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# **Victims of Crime in America**

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# Victims of Crime in America

*When I wanted to talk about my son, I soon found that murder is a taboo subject in our society. I found, to my surprise, that nice people apparently just don't get killed.—a victim's mother*

*To blame victims for crime is like analyzing the cause of World War II and asking, "What was Pearl Harbor doing in the Pacific, anyway?—a victim*

Before you, the reader, can appreciate the necessity of changing the way victims are treated, you must confront the essential reality that almost all Americans, at some time in their lives, will be touched by crime. Among the most difficult obstacles are the myths that if people are wise, virtuous, and cautious, they will escape, and that those who are victimized are somehow responsible for their fate. These are pernicious falsehoods. First, for every person mugged on a dark street at 3 a.m., many more are terrorized in their homes, schools, offices, or on main thoroughfares in the light of day. Second, to adopt the attitude of victim culpability is to accept that citizens have lost the right to walk their streets safely regardless of the hour or locale; it is to abandon these times and places to be claimed as the hunting preserves of the lawless.

Violent crime honors no sanctuary. It strikes when least expected, often when the victim is doing the most commonplace things. Victims testified at hearings of the President's Task Force on Victims of Crime about these occurrences:

- As she walks across campus on her first afternoon at college, a young woman is murdered.
  - A pharmacist turns to wait on a customer and is confronted by a robber wearing a ski mask.
  - A child is molested by the driver of his school bus.
  - A man answers the front door and is shot in the chest.
  - As a mother shops in a department store, her child, looking at books an aisle away, is kidnaped.
  - Walking down the street at lunchtime, an elderly man is assaulted from behind and left permanently blind.
  - While a woman is leaving a shopping center someone jumps into her car; 5 hours of rape and torture follow.
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- An elderly woman's purse is snatched and she is thrown to the ground, suffering injuries that prevent her from walking again.
- In the restroom of a hotel, a woman is raped by an attacker who is hiding in an adjoining stall.
- A couple returning home from work opens the door to discover that the house has been ransacked.
- A cabdriver, working in the afternoon, turns to collect a fare and is shot.

Based on the testimony of these and other victims, we have drawn a composite of a victim of crime in America today. This victim is every victim; she could be you or related to you.

## II

You are a 50-year-old woman living alone. You are asleep one night when suddenly you awaken to find a man standing over you with a knife at your throat. As you start to scream, he beats and cuts you. He then rapes you. While you watch helplessly, he searches the house, taking your jewelry, other valuables, and money. He smashes furniture and windows in a display of senseless violence. His rampage ended, he rips out the telephone line, threatens you again, and disappears into the night.

At least, you have survived. Terrified, you rush to the first lighted house on the block. While you wait for the police, you pray that your attacker was bluffing when he said he'd return if you called them. Finally, what you expect to be help arrives.

The police ask questions, take notes, dust for fingerprints, make photographs. When you tell them you were raped, they take you to the hospital. Bleeding from cuts, your front teeth knocked out, bruised and in pain, you are told that your wounds are superficial, that rape itself is not considered an injury. Awaiting treatment, you sit alone for hours, suffering the stares of curious passersby. You feel dirty, bruised, disheveled, and abandoned. When your turn comes for examination, the intern seems irritated because he has been called out to treat you. While he treats you, he says that he hates to get involved in rape cases be-

*If a totally innocent young man can be shot to death, if my son can die with no guilt or no blame, then your son can, too. Because this is unacceptable to people, they refuse to accept it.—a victim's father*

*He said, "Move or yell and I'll kill you." I didn't doubt his word.—a victim*

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cause he doesn't like going to court. He asks if you "knew the man you had sex with."

The nurse says she wouldn't be out alone at this time of night. It seems pointless to explain that the attacker broke into your house and had a knife. An officer says you must go through this process, then the hospital sends you a bill for the examination that the investigators insisted upon. They give you a box filled with test tubes and swabs and envelopes and tell you to hold onto it. They'll run some tests if they ever catch your rapist.

Finally, you get home somehow, in a cab you paid for and wearing a hospital gown because they took your clothes as evidence. Everything that the attacker touched seems soiled. You're afraid to be in your house alone. The one place where you were always safe, at home, is sanctuary no longer. You are afraid to remain, yet terrified to leave your home unprotected.

You didn't realize when you gave the police your name and address that it would be given to the press and to the defendant through the police reports. Your friends call to say they saw this information in the paper, your picture on television. You haven't yet absorbed what's happened to you when you get calls from insurance companies and firms that sell security devices. But these calls pale in comparison to the threats that come from the defendant and his friends.

You're astonished to discover that your attacker has been arrested, yet while in custody he has free and unmonitored access to a phone. He can threaten you from jail. The judge orders him not to annoy you, but when the phone calls are brought to his attention, the judge does nothing.

At least you can be assured that the man who attacked you is in custody, or so you think. No one tells you when he is released on his promise to come to court. No one ever asks you if you've been threatened. The judge is never told that the defendant said he'd kill you if you told or that he'd get even if he went to jail. Horrified, you ask how he got out after what he did. You're told the judge can't consider whether he'll be dangerous, only whether he'll come back to court. He's been accused and convicted before, but he always come to court; so he must be released.

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*At first, opening a drawer that had been emptied on that day started tears to flow.—a victim*

*Before my assailants left, they robbed us of all our grocery money and repeated their threat to kill me and my children if I reported them to the police.—a victim*

*One morning I woke up, looked out my bedroom window and saw the man who had assaulted me standing across the street staring at me. I thought he was in jail.—a victim*

You learn only by accident that he's at large; this discovery comes when you turn a corner and confront him. He knows where you live. He's been there. Besides, your name and address were in the paper and in the reports he's seen. Now nowhere is safe. He watches you from across the street; he follows you on the bus. Will he come back in the night? What do you do? Give up your home? Lose your job? Assume a different name? Get your mail at the post office? Carry a weapon? Even if you wanted to, could you afford to do these things?

You try to return to normal. You don't want to talk about what happened, so you decide not to tell your co-workers about the attack. A few days go by and the police unexpectedly come to your place of work. They show their badges to the receptionist and ask to see you. They want you to look at some photographs, but they don't explain that to your co-workers. You try to explain later that you're the victim, not the accused.

The phone rings and the police want you to come to a line-up. It may be 1:00 a.m. or in the middle of your work day, but you have to go; the suspect and his lawyer are waiting. It will not be the last time you are forced to conform your life to their convenience. You appear at the police station and the line-up begins. The suspect's lawyer sits next to you, but he does not watch the stage; he stares at you. It will not be the last time you must endure his scrutiny.

### III

You have lived through the crime and made it through the initial investigation. They've caught the man who harmed you, and he's been charged with armed burglary, robbery, and rape. Now he'll be tried. Now you expect justice.

You receive a subpoena for a preliminary hearing. No one tells you what it will involve, how long it will take, or how you should prepare. You assume that this is the only time you will have to appear. But you are only beginning your initiation in a system that will grind away at you for months, disrupt your life, affect your emotional stability, and certainly cost you money; it may cost you your job, and, for the dura-

*It took me a long time to get my 8-year-old daughter to sleep that night, but finally I did. Later I got a call that the molester had been arrested, and that my daughter and I had to go down to a police line-up at 1:00 a.m. We did go, but it was very traumatic for her.—a victim's mother*

*I will never forget being raped, kidnapped, and robbed at gunpoint. However, my sense of disillusionment of the judicial system is many times more painful. I could not in good faith urge anyone to participate in this hellish process.—a victim*

*On February 5, I changed from a law-abiding citizen with a childlike belief in the justice system to a law-abiding citizen awakened to the reality of the world of crime, criminal rights, and the injustice for the victim.—a victim*

*Much of the fear and resentment felt by victims toward the courts is bound up in the unexplained mystery of our system.—Judge Marilyn Hall Patel*

tion, will prevent you from putting the crime behind you and reconstructing your life.

Before the hearing, a defense investigator comes to talk to you. When he contacts you, he says he's "investigating your case," and that he "works for the county." You assume, as he intends you to, that he's from the police or the prosecutor's office. Only after you give him a statement do you discover that he works for the man who attacked you.

This same investigator may visit your neighbors and co-workers, asking questions about you. He discusses the case with them, always giving the defendant's side. Suddenly, some of the people who know you seem to be taking a different view of what happened to you and why.

It's the day of the hearing. You've never been to court before, never spoken in public. You're very nervous. You rush to arrive at 8 a.m. to talk to a prosecutor you've never met. You wait in a hallway with a number of other witnesses. It's now 8:45. Court starts at 9:00. No one has spoken to you. Finally, a man sticks his head out a door, calls out your name, and asks, "Are you the one who was raped?" You're aware of the stares as you stand and suddenly realize that this is the prosecutor, the person you expect will represent your interests.

You only speak to the prosecutor for a few minutes. You ask to read the statement you gave to the police but he says there isn't time. He asks you some questions that make you wonder if he's read it himself. He asks you other questions that make you wonder if he believes it.

The prosecutor tells you to sit on the bench outside the courtroom. Suddenly you see the man who raped you coming down the hall. No one has told you he would be here. He's with three friends. He points you out. They all laugh and jostle you a little as they pass. The defendant and two friends enter the courtroom; one friend sits on the bench across from you and stares. Suddenly, you feel abandoned, alone, afraid. Is this what it's like to come to court and seek justice?

You sit on that bench for an hour, then two. You don't see the prosecutor, he has disappeared into the courtroom. Finally, at noon he comes out and says, "Oh, you're still here? We continued that case to next month."

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You repeat this process many times before you actually testify at the preliminary hearing. Each time you go to court, you hire a babysitter or take leave from work, pay for parking, wait for hours, and finally are told to go home. No one ever asks if the new dates are convenient to you. You miss vacations and medical appointments. You use up sick leave and vacation days to make your court appearances. Your employer is losing his patience. Every time you are gone his business is disrupted. But you are fortunate. If you were new at your job, or worked part-time, or didn't have an understanding boss, you could lose your job. Many victims do.

The preliminary hearing was an event for which you were completely unprepared. You learn later than the defense is often harder on a victim at the preliminary hearing than during the trial. In trial, the defense attorney cannot risk alienating the jury. At this hearing, there is only the judge—and he certainly doesn't seem concerned about you. One of the first questions you are asked is where you live. You finally moved after your attack; you've seen the defendant and his friends, and you're terrified of having them know where you now live. When you explain that you'd be happy to give your old address, the judge says he'll dismiss the case or hold you in contempt of court if you don't answer the question. The prosecutor says nothing. During your testimony, you are also compelled to say where you work, how you get there, and what your schedule is.

Hours later you are released from the stand after reliving your attack in public, in intimate detail. You have been made to feel completely powerless. As you sat facing a smirking defendant and as you described his threats, you were accused of lying and inviting the "encounter." You have cried in front of these uncaring strangers. As you leave no one thanks you. When you get back to work they ask what took you so long.

You are stunned when you later learn that the defendant also raped five others; one victim was an 8-year-old girl. During her testimony she was asked to describe her attacker's anatomy. Spectators laughed when she said she did not understand the words being used. When she was asked to draw a picture of her attacker's genitalia the girl fled from the courtroom

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*It takes a lot of nerve to get up on the stand and testify against somebody who has a habit of shooting and stabbing people and then getting back on the street again, you know.—a victim*

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and ran sobbing to her mother, who had been subpoenaed by the defense and had to wait outside. The youngster was forced to sit alone and recount, as you did, each minute of the attack. You know how difficult it was for you to speak of these things; you cannot imagine how it was for a child.

Now the case is scheduled for trial. Again there are delays. When you call and ask to speak with the prosecutor, you are told the case has been reassigned. You tell your story in detail to five different prosecutors before the case is tried. Months go by and no one tells you what's happening. Periodically you are subpoenaed to appear. You leave your work, wait, and are finally told to go home.

Continuances are granted because the courts are filled, one of the lawyers is on another case, the judge has a meeting to attend or an early tennis match. You can't understand why they couldn't have discovered these problems before you came to court. When you ask if the next date could be set a week later so you can attend a family gathering out of state, you are told that the defendant has the right to a speedy trial. You stay home from the reunion and the case is continued.

The defense attorney continues to call. Will you change your story? Don't you want to drop the charges?

Time passes and you hear nothing. Your property is not returned. You learn that there are dozens of defense motions that can be filed before the trial. If denied, many of them can be appealed. Each motion, each court date means a new possibility for delay. If the defendant is out of custody and fails to come to court, nothing can happen until he is reapprehended. If he is successful in avoiding recapture, the case may be so compromised by months or years of delay that a successful prosecution is impossible. For as long as the case drags on, your life is on hold. You don't want to start a new assignment at work or move to a new city because you know that at any time the round of court appearances may begin again. The wounds of your attack will never heal as long as you know that you will be asked to relive those horrible moments.

No one tells you anything about the progress of the case. You want to be involved, consulted, and in-

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*If we invested our money the way we ask victims to invest their time we'd all go broke.—Deborah Kelly*



formed, but prosecutors often plea bargain without consulting victims. You're afraid someone will let the defendant plead guilty to a lesser charge and be sentenced to probation. You meet another victim at court who tells you that she and her family were kidnapped and her children molested. Even though the prosecutor assured her that he would not accept a plea bargain, after talking with the attorneys in his chambers, the judge allowed the defendant to plead as charged with the promise of a much-reduced sentence. You hope that this won't happen in your case.

#### IV

Finally the day of trial arrives. It is 18 months since you were attacked. You've been trying for a week to prepare yourself. It is painful to dredge up the terror again, but you know that the outcome depends on you; the prosecutor has told you that the way you behave will make or break the case. You can't get too angry on the stand because then the jury might not like you. You can't break down and sob because then you will appear too emotional, possibly unstable. In addition to the tremendous pressure of having to relive the horrible details of the crime, you're expected to be an actress as well.

You go to court. The continuances are over; the jury has been selected. You sit in a waiting room with the defendant's family and friends. Again you feel threatened, vulnerable, and alone.

You expect the trial to be a search for the truth; you find that it is a performance orchestrated by lawyers and the judge, with the jury hearing only half the facts. The defendant was found with your watch in his pocket. The judge has suppressed this evidence because the officer who arrested him didn't have a warrant.

Your character is an open subject of discussion and innuendo. The defense is allowed to question you on incidents going back to your childhood. The jury is never told that the defendant has two prior convictions for the same offense and has been to prison three times for other crimes. You sought help from a counselor to deal with the shattering effect of this crime on your life. You told him about your intimate

*Why didn't anyone consult me? I was the one who was kidnapped, not the State of Virginia.—a victim*

*It is almost impossible to walk into a courtroom and describe in detail the thing you most want to forget. It is also devastating to have to face your assailant. Although you are surrounded by people and deputies of the court, the fear is still overwhelming.—a victim*

*To be a victim at the hands of the criminal is an unforgettable nightmare. But to then become a victim at the hands of the criminal justice system is an unforgivable travesty. It makes the criminal and the criminal justice system partners in crime.—Robert Grayson*

*My daughter dreaded the confrontation with the man at trial. How would she react when she had to sit near him, walk by him, look at him?—a victim's mother*

fears and feelings. Now he has been called by the defense and his notes and records have been subpoenaed.

You are on the stand for hours. The defense does its best to make you appear a liar, a seductress, or both. You know you cannot relax for a moment. Don't answer unless you understand the question. Don't be embarrassed when everyone seems angry because you do not understand. Think ahead. Be responsive. Don't volunteer. Don't get tired.

Finally you are finished with this part of the nightmare. You would like to sit and listen to the rest of the trial but you cannot. You're a witness and must wait outside. The jury will decide the outcome of one of the major events of your life. You cannot hear the testimony that will guide their judgment.

The verdict is guilty. You now look to the judge to impose a just sentence.

## V

You expect the sentence to reflect how terrible the crime was. You ask the prosecutor how this decision is reached, and are told that once a defendant is convicted he is interviewed at length by a probation officer. He gives his side of the story, which may be blatantly false in light of the proven facts. A report that delves into his upbringing, family relationships, education, physical and mental health, and employment and conviction history is prepared. The officer will often speak to the defendant's relatives and friends. Some judges will send the defendant to a facility where a complete psychiatric and sociological work-up is prepared. You're amazed that no one will ever ask you about the crime, or the effect it has had on you and your family. You took the defendant's blows, heard his threats, listened to him brag that he'd "beat the rap" or "con the judge." No one ever hears of these things. They never give you the chance to tell them.

At sentencing, the judge hears from the defendant, his lawyer, his mother, his minister, his friends. You learn by chance what day the hearing was. When you do attend, the defense attorney says you're vengeful and it's apparent that you overreacted to being raped and robbed because you chose to come and see the

*The judge told me I should not be too mad at the man who molested my daughter—after all, the rape was not completed.—a victim's mother*

sentencing. You ask permission to address the judge and are told that you are not allowed to do so.

The judge sentences your attacker to three years in prison, less than one year for every hour he kept you in pain and terror. That seems very lenient to you. Only later do you discover that he'll probably serve less than half of his actual sentence in prison because of good-time and work-time credits that are given to him immediately. The man who broke into your home, threatened to slit your throat with a knife, and raped, beat, and robbed you will be out of custody in less than 18 months. You are not told when he will actually be released, and you are not allowed to attend the parole release hearing anyway.

*The man who strangled my daughter to death will only serve four years.—a victim's father*

## VI

For this victim the ordeal of the trial is over, but the ordeal of being a victim is far from over; it continues with unrelenting pressure. The consequences for the victim described in this essay were found by the Task Force to be very real and very commonplace. Even at the point of conviction of the defendant, the system can place new burdens on the victim; if the defendant wins an appeal, the victim may have to go through the trial process all over again. There might have been more than one defendant, or one might have been a juvenile. This would have meant two or three trials, two or three times as many court appearances and hours of cross-examination, double or triple the harassment. There might have been two or three law enforcement agencies involved in the case who did not cooperate with each other. The defendant's every right has been protected, and now he serves his time in a public facility, receiving education at public expense. In a few months his sentence will have run. Victims receive sentences too; their sentences may be life long.

If you were the victim, you may now be crippled or blind as a result of brutality. You may have lost a limb and may have to undergo surgery repeatedly to repair the body your attacker nearly destroyed. You were active, healthy, full of life; now you may be dependent and destitute.

The economic impact on you can be devastating. You may have been hospitalized and unable to return

*I'm a senior citizen but I never considered myself old. I was active, independent. Now I live in a nursing home and sit in a wheelchair. The day I was mugged was the day I began to die.—a victim*

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to work for months, if ever. You may have used all your sick leave and vacation. You may need braces, a wheelchair, a ramp to get into your home, a hearing aid, or a special bed. You may not be able to afford them, because you may well be in debt. You may have lost what it took you years to build. You may have lost what you treasured most—the locket with your mother's picture that can never be replaced. Your business may be bankrupt, or you may have run through your savings. Your once excellent credit rating may now be gone.

You may have to leave your home. If you can not leave, you may no longer feel safe there; you may no longer be able to sleep in the room where you were raped. Every time you open your door you may feel anew the sense of invasion.

*Being a crime victim adds a new dimension to the definition of self.—Morton Bard*

The psychological scars are perhaps the hardest to bear. These are the hardships that those untouched by crime find the most difficult to understand. Before the crime you felt reasonably safe and secure; the world is now a violent and deadly place to you. It seems you must either accept guilt for what happened to you or condemn yourself to the realization that you have no control. Everything seems to reinforce these feelings of inadequacy. Doctors dictate part of your days; lawyers and creditors dominate the rest. You may sleep badly, eat poorly, be continually afraid, depressed, ill. The most mundane occurrences make you flash back to the crime. Before the crime you were bright, attractive, talented, competent; now you may feel as though you are none of these. The criminal has taken from you your sense of security, your sense of humor, your sense of self. You are fearful and you are angry.

*The general feeling of being a living victim or victim-survivor is one of an outcast. Ostracized from society, forgotten by family, friends, fellow workers. No one, or very few, bring the subject up.—a victim*

You may well be isolated in your anguish. You can't believe that this could happen to you. Others want to believe that the aftermath is not as bad as you claim. If it should happen to them, they could handle it better, be stronger, recover sooner. You have become a shadow of their own vulnerability. They must deny you. So they tell you that your anger, your desire for justice, your suspicion and fear are unreasonable. But when you are beaten and robbed, your home destroyed, or your husband or child murdered, who has standing to label your anger irrational?

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Many people can accept tragedy that comes through natural disaster or accident, but you know that your victimization was intentional. They say that by now you should be back to normal. But they don't have to see your scars in the mirror every morning. The court system doesn't call them once a month for years to dredge it all up again.

Having survived all this, you reflect on how you and your victimizer are treated by the system that is called justice. You are aware of inequities that are more than merely procedural. During trial and after sentencing the defendant had a free lawyer; he was fed and housed; given physical and psychiatric treatment, job training, education, support for his family, counsel on appeal. Although you do not oppose any of these safeguards, you realize that you have helped to pay for all these benefits for the criminal. Now, in addition and by yourself, you must try to repair all that his crime has destroyed; and what you cannot repair, you must endure.

*A family that was once happy and close-knit all of a sudden is no longer complete.—  
a victim*

*How can the system have gotten this far away from what it is supposed to be?—  
a victim*

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