jones alleges that she was transferred to Iraq after her supervisor coerced her to perform a sexual favor. As Coady (2007) explains:

According to the complaint, Jones worked for KBR in Houston as an administrative assistant. She says her supervisor convinced her to have sex with him in exchange for time off to take care of her sick mother. Jones escaped that situation by securing a transfer to another section of KBR, Overseas Administrative Services [OAS] Ltd., also in Houston.

However, her former supervisor made good on his threat to put a negative recommendation in her personnel file if she transferred, the suit says.

Jones transferred again, this time to Iraq as part of OAS. Beginning in July 2005 Jones lived and worked at Camp Hope in Baghdad, where



she was forced to live on a co-ed floor of a male-dominated barracks. Jones says she was constantly subjected to catcalls and partially dressed men as she walked from her second-floor room to the bathroom on the first floor. Although she complained to several Halliburton and KBR managers and other representatives about the sexually hostile living conditions at the barracks and asked to be moved to a safer location, her request went unanswered, Jones says.

After only four days at Camp Hope (which is operated by Halliburton in connection with operations of the U.S. Department of State), Jones alleged that she was drugged and then raped. According to the complaint filed in *Jones and Daigle v. Halliburton Co. DBA Kellogg, Brown, and Root (KBR) et al.* (2007, 8–10):

Beginning July 25, 2005, Jamie lived and worked at Camp Hope, Baghdad, Iraq. Jamie was housed, during her off-duty hours, in a two-story living quarters which consisted of a room on a co-ed floor in a predominantly male barracks.

... [O]n the evening of July 28, 2005, during her off-duty hours, Jamie was drugged (by what was believed to be Rohypnol) and brutally raped by, on information and belief, several Halliburton/KBR firefighters, including defendant, Charles Boartz, while she was in her room in the barracks. When she awoke the next morning still affected by the drug, she found her body naked and severely bruised, with lacerations to her vagina and anus, blood running down her leg, her breast implants were ruptured, and her pectoral muscles torn—which would later require reconstructive surgery. Upon walking to the rest room, she passed out again. When she returned to the living area, she found Charles Boartz lying in her bottom bed. She asked him what had happened, and he confessed to having unprotected sex with her. Jamie reported the rape to the [sic] Pete Arroyo, one of the operations personnel, who then took her to a KBR medical personnel. The U.S. State Department Diplomatic Security was informed and a rape kit was administered at the combat area surgical hospital run by the U.S. Army.

The complaint goes on to state (23–24):

- a. Immediately following her physical examination, she was placed in a trailer with a bed, a shower and a sink, but without a television, and was refused phone calls to her family despite repeated requests, which amounted to a false imprisonment;
- b. She was confronted by KBR supervisors, who gave her two options:
  - i. Stay and “get over it”; or
  - ii. Return home without the “guarantee” of a job on return.

These options amounted to an unlawful threat to terminate her job for reporting her attack, and dealing with its aftermath.

Jamie was able to convince a guard to let her use his cellular phone. She called her father. Her father was in turn able to enlist congressional assistance to get his daughter home.

Her father immediately called his congressman, Rep. Ted Poe, R-Texas, who ultimately intervened on his daughter's behalf. Her ordeal and congressional testimony are further characterized in Carr (2007):

Appearing before a hearing on the enforcement of laws to protect Americans working in Iraq, Ms. Jones said that on her fourth day in Baghdad some co-workers, who she described as Halliburton-KBR firefighters, invited her for a drink. "I took two sips from the drink and don't remember anything after that," she said.

The next morning she woke up groggy and confused, and with a sore chest and blood between her legs. She reported the incident to KBR and was examined by an army doctor, who said she had been repeatedly raped vaginally and anally.

The doctor took photographs, made notes, and handed all the evidence over to KBR personnel. "The KBR security took me to a trailer and then locked me in a room with two armed guards outside my door," Ms. Jones said. "I was imprisoned in the trailer for approximately a day. One of the guards finally had mercy and let me use a phone."

Ms. Jones called her father in Texas, who called his representative in Congress, Republican Ted Poe. Mr. Poe contacted the State Department, who quickly sent personnel to rescue Ms. Jones and flew her back to Texas.

Ms. Jones said she was still having reconstructive surgery after the brutal rape.

An army doctor collected DNA evidence, including vaginal swabs and scrapings from her fingernails, and placed them in a box for evidence. Ms. Jones said the doctor gave the box to a KBR security officer but it went missing. A State Department diplomatic security agent recovered the kit in May 2007, but the doctor's notes and photographs are now inexplicably missing, undermining any chances of bringing the case through the criminal courts.

Jones filed a lawsuit in May of 2007, nearly two years after the alleged rape, when all other avenues failed to produce criminal charges against those she feels are responsible. The lawsuit led to media coverage, which led to congressional

hearings by the House of Representatives Judiciary Subcommittee on Crime, Terrorism, and Homeland Security in December of 2007. As Sauer (2007) explains, KBR has ended its investigation into the matter, and the Department of Justice (DOJ) isn't talking—not even to Congress:

The Department of Justice refused to send a representative to answer questions from Congress today on the investigations into allegations of rape and sexual assault on female American contractors. "I'm embarrassed that the Department of Justice can't even come forward," said the chairman of the House Judiciary Committee John Conyers, D-Mich. "This is an absolute disgrace," said Conyers. "The least we could do is have people from the Department of Justice and the Defense over here talking about how we're going to straighten out the system right away." . . .

Jones' congressman, Ted Poe, R-Texas, also testified at the hearing and told the committee how he has not been given any answers as to the status of the investigation by [the] DOJ or the State Department. "The Department of Justice has not informed Jamie or me of the status of a criminal investigation against her rapist, if any investigation exists," Poe said today. "It is interesting to note that the Department of Justice has thousands of lawyers but not one from the barrage of lawyers is here to tell us what if anything they are doing. Their absence and silence speaks volumes about the hidden crimes in Iraq. Their attitude seems to be one of blissful indifference to American workers in Iraq," said Poe.

Jones told Congress that it wasn't until after she was interviewed by "20/20," that an assistant U.S. attorney in Florida questioned her about her case. "I asked the AUSA, [Association of the United States Army] 'Where should I refer victims to contact me?' and she responded, 'Don't refer them to my office, but you may want to refer them to the office of victims of crime,'" Jones recounted for Congress today.

But the Department of Justice Crime Victims office, in a letter to Jamie's lawyer, had already said it had closed out her complaint claiming it did not have jurisdiction.

The Department of Justice, following the hearing, said today that the department is "investigating this matter" but would not elaborate.

As of this writing, no criminal charges have been filed, Congress is awaiting a response from the DOJ, and the lawsuit filed by Jones is ongoing.

## **Investigative Applications**

Forensic victimology is best applied to a case from the very beginning, to provide for the most complete record of victim evidence. However, that is no

longer possible in the Jones case. At this late hour, some of the evidence and investigative opportunities may have been lost and some may not. For example, to render the best evidentiary foundation, the forensic victimologist would require or request the following:

1. Investigate and establish a timeline of Jones' activity for at least 24 hours leading up to the time of her alleged attack.
2. Conduct a frame-frame interview with Jones to determine the precise sequence of events leading up to the alleged attack and the period of time involving her alleged captivity.
3. Subpoena all employee records and memorandums related to Jamie Jones, to support or refute her claims regarding her ultimate transfer to Iraq. This would include her e-mail and cell phone records, to determine whom she was talking to in order to establish timeline information and potential suspects.
4. Seal off Jones' quarters at Camp Hope and process it as a potential crime scene. That this was not done at the very outset of her allegations allowed for the loss of valuable evidence that would have either supported or failed to support her allegations, such as biological transfer to her carpet, bedding, towels, rags, clothing, or unknown objects used by the alleged assailants. The current disposition of all of these items would need to be investigated.
5. Investigative interviews of all suspects, floor mates, supervisors, security, and medical personnel involved in or in the vicinity of the alleged rape and detention from start to finish. This would establish a suspect pool, lead to additional evidence, and support or refute her claims of hostility, harassment, rape, and confinement at Camp Hope. This may have been done by the DOJ subsequent to her lawsuit, but there is no indication it had been done prior. For example, suspects should have their e-mail and phone records subpoenaed to see who is communicating during and after the alleged assault. They should also be asked to turn over any digital recording devices to determine whether any recordings were made of the events that evening.
6. Examination and interpretation of the forensic evidence and forensic interview that would have been documented as a part of the sexual assault protocol by medical personnel. While notes and photos may have been lost, there would be a final report, and those medical personnel may still be interviewed about what they documented and observed. This includes submitting recently recovered samples for DNA and toxicology, to establish a potential suspect pool and determine her level of drug and alcohol toxicity. This would also help to objectively support or fail to support her claims of violent rape and drug-related impairment.

7. Subpoena all security records relating to Camp Hope to establish whether, when, and how security personnel may have detained Jones and under whose authority.
8. Examine and document the actual trailer or container where Jones was allegedly held against her will.
9. Subpoena all medical records related to Jones during her time in Iraq and subsequent to her return, to support or refute her claims regarding injury and ongoing reconstructive surgeries.

Obviously a thorough criminal investigation would involve much more than these elements, and these would lead to still further inquiries. However these would be the first things requested by a forensic victimologist seeking to create a solid investigative threshold for later forensic examination and interpretation. Once the forensic victimologist establishes the state of the investigative and forensic evidence—what’s been done, what’s not been done, and what can yet be done—they may be able to provide further investigative direction or forensic interpretations.

### **Forensic Applications**

In some cases, the forensic victimologist will have an abundance of evidence to work with that provides for opinions that support or refute certain case theories. In this case, given the persistent absence of investigative and forensic efforts with regards to the victim, Jones, and her complaints, that may not be entirely possible. However, failure to render a basic level of investigative care would be evidence of investigative incompetence, if not belligerent ignorance on the part of those responsible. That in itself would be a threshold finding that may be significant in a court of law: that a competent investigation was not performed, that few theories could be supported or refuted in court without this investigation, and that certain evidence should therefore be investigated before anyone becomes certain of anything in court filings, expert reports, or related decisions. It may also be of significance to a governing body seeking to oversee the competence of the DOJ investigation—for example, to use the level of investigative effort as a yardstick when the DOJ steps up to explain under oath before a congressional committee precisely what it has done, what it has not done, and why.

## **SUMMARY**

In the sphere of criminal justice, the word *victim* describes any person who has experienced injury, loss, or hardship due to the illegal action of another individual or organization (Karmen 2004). *Victimology* refers to the scientific study of victimization, including the relationships between victims and offenders, investigators, courts, corrections, media, and social movements

(Karmen 1990). There is a clear gap in the victimology literature, however: little research or attention is paid to the idiographic and nomothetic study of violent crime victims for the purposes of addressing investigative and forensic issues as described in Turvey (2008). This type of analysis may be referred to as *forensic victimology*, which differs markedly from traditional forms of general or interactionist victimology. *Forensic victimology* is the objective study of victims, with a focus on impartially and completely describing all aspects of their life and lifestyle in order to gain a better understanding of how they came to become victimized, how the crime took place, and their relationship with the offender.

The purpose of forensic victimology is aimed at accurately, critically, and objectively describing the victim in order to better understand victims, crime, criminals, and forensic issues. Moreover, forensic victimology does not seek to restore victims to the state they were in prior to being victimized, nor does it wish to assign blame to victims. Forensic victimology is designed to look beneath victim stereotypes, in a scientific manner, in order to improve the understanding of the dynamics of the criminal act as well as the victims themselves.

The purpose of seeking out and presenting information about victims is to help determine whether a crime has been committed, whether the statements made by victims are sufficiently reliable as corroborative evidence, and to determine who committed the crime and in what context. The philosophy behind studying victims in investigative and forensic contexts is that a complete understanding of victims and their circumstances will allow for a comprehensive and correct interpretation of the nature of their suffering, and it will also speak volumes about the person who committed an offense against them. Like all types of evidence, victim information is of much more use if it is developed and interpreted in a consistent and scientific fashion.

The rationale for using forensic victimology in criminal cases is that victim information can serve the justice system by educating it. The aim of forensic victimology is to assist in providing informed investigations, to require scientific examinations of victim evidence that is presented in court, and to result in more informed legal outcomes. Forensic victimology does not take sides, and it does not seek to intrude on the ultimate issues of guilt, innocence, or victimity.

## Questions

1. Name three of Hans von Hentig's 13 categories of victims.
2. True or False: Since the end of the "golden age" of victims, there have been no further blood feuds among families and cultures.

3. Choose one: Mendelsohn's typology for categorizing victims is problematic because it relies on
  - a. personal characteristics
  - b. situational characteristics
  - c. demographic characteristics
4. It is difficult to study \_\_\_\_\_ and \_\_\_\_\_ crimes through the lens of victim provocation, because they involve more subjectivity.
5. Define *forensic victimology*.
6. Describe how *forensic victimology* differs from other types of victimology.
7. Name three ways that forensic victimologists serve investigations and court proceedings.
8. Describe the scientific method.

## REFERENCES

- Carr, R. 2007. "Gang-raped then locked in van, Iraq worker says." *The Age*, December 21. <http://www.theage.com.au/news/world/gangraped-then-locked-in-van-iraq-worker-says/2007/12/20/1197740465943.html>.
- Coady, L. 2007. "Ex-Halliburton Worker in Iraq Sues for Rape, Harassment." Andrews Publications, Friday, May 25. [http://news.findlaw.com/andrews/em/emp/20070525/20070525\\_jones.html](http://news.findlaw.com/andrews/em/emp/20070525/20070525_jones.html).
- Dienstein, W. 2005. "Criminal Investigation." In *The Encyclopedia of Police Science*, 2nd ed., edited by W. Bailey, 160–162. New York: Garland Publishing.
- Doerner, W., and S. Lab. 2002. *Victimology*, 4th ed. Cincinnati, Ohio: Andersen Publishing.
- . 2005. *Victimology*, 5th ed. Cincinnati, Ohio: Andersen Publishing.
- Faigman, D.L., Kaye, D.H., Saks, M.J., and Sanders, J. (Eds.), 1997. *Modern Scientific Evidence: The Law and Science of Expert Testimony*, Volume 2. St. Paul, MN: West Publishing.
- Fattah, E. 2000. "Victimology: Past, Present, and Future." *Criminologie* 331:17–46.
- Jerin, A., and L. Moriarty. 1998. *Victims of Crime*. Chicago: Nelson Hall Publishers.
- Jones and Daigle v. Halliburton Co. d/b/a Kellogg, Brown, and Root (KBR) et al.* 2007. United States District Court, Eastern District of Texas Beaumont Division, Civil Action No. 1: 07CV0295; second amended complaint filed May 30.
- . 2004. *Crime Victims: An Introduction to Victimology*, 5th ed. Toronto: Wadsworth.
- Lasch, C. 1979. *The Culture of Narcissism*. New York: W.W. Norton.
- Lilly, G. 1987. *An Introduction to the Law of Evidence*, 2nd ed. St. Paul, MN: West Publishing.
- Liu, J. 2006 "Victimhood." *Missouri Law Review* 71, Winter: 115–175.
- Meadows, R. 2007. *Understand Violence and Victimization*, 4th ed. Upper Saddle River, NJ: Prentice Hall.
- , and B. Turvey. 2008 "Victimology." In *Criminal Profiling: An Introduction to Behavioral Evidence Analysis*, 3rd ed, edited by B. Turvey. San Diego: Elsevier Science.
- Sauer, M. 2007. "DOJ Shuns Hearing on Halliburton/KBR Rape Cases," ABC News, December 19: <http://abcnews.go.com/print?id=4027734>.

- Schultz, D. 2005. "Courtroom Testimony." In *The Encyclopedia of Police Science*, edited by W. Bailey, 122–124. New York: Garland Publishing.
- Shichor, D., and S. Tibbetts. 2002. *Victims and Victimization: Essential Readings*. Illinois: Waveland Press.
- Spalek, B. 2006. *Crime Victims: Theory, Policy, and Practice*. New York: Palgrave Macmillan.
- Srikantiah, J. 2007. "Perfect Victims and Real Survivors: The Iconic Victim in Domestic Human Trafficking Law." *Boston University Law Review* 87, February: 157–211.
- Tang, A. 2007. "Afghan girls traded for debts, blood feuds." *USA Today*, July 9. [http://www.usatoday.com/news/world/2007-07-09-afghan-girls\\_N.htm](http://www.usatoday.com/news/world/2007-07-09-afghan-girls_N.htm).
- Time Magazine*. 1948. "Go Ahead, Hit Me." September 20. <http://www.time.com/time/magazine/article/0,9171,799202,00.html>.
- Time Magazine*. 1971. "Is the Victim Guilty?" July 5. <http://www.time.com/time/printout/0,8816,905314,00.html>.
- Turvey, B. 2008. *Criminal Profiling: An Introduction to Behavioral Evidence Analysis*, 3rd ed. San Diego: Elsevier Science.
- Van Dijk, J.M. (1999). "Introducing Victimization." Paper on the Ninth Symposium of the World Society of Victimization: <http://rechten.uvt.nl/victimology/other/vandijk.pdf>.
- Von Hentig, H. 1948. *The Criminal and His Victim: Studies in the Sociobiology of Crime*. New Haven: Yale University Press.
- Williams, K. 2004. *Textbook on Criminology*, 5th ed. New York: Oxford University Press.
- Young, M., and J. Stein 2004. "The History of the Crime Victims' Movement in the United States." National Organization for Victim Assistance, U.S. Department of Justice Grant Number 2002-VF-GX-0009, December. <http://www.ojp.usdoj.gov/ovc/ncvrv/2005/pg4c.html>.