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# Victims of Crime: The Emotional Impact of Crime and The Court's Response

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## **Abstract**

When a crime is committed, there is a breach in the law, and it must be brought to the attention of the courts and society. There is another party that is affected by this breach, the victim, who must deal with more than just the incident. One option they have is to face their offender in court. This thesis will focus on the victim of the crime and what they go through emotionally after the incident. The first aim is to explore the nature of the emotional impact of crime on victims. The second aim is to study what happens when they are brought to the court, considering secondary victimisation by the courts and the sources of support to deal with the atmosphere. The information in this thesis was found entirely through desk-based research. The study suggests that the emotional impact of a crime is apparent, with a variety of emotions expressed. These emotions did not differ by crime type or in the previous mental health of the victim. When victims brought their strife to court, they were met with having their rights disregarded in the pursuit of a fair system. Their victimhood was constantly questioned and regardless of the crime, they received no protection from further emotional harm. There are some sources of support that the victim can access to make their time in the court easier. The limitations come back to legal issues, with a lack of clarification so the support can be efficiently used with their evidence of influence. The attitudes and behaviours of the courts must be addressed so that victims are not forgotten.

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## **Chapter One**

### **Introduction**

The purpose of this thesis is to research the emotional impact of crime on a victim of crime and how it is responded to. Crime and criminal justice will be investigated separately, with further research going into support for experiencing the latter. The aim of this chapter is to define emotions and feelings for the purpose of this thesis. What will also be explored is how emotions interact with situations of high stress. Emotions in an area of high stress will be examined through working with crime. This chapter also aims to discuss the topics to be studied in further chapters.

With the investigation of the emotions and feelings of victims of crime, the workings of both will be defined. This can allow for a better image of the processes that victims go through when reacting emotionally to their situation. To begin with emotions, the definition to be used for this thesis will be one used by Scherer (2000) in another study of emotions. Emotions are defined in this thesis as “episodes of coordinated changes in several components” that are responding to “external or internal events of major significance to the organism” (Scherer, 2000: 138). The coordinated changes can refer to changes in thinking, expression, actions and feeling. The meaning of the event that has happened is important for the shift of emotions in the organism (Scherer, 2000). Payne (1989) explores the complexities of emotions and emotional expression. The change in the emotional state of someone can last for a moment or for a longer period. The emotions expressed can also depend on the mindset of that person before the emotion is triggered (Payne, 1989). Another component in the change of emotions is the person’s own reality as they perceive it. They may react to a situation in the way that they see it has occurred, but this emotion can change when they are given the facts of what has happened. Importantly, the gravity or stress associated with the situation at hand can change the intensity of the emotion felt (Payne, 1989). Feelings are often associated with emotions. Pettinelli (2012) offers the distinction between emotions and feelings, with a provision of the definition of a feeling for this chapter. Feelings have been described as closer to sensations felt by the organism and can be physical or psychological. When there is an event occurring, the feeling from it can be recognised and described quicker than emotions (Pettinelli, 2012). Emotions are recognised as a display of the feeling that comes back at another time. As time goes by, the initial feeling from the event is experienced less and it can transition into a more

emotional display (Pettinelli, 2012). Throughout this thesis, the emotions and feelings of victims of crime are often described together. Therefore, both concepts will be studied under the term of “emotions” with Scherer’s definition.

Another concept to consider is how emotions can be in a situation of high stress. This brief description can give some context to what is expected with the contents of the thesis. Shallcross et al. (2015) describe what occurs when someone is going through a situation in life that brings a high level of stress. In a stressful life event, an individual goes through a hardship that is defined as “unexpected, significant, and negative” (Shallcross et al., 2015: 2). These events can be of a greater ordeal such as death or separation, or less extreme experiences that have deeper emotional consequences. Along with some detriments to the person’s physical health, there is a psychological impact. If not regulated, emotions can spiral to an increase of anxiousness and depression (Shallcross et al., 2015). When one sudden event can bring about stress and a shift in emotions, other aspects of someone’s life can become stressful. Humpel et al. (2001) research this in the lives of nurses who specialise in mental health treatment in Australia. 43 nurses completed questionnaires based on the stress they experience at work. With this stress, questions were asked about how they were feeling during these moments and how they felt over a period (Humpel et al., 2001). When a male nurse viewed themselves as emotionally competent, they became more likely to experience stress from their work. With their own assurance of their own skills, things that happen that are not expected can induce stress. Female nurses that held negative views on most things were emotionally impacted by stress in a negative way (Humpel et al., 2001). Laybourn et al. (2019) studied work related stress and emotions of teachers in Germany. This study mainly focused on teachers who were interviewed on the concept of procrastination and how it would impact their work. 27 primary and secondary school teachers were interviewed (Laybourn et al., 2019). Most of the teachers in the interview stated that they did procrastinate in their work. The level of stress with this work was dependent on the phase of work they are at. When this stress was at a high level, teachers reported many emotions such as anger, guilt or disappointment (Laybourn et al. 2019). Emotions come about in stressful situations for many reasons, most importantly with the surprise of the unexpected.

With stress and emotions being discussed, this thesis explores the emotions that come with experiencing crime as a victim. To highlight this, crime will be discussed as a topic of stress for those involved in it in other ways. This includes those who work within different fields relating to the investigation of a crime. Adderly et al. (2012) highlights the stress that



crime scene investigators feel in their work. The stress with the work was measured by their physiological reactions, mainly the increase of heart rates. These readings were linked to a log of their week, working an eight hour shift each day and the activities they did (Adderly et al., 2012). Parts of the job that involved more physical activity brought up the investigators' heart rates, which represented the physical stress of the job. What was also noted was that the second highest heart rates of the investigators came from the psychological stress of approaching crime scenes (Adderly et al., 2012). Leone and Keel (2016) also examined the work-related stress of investigators. The study focused on the stress that has come from critical events while in work, whether with the organisation or in field work. Investigators were interviewed on what they encountered in their work and were asked on a scale of one to five on how stressed they felt (Leone and Keel, 2016). Investigators reported feeling most stressed from the organisation in budget cuts and issues with salary. Stress from field work was greater than this, with incidents of investigating the death of an officer or a mass fatality causing the most stress (Leone and Keel, 2016). Stress can also come from working in a specific field of crime, as Catanese (2010) studies with sex crimes. Many become involved with a sex crime such as nurses, police or attorneys. Those who work in the cases of sex crimes, to comfort and examine victims or to question and examine offenders, take on a great amount of work for a disturbing topic (Catanese, 2010). Issues can come from discussing an assault in graphic detail or feeling pressure of overseeing an offender after release. Depending on the emotional state or past experiences of those workers, they can experience trauma with an increase of anxiousness and depression (Catanese, 2010). There is a clear indication that working where crime is present is extremely stressful and can leave an emotional toll.

In this chapter, the definition of emotions has been outlined with a discussion of how they are expressed in situations of high stress. Crime has also been recognised as a highly stressful situation to be a part of. With these studied, the main argument and study of this thesis will be explained. This thesis will focus on how victims can be emotionally impacted when they become victims. Chapter Two focuses on the emotional impact of the crime itself. There will be a focus of examining different emotions that can come from crime. Specific crime types will be studied, including the investigation of victims of crime with a pre-established mental health issue. This chapter will explore if certain crimes cause harm while others do not, and if the personal circumstances of the victim changes anything. Chapter Three examines what occurs when victims bring their experiences to the courts. The true extent of the inclusion of victims in their offender's trial is outlined, relating to their rights and participation in court.

The way that the court respond to the victim will be examined through the process of secondary victimisation, with specific case types studied. This chapter highlights if the behaviours of the system that could make victims go through a secondary victimisation. Chapter Four explores the other side of the court experience for victims with options for support. Support can come in appliances to the court such as support animals and special measures, and in the presence of others with a victim advocate and social support. These will be studied on their benefits and limitations in use. All these topics will be brought together in a conclusion to discuss the true extent of the emotional impact of becoming a victim of crime and the response. The study of this topic was entirely through the method of desk-based research. Resources were found and examined for information that would answer the questions present in the thesis.

## **Chapter Two**

### **The Emotional Impact of Crime on Victims**

#### **Introduction**

Crimes are seen to result in various consequences which matter most in the eyes of the law. Burglary results in the security of a home being breached with an item or items being stolen (Shover, 1991), somebody ends up physically attacked in an unlawful manner from the crime of assault (Saunders, 2002). However, there is much more to the impact of a crime than the breach of a law in place. What does the victim go through after they experience such a breach of their security or suffer violence? This will be investigated in this chapter, with the discussion of the impact that crime can have on the victim's emotions. The emotions that can stem from a crime occurring will be discussed, with its different types as well as how it can be fear of crime can invoke negative emotions. The impact of different crimes will be discussed, focusing on rape and hate crimes against ethnic minorities and the LGBTQ+ community. Finally, the discussion will consist of how emotions can affect the mental health of the victim. This will be investigated through the development of mental health issues such as Post-Traumatic Stress Disorder (abbreviated to PTSD), with an inclusion on the emotional impact of crime on those with an established mental health issue. These findings suggest that crime has an emotional consequence that does not change with the crime committed or who the victim is.

#### **Impact of Victimization on Emotions**

Crime can bring about fear to the public and trigger emotions among those affected. Shoham et al. (2010) describes the fear of crime and how there are many emotions attached to the topic. When there is concern that a specific crime may happen in an area, it is accompanied by a level of dread for what is to come. There can be anxiousness attached to the thought of something happening to a loved one also and terror of the thought that nothing is being done to combat the issue (Shoham et al., 2010). The thought of a crime occurring to someone from the crime trends in an area can be enough to put fear in residents and have an emotional impact (Stafford et al., 2007). Different surveys and scales were used to determine the levels of crime

in the area and how residents fear that specific crime. The fear of crime was also investigated in being a direct cause for stress in a population (Stafford et al., 2007). Specific crimes were feared based on the circumstances of the participants, with those with a lower socioeconomic status afraid of robbery or burglary, with gender differences present for sexual offences. There was an association between those with a high level of fear of crime and those who were depressed and were not socially active with friends or activities (Stafford et al., 2007). Pearson and Breetzke (2014) also explore this subject with citizens in New Zealand. The survey for statistics on wellbeing in New Zealand was investigated as well as surveys on fear of crime. The results were compared based on those living in an area or for the individual (Pearson and Breetzke, 2014). Generally, when there was an increase in the fear of crime, there was a decrease in wellbeing. On the factors of an individual, the negative emotions from fear of crime were most associated with single women or ethnic minority groups who experience some form of discrimination (Pearson and Breetzke, 2014). The image of crime can be enough to strike fear in a community, even if they have not been victimised.

Crime causes various negative emotions among victims. Frieze et al. (1987) discusses some emotions that can be felt immediately after the crime has occurred. In the immediate aftermath of a crime, it has been suggested that the victim will go through a stage of both shock and denial. It is an unbelievable act that feels completely senseless and there is confusion attached to these first two feelings (Frieze, 1987). The next set of emotions that come from this crime centre around a state of confusion and questioning. There are times when the victim feels like they are to blame for the act that occurred but can also display pity for themselves in what has occurred. Changes also occur in their level of confidence in their ability to heal from the crime (Frieze, 1987). Dinisman and Moroz (2017) study where emotions can differ and intensify depending on if the victim suffered any injury for the crime. On scales how the victims were affected on an emotional level, a majority in each survey listed showed that the victims did feel an emotional impact from the crime. Most studies gave a figure of 77% or more, with 86% for those being emotionally affected by a crime where an injury was involved (Dinisman and Moroz, 2017). Victims expressed many emotions in the survey which showed how a crime has made them feel. Some of which were anger, stress and embarrassment. What can also be dominant for the victims of these crimes are the states of depression and sadness that they have suffered this damage (Dinisman and Moroz, 2017). Shapland and Hall (2007) continue the discussion of some of the general feelings of victims after the crime has occurred. With the initial shock that can come from the crime, it is easy for the victims to lose trust and faith in

their own community and in humanity. With this random act of violence or the invasion of trust, it can be hard for the victim to understand why it happened and become wary of the people around them (Shapland and Hall, 2007). The process of becoming the victim of crime comes with the label itself as a victim. Guilt and frustration can build from the establishment of this label, with the process of thinking of how the victim caused this crime and if they could have prevented it in any way (Shapland and Hall, 2007). The fear and shock that comes from the crime can also lead to issues for the victim's social life. They can often be fearful of going outdoors, back to work or for a social event and can isolate themselves from the rest of the world, which establishes a sense of loneliness in what has occurred (Shapland and Hall, 2007). These feelings that have been described here will be investigated further as well as considering one specific crime.

The negative emotions from crime decrease victims' wellbeing and happiness. Hanslmaier et al. (2016) discusses how crime can take away feelings of life satisfaction and happiness for the victim. When someone becomes the victim of a crime, their levels of happiness and satisfaction with life can decrease. The more violent the crime is, the more that their levels of happiness decrease (Hanslmaier et al., 2016). One source for this decrease of happiness is increased fear of further victimisation, which varies depending on crime type. (Hanslmaier et al., 2016). What is important to note is that the crime may not have a permanent infringement on life satisfaction of the victim and that happiness and satisfaction with life comes back over time (Hanslmaier et al., 2016). These levels have been studied for a variety of crimes across different countries. Kuroki (2013) shows this in a study on the effect of burglaries on happiness levels in Japan. Questionnaire results on happiness were examined as well as results for reports of burglary/robbery. The results show that the crime occurring decreased happiness levels of those who were the victim of it. An important note of the study was that those who owned houses rather than rented them were affected more by the crime emotionally as there was a greater difficulty in finding a new home (Kuroki, 2013). The fact that burglary involved the forced entry of someone's home means that that aspect of a person's life has been affected. Sulemana (2015) investigates the impact of crime victimisation on the happiness levels in African countries. Like the study of Kuroki (2013), several surveys and studies on crime occurrence (theft and assault) and levels of happiness were studied, with gender being considered (Sulemana, 2015). Those affected by the crimes of theft and physical assault had reported a lower sense of wellbeing after the crime, especially in the Sub-Saharan region. While women had a significant drop in wellbeing relating to both crimes, men only felt

this drop when it comes to assault (Sulemana, 2015). Staubli et al. (2014) makes a study on the impact of crime and levels of happiness in Switzerland. The study investigates the crimes of consumer fraud, burglary and attempted robbery. Compared to nonvictims, happiness levels for victims of theft were lower, with consumer fraud levels being lower than that. Crimes were also found to be different in happiness levels overtime, with attempted robbery having higher levels of unhappiness the more time had passed. These levels increase if the crime involves violence against the victim in an assault (Staubli et al., 2014). Happiness is an emotion that can be affected when a crime has occurred and can be a temporary issue for the victim. These studies on different countries shows that the effect crime has on happiness is universal.

### **Example: Rape**

Rape is a crime that is extremely personal and can impose a profound change on the victim's life and their emotions. With this extreme level of violence, victims can experience many negative feelings after the crime. Symonds (2010) discusses the experience of victims of violent crimes relating to the emotions that come from a "second injury". This concept is described as the isolation that victims can feel after the crime where they do not feel any support from those in the community. When the victims are being treated after the crime, they no longer feel that they can take care of themselves efficiently and can feel like a burden to those who are treating the victim's physical or emotional injuries. This image of being a burden to the community then gives the perception that the care being provided by those in the community is inefficient and without care (Symonds, 2010). One important emotion that is associated with this "second injury" is the feeling of helplessness that has been placed by the offender. This helplessness can develop into feelings of embarrassment and feelings of anger that their trauma is difficult to process, and they cannot move on from it (Symonds, 2010). With rape consisting of a great level of violence, these emotions from "second injury" can often be seen. Weiss (2010) investigates how the emotions that come from the crime of rape can prevent victims from coming forward with their experience to the police. One of the biggest contributing feelings that prevent victims from reporting the crime is self-blame. Victims feel responsible for the crime happening to them and feel anxious that others will judge them for their actions also. Some things that they feel is their own fault is the overconsumption of alcohol or going out on their own (Weiss, 2010). Victims also carry shame and humiliation because of the crime. Victims can feel like a disgusting person for getting into that situation and fear that others will

feel the same based on their stories. This can be felt even more in cases of marital rape, with the question of how their own spouse can do this (Weiss, 2010). Resick (1993) discusses even more emotions that victims feel with the crime of rape. Victims of rape deal with a high level of anxiety, with anxiety scales showing that they feel higher levels of anxiety than victims of other crimes. This anxiety can develop into phobias for the victim and can last much longer than those who were victims of robbery (Resick, 1993). With this heightened anxiety and fear, victims can also fall into sadness and depression. One study found that over half of the women who had experienced rape were diagnosed with severe depression. Some experience depression at such a high level that they experience suicidal thoughts (Resick, 1993). With rape being a crime that deals with a great level of violence towards the person, many negative emotions stem from this that can be troubling to the victim. It is also a crime where they will question themselves about why it happened and can refuse help because of the shame.

### **Example: Hate Crimes**

Hate crimes can affect a population of people in different ways and affect the way they operate in their own lives. One of these populations that can have the operation of their lifestyle altered are those of the LGBTQ+ community, as shown by Espelage et al. (2018). Youths in their high school years were examined on the emotions they feel based on the violence involved in their schools, including for those who had experienced dating. The sexual orientation and gender identity of the students were taken into consideration for the study (Espelage et al., 2018). Higher levels of anxiety with crime were associated with students who identified as gay, lesbian or bisexual as well as transgender students compared to students who identified as cisgender or straight. The same groups in the study showed more rates of suicidal ideation when they experienced violence in dating or were at risk of being victimised by peers (Espelage et al., 2018). This risk of victimisation and violence based on the identity of a victim can continue into adulthood, as studied by Garnets et al. (1990). The victimisation of gay men and lesbians was investigated with a variety of offences based on hate crime. These attacks on the LGBTQ+ community can make the victim feel that they must punish themselves for being who they are, which can be felt even more by those who have not come out or are in the early stages of doing so (Garnets et al., 1990). Lesbians who are a victim of rape face a high level of insecurity and can be blamed for their sexuality with the notion that they do not depend on men in a state of vulnerability. Gay men who face the same victimisation by straight men can feel

shame and confusion from the crime and view their own lifestyle in negative ways (Garnets et al., 1990). Where members of the LGBTQ+ community experience this type of violence in their lifetime can be a factor in how open they are later in life (D'augelli and Grossman, 2001). Men and women over the age of 60 who identified as gay, lesbian or bisexual were the subjects of this study. Questions were asked on their levels of loneliness, self-esteem and the dependence of substances (D'augelli and Grossman, 2001). Subjects faced abuse of all forms as well as blackmail in the exposure of their sexuality, causing a poor outlook on themselves and their lifestyle, suicidal thoughts and attempts, and substance abuse. This victimisation was found to occur at the times where the subjects were open about their sexuality and targeted for it (D'augelli and Grossman, 2001). Research suggests that the disclosure of those of the LGBTQ+ community at any stage can result in violence based on hate for who they are. When victims become a target just for being themselves, they can feel shame for their lifestyle and feel that they are better off dead because of this.

In relation to race-based hate crime, Inganski and Lagou (2015) discuss how hate crimes against ethnic minorities carry a greater sense of hurt for the personal attack on the race of the victim. Higher levels of anxiety and depression have been reported that those who were the victims of a hate crime. What can also be associated with this is the increase of anger as well as fear that they are no longer safe in their community (Inganski and Lagou, 2015). When exploring these feelings more deeply, victims report the crime replaying in their head repeatedly, one commenting that they no longer want to live due to the thoughts. (Inganski and Lagou, 2015). Lockwood and Cuevas (2022) explore this issue in the Latinx community. This population can go through different attacks based on the colour of their skin and culture, or on the question of their progress in immigration. Victimisation that follows based on these factors can make the community feel pressured to behave a certain way after the crime has been committed (Lockwood and Cuevas, 2022). When it comes to the emotional impact, stress is commonly associated with racist hate crime and this stress is linked to the fear of being targeted constantly because of their race. These issues can become worse in the experience of extreme violence and cause issues in substance abuse and trauma (Lockwood and Cuevas, 2022). A lot of emotions can stem from being victimised based on race, as studied by Barnes and Ephross (1994). A sample of victims of crime were gathered with a mix of white, black and Southeast Asian participants. Questions were asked on how much they experience attacks as well as how they respond emotionally to them (Barnes and Ephross, 1994). Half of the participants spoke of experiencing their first racist attack or the most recent of multiple attacks based on the colour



of their skin. Anger was mostly expressed, with fear affecting their wellbeing and behaviour, including the increase in purchasing firearms for their own safety (Barnes and Ephross, 1994). Funnel (2015) continues these instances of fear for victims of racist hate crimes and the great impact on their emotional wellbeing. Victims have reported that the fear from the attacks can affect where and when they go somewhere, putting themselves into a routine that those in prison may experience. This acts as their own coping mechanism to not run into their attacker in fear of experiencing more harm (Funnel, 2015). Communities can begin to become withdrawn and isolate themselves in their homes, with fear making them unable to fully exercise their culture. The emotional impact from the crime can shape how someone operates in the family home and cause disruptions to relationships because they have anger and grief that others do not understand (Funnel, 2015). Racism mixed with crime causes a great number of restrictions for minorities. Changes in emotions and feeling that your movement and culture are compromised because of the attack are indications that crimes against ethnic minorities carry severe consequences.

### **Impact of Victimization on Mental Health**

To discuss this aspect of victimisation, there are terms to be defined. The first of these terms is mental health. This thesis defines mental health as “a dynamic state of internal equilibrium which enables individuals to use their abilities in harmony with universal values of society.” (Galderisi et al., 2015: 3). In simple terms, there is concern for how someone can function with the rest of society in everyday life and if they are truly satisfied with their emotions. The infringement of these abilities from crime will be the concern for this part. What is also important to consider in the literature is the development of mental health issues from crime. This thesis defines mental health issues as “health conditions that are characterized by alterations in thinking, mood, or behaviour (or some combination thereof) associated with distress and/or impaired functioning” (Goldman and Grob, 2006: 738). The distress from crime will be greatly considered when looking into the development of mental health issues. These defined terms are to appear and be linked to many studies regarding the emotional impact of crime and how the area of mental health comes into play with it.

In some cases, the emotional impact of crime can lead to issues with mental health with the development of an issue and worsening emotions. A mental health issue that can develop after the events of the crime is post-traumatic stress disorder (which will be abbreviated to

PTSD). The events listed out to fall under the PTSD category involved those linked to crime such as physical or sexual assault, death of a family member due to violence, or witnessing these events (Kilpatrick et al., 2013). In the criteria of PTSD, fear during trauma is essential in the progress of the condition, which shows how an emotional response can develop a mental health issue (Friedman et al., 2011). Kilpatrick et al. (1989) investigate the specific sector of PTSD that is crime-related (abbreviated to CR-PTSD). Out of over 200 participants who experienced a crime, only 60 did not develop CR-PTSD. When it comes to the types of crime, those involved with rape as well as injury in their past were almost nine times more likely to develop CR-PTSD. What was also an important factor for the study was how long it had been since the crime as well as age, with the younger participants with less time since the crime more likely to have experienced rape or injury (Kilpatrick et al., 1989). With PTSD developing from fear, other emotions develop from the mental health issue. Victims feel anger amid their mental health issue (Riggs et al., 1992). Female victims of crime were tested based on if they had been a victim of a sexual or non-sexual crime (robbery and assault). Different scales were used for the experiment relating to anger levels and symptoms of PTSD (Riggs et al., 1992). Victims of both violent and non-violent crimes did not have a greater difference in the degree of anger they felt. Some factors (the force of the offender and if the victim wondered if they were overreacting) of their own cases came into play with the anger they felt. Importantly, this anger was found to be higher when it was a factor for the development of PTSD (Riggs et al., 1992). The experiences of those with PTSD are found to be long lasting and a reminder of their trauma brings about negative feelings, as found by Maercker and Mehr (2006). Half of participants from a legal aid organization were asked to view or read a report on the crime they had been victimised in which caused their PTSD. They were asked how they felt after viewing the reports again and viewed how the media treat these victims (Maercker and Mehr, 2006). Victims felt fright, sadness and anger when viewing the media reports, especially those that were misrepresented by the media. These emotions also led to the expression of symptoms of PTSD (Maercker and Mehr, 2006). These studies are concerned with the emotional challenge of dealing with the crime in the development and establishment of PTSD.

### **Victimisation and Pre-Existing Mental Health Issues**

While crime can develop a mental health issue for the victim, it is important to consider how crime can affect those with pre-existing mental health issues. What must first be

considered is how likely someone with these conditions will be victimised as this population can be extremely vulnerable. This is studied by (Hiday et al., 1999). The study comprised of over 300 participants with a diagnosis of a severe mental health issue, which includes psychotic disorders or schizoaffective disorders, which comes with a level of impaired functioning. The participants were asked about their feeling of safety and were examined on choices they have made in life (Hiday et al., 1999). Participants had experienced the same amount of non-violent victimisation as the general population of the United States but were the victims of violence twice as often. Subjects were found to not feel safe based on where they live and the violence experienced, with those who are homeless being especially vulnerable (Hiday et al., 1999). Maniglio (2009) studied a variety of sources based on the same topic. This study comprised over 5,000 participants who are diagnosed with psychotic or major affective disorders. Factors of increased vulnerability were also investigated (Maniglio, 2009). Over the span of three years, people with severe mental illness were the victims of violent and non-violent crimes at much higher rates than the general population. Some studies found rates of physical and sexual assault being perpetrated to women with severe mental health issues. Homelessness, substance abuse and severe symptoms relating to their diagnosis were related to the levels of victimisation (Maniglio, 2009). Teplin et al. (2005) investigate the levels of crime towards those with severe mental health issues compared to a national survey of the general population. Under 1,000 participants with mild symptoms in their issues were used for the study compared to over 30,000 participants of the national survey. The crimes experienced were on a range of theft to sexual assault offences (Teplin et al., 2005). Those with severe mental health issues were the victims of crime at 4 times the rate of those reported in the survey, with almost 170 incidents per year. In the crimes reported, the participants were found to have more experience with crimes such as theft, property crimes and assault (Teplin et al., 2005). It is clear from these studies that those who suffer from severe mental health issues are at a much greater risk of experiencing crime and are extremely vulnerable to other issues based on their health.

When someone with a pre-existing mental health issue becomes a victim of crime, the event can bring about different feelings and behaviours. With the increased risk and experience of crime for those suffering from mental health issues, there were changes in their levels of psychosocial abilities. They began to withdraw from the community and their levels of confidence decreased (Khalifeh et al., 2015a). Developments were found in the victim's mental health, with increases of depression and anxiety attacks. They reported seeking more help for these mental health problems with half stating that the needs were not met (Khalifeh et al.,

2015a). Similar results were found in the case of victims who had reported domestic and sexual violence (Khalifeh et al., 2015b). This study focused mostly on the impact of female patients as not many reports were found for male victims. There was also a question of if victims would go on to trust certain people with the details of what had occurred (Khalifeh et al., 2015b). The violence committed against these victims were found to affect them, with reports on side effects to how they interact socially as well as dealing with the emotional impact. Compared to the general population of women, victims with serious mental health issues had a higher rate of suicide attempts (Khalifeh et al., 2015b). Rani et al. (2022) examines further mental health detriments to those experiencing abuse in the home while dealing with a severe mental health issue. When the abuse has ended and it is time for the patient to be examined on what had occurred, the trauma of the abuse can increase the risk of harm to themselves due to the increased levels of depression. Victims have a greater struggle in keeping with normal life inside the home as mental health struggles take over and can inhibit them from taking care of their family. There are reports of an increase in anxiety, depression, suicidal thoughts and a development of PTSD (Rani et al., 2022) These instances of criminal victimisation are shown to affect how well a patient can do when being admitted into care for these issues (Lam and Rosenheck, 1998). Factors of substance abuse and homelessness in those with severe mental health issues can make victims more at risk of being victimised again and again. Interviews in the span of a year were given to gain updates on how life changed after a victim experienced crime (Lam and Rosenheck, 1998). During the time when the clients had spent more time sleeping on the streets, they had experienced even more victimisation. Victimisation was also shown to affect the wellbeing of the victim in all aspects of their life. When crime occurs throughout the year, there is less satisfaction in their own life and a decrease in happiness (Lam and Rosenheck, 1998). Those with a severe mental health issue are shown to have their own health safety, social interactions and emotional wellbeing affected by being victimised by crime.

## **Conclusion**

Crime places an emotional weight onto the victim when they did not anticipate or want the event to happen to them. Crime has been shown to be something to be feared in a community and those in fear carry their own personal circumstances that enhance the fear of a specific crime happening to them (Pearson and Breetzke, 2014). Most of the victims reported

feeling an emotional impact from the crime occurring and these emotions have a range of shock to humiliation (Dinisman and Moroz, 2017). Crime has shown to not only place a series of negative emotions on the victim but can temporarily take away their positive emotions and satisfaction (Sulemana, 2015). Rape is an extremely violent crime that torments the victim with the events of what happened and leaves them to feel that they are to blame for the crime and feel abandoned after it (Weiss, 2010). Those of the LGBTQ+ community are at the mercy of societal standards and feel a great sense of shame that their sexuality was used as a weapon. These negative thoughts can have negative consequences with suicidal ideation (Garnets et al., 1990). Ethnic minorities felt a mixture of anger and fear about being targeted for expressing their culture and feel that they must pull back their identity to feel safe (Funnel, 2015). The final part discussed where the emotional impact of crime affects mental health. PTSD was taken as an example for how the trauma left behind after the crime develops this mental health issue and how recollections of the crime bring out anger and fear Maercker and Mehr (2006). In contrast to the development of the mental health issue, the emotions of those with pre-existing mental health issues were also investigated. This population is found to be especially vulnerable in experiencing crime and the emotional distress that comes from a crime is found to worsen their symptoms and can develop more negative emotions (Khalifeh et al., 2015a). The effect of crime is found to be the same no matter what the crime is or who is affected. With these emotions examined, it is important to question if victims can gain back some stability while in court facing the crime once more.

## **Chapter Three**

### **The Response of the Court**

#### **Introduction**

After a crime has occurred, the victim has the option to bring their case to the criminal justice system (abbreviated to CJS). As an investigation progresses, there is a possibility that the case can go to trial where the alleged offender is found guilty or not guilty of the crime. This part of the system has a place for the victim to participate in and to see their case play out if they choose to, whether acting as a witness or giving an impact statement. With the courts being an option for victims of crime, do they receive care and acknowledgement of their emotions? This chapter will be investigated in the context of how the courts involve the victim and if this involvement is sensitive to the victim's emotions. Victims have rights in the court, and it is important to see where they have fallen within the system over time and if they are truly upheld by the system seen as protecting them. One concern for this chapter is how prevalent it is that victims can be involved in the entire process, considering when they act as witnesses or give a victim impact statement. What will also be investigated is if the courts are sensitive to the fact that the victims relive the ordeal caused by the offender, with the offender present. With this aspect, the courts will be studied on how they make the victim go through secondary victimisation with their proceedings, with examples of cases involving rape, homicide and domestic violence examined. What this chapter will show is that although the courts are viewed as the place for victims to have justice, they can do more harm than good.

#### **Victims' Rights in Court**

Victims may enter the courtroom with an understanding and care for their rights. Davis and Mulford (2008) discuss some rights that the victims have during a trial in the United States. The first of these rights is the right of notification. Victims must be aware of anything there is to know about the trial, whether it be the progress of the case, any decisions made and what is available to them for help (Davis and Mulford, 2008). The participation of the victim as previously discussed has also been listed as a right in a trial. Rights are also in place for the protection of the victim during a trial. This protection can come in the form of a faster trial so

that they do not have to deal with the subject for too long. It also accounts for witnesses who are giving evidence being safe from threats or harm inside and outside the courtroom (Davis and Mulford, 2008). There are ways that these rights get trumped by the pursuit of justice. Doak (2005) discusses how with the issue of fairness for the defendant's trial and the rights of the victim, there is a change in how public and private interests interact. The proceedings of the cases and courtroom are viewed as a public issue, in which the system has transparency with society and provides an image of how they pursue justice when someone acts against the state. With this aim to appeal to the public in the way cases are handled, the individual rights of the victim of the crime and the means of addressing the harm privately are not a point of interest (Doak, 2005). Over time, statutes and organisations have been set up to take the interests of the victim into account, with the prosecution understanding their needs for the case and allowing a relationship to form. This relationship has its own implications, as the prosecution has the job to not simply secure a conviction, but to deliver justice accordingly, which causes conflict with the state (Doak, 2005). There is question of can the victim of the crime be a central and key player in their cases. Davis et al. (1984) investigates how much the victim can be involved in the case with an experiment with the support of victim advocacy. Victim Involvement Project (VIP) was at the centre of this study in advocating for victim rights and participation in the courtroom. The experimenters tested how receptive the courts were to the interests outlined before by Davis and Mulford (2008) (Davis et al., 1984). Prosecution attorneys were more apprehensive about the involvement of this organisation in the parts of the case that involved the case or decision-making, with judges being more welcoming. With legal aid bodies that are provided for the defendant of the case, they viewed this organisation as working too closely with the prosecution at the risk of the prosecution aiming for conviction rather than justice (Davis et al., 1984). From this, the occupation of attorneys has a serious impact of where the rights of victims come into play. These obstacles present for the victim's rights can make them at risk of secondary victimisation if they have no power.

### **Victim Involvement in Court**

The criminal process must be understood to show how much victims can be involved with the progression of cases. In a national survey from the United States studied by Hart and Rennison (2003), it was found that in comparing a seven-year period of reports and the year 2000 itself, reports of violent crimes to the police had increased from an annual figure of 43%

to 49%. There was consideration for if the victim such as their gender, the state of their injuries, and factors of the offender such as their ties to gangs or if they were armed (Hart and Rennison, 2003). Baumer and Lauritsen (2010) investigate these statistics over a wider timeline, with a span of over 30 years. In this span, there has been a growth in the number of reports for sexual offences to the police, as well as other types of assault and property crimes. In cases where the offender and victim were not strangers, reports of these crimes did not see a rise until the mid-1980s (Baumer and Lauritsen, 2010). While the reporting of crimes can be viewed as on the rise, there are factors that can make the trends discussed seem to be low, when it is thought that police protect the victim and bring justice. Kidd and Chayet (1984) discuss some of the barriers faced by the victim in making a report of the crime. After a crime, victims have felt a sense of anxiety and insecurity in their lives that they feel that they cannot discuss the crime with anyone, not even with the local authorities. Crimes may also leave a victim with a sense that their own strength and power over their lives have been taken away and there is a sense that nothing can be done to fix this harm. There is also a sense of worry in their story not being believed by police, or that there is a way that they can be blamed for what happened to them (Kidd and Chayet, 1984). If a victim does report the crime and the offender is arrested from this, there is a progression to the courts. But what has been found, according to Keller Law Offices (2021), is that victims may not have a bigger role in the court process with the trend of outcomes. In 80,000 federal criminal cases in the United States, 90% of defendants in a trial end up pleading guilty to the crime they are accused of. Among these statistics, a further 8% of the defendants had their cases dismissed (Keller Law Offices, 2021). This decision made by the defendant does not allow for the whole process of a trial to halt. With these statistics shown in the last couple of years in the United States, there has been a growing popularity of plea bargaining in these cases since the 1960s. This process has gained popularity in use and can be viewed to handle nearly all cases in the system and not allow it to crumble under the pressure (Ortman, 2020).

Cases that go through the whole trial process still exist and can show how victims are brought into the courtroom and involved in the operation. The role of the victim in the criminal courts is found to be small, as described by Healy (2019) during victim impact statements. For example, in criminal cases of the Netherlands, only 30 to 40% of victims took part in delivering a victim impact statement. Similar results were found in the United Kingdom, with half of victims giving statements (Healy, 2019). This low level of victims giving statements can come from many reasons. One being that the system did not give victims information on if or how



they could prepare these statements. Also found to be an issue for victims was the inability to say what they truly feel due to prosecutors reviewing their statement and changing it for an argument of a longer sentence. With these issues, victims can be forced to not express their emotions about the crime to the public (Healy, 2019). McBarnet (1983) describes the process of a victim being the subject of examinations from the prosecution and cross-examinations from the defence team. When the victim takes part in this process, they are seen officially as another witness to the trial of the defendant. Both sides of the case are instructed to act accordingly in getting the exact statements from the witness (McBarnet, 1983). This process is found to present many issues for the participation of the victim in court. For one, the trial process tries to get as close to the truth as possible and these examinations allow for possible truths and lies to be pointed out. However, there is question of if this is the victim and they know what they experienced, should they be able to explain the story in their own words? The role of the prosecution in these examinations can also show a disconnect of the victim as the prosecution no longer acts on behalf of them, but of the state and must be stern and possibly aggressive with them (McBarnet, 1983). From the roles of the victims in the court, it has its limits when it comes into contrast with the principles of the courts and the justice system. If the state has recognised the victim's issue, where does the disconnect come from? One theory that can highlight this tension between victim and system is Christie's theory on the "Ownership of Conflict" (Englebrecht, 2011). In this theory, it is suggested that those who are involved in the proceedings of a case should be the ones who have felt a direct impact of the crime. While attorneys hold a belief to act on behalf of those who experience this impact, it does not apply to them directly and can be viewed as taking the victim's pain as their own property (Englebrecht, 2011). Some attorneys report to always aim in keeping the victim directly involved while others believe that their expertise is enough to handle the case. These statements can highlight the degrees that this ownership shifts to (Englebrecht, 2011).

### **Secondary Victimization in Court**

There is a question of how victims are treated in their time in court with the emotional stains of the crime. What has been mostly associated with this is the process of secondary victimisation (Baisla, 2016). To define this term, primary victimisation is when the victim experiences direct harm or damage by the offender. Secondary victimisation refers to the experiences from other bodies that must link back to the primary harm and thus traumatising

the victim again. This can be linked to all bodies that are established within the CJS, from law enforcement to the courts. The experiences are characterised by invalidation and blame shifting (Baisla, 2016). Parsons and Bergin (2010) discuss the ways in which these bodies can impose secondary victimisation on the victim. Regarding the initial reports made to law enforcement, victims can experience judgement and intense questioning by the police on what has happened to them. They can also feel that they are disregarded when their reports are dropped after investigation and can experience a greater level of depression as well as substance abuse issues (Parsons and Bergin, 2010). Drawing back to the experience of the victim in cross-examinations, the manner of the attorney in this process can lead to a certain degree of blame being put onto the victim for their harm and the efforts to disregard their story is extreme. The recounting of details relating to the crime brings back the negative emotions that victims felt when the crime occurred (Parsons and Bergin, 2010). With the focus of secondary victimisation in the courtroom, several studies have been found to reflect the process. Orth (2002) carried out a study on this secondary victimisation with a selected group of victims in the courtroom. Almost 150 participants were used in this study and were asked on both the positive and negative experiences that have been felt in their time in court. What was also considered in determining their experience in the court was the different processes of the court and their own psychological wellbeing during it (Orth, 2002). The victims of this experiment were emotionally affected by the negative experience they had in the courtroom. They felt significantly victimised in a secondary state when the court tested their faith in the process and life in general, as well as a lack of trust in the court process (Orth, 2002). What was important to note in the study was that the state of secondary victimisation in the victim was not based on their psychological or emotional state during the proceedings. The processes of their involvement, with the attitudes of the court felt by the victim, can influence this level of victimisation (Orth, 2002). This study shows the struggles of secondary victimisation in this stage of the victim's case and how those in the courtroom that strive to seek justice turn the victim away.

### **Secondary Victimisation in Rape Cases**

There are specific cases where the victim can feel at risk or fall into secondary victimisation, especially with the crime of rape. Campbell (2008) investigates how satisfied the victims were when their cases were brought to court. When it came to the initial process of the

victim bringing the case to court, they felt that they were not prepared by the prosecution on how the court will go and what to expect. For those who did receive preparation, they found it to be overwhelming with notes being provided to how they should act and speak and dress (Campbell, 2008). Victims can experience secondary victimisation based on if their cases go to trial and if any circumstances of their background or the crime itself determined if they were worth prosecuting. Those who went to trial felt that they were not human anymore in the court and were hurt from the treatment of those in the courtroom, who tried to blame them for the crime and make them feel embarrassed (Campbell, 2008). Bohmer and Blumberg (1974) discuss how the process of the court can traumatise the victim more than once when it comes to their case. One aspect that can influence the victim's state is the constant delays that come with cases. The victim has taken the time to prepare themselves emotionally and mentally for the time they must participate only for this date to be delayed repeatedly and cause them to stay in the process for longer (Bohmer and Blumberg, 1974). The questions that surrounded the aspects of consent in the case can bring about fear to the victim that they were responsible for their rape. Attorneys can turn comments made by the victim previously into another meaning or use the nature of the relationship between the victim and defendant to boost up the level of consent between the two (Bohmer and Blumberg, 1974). Viljoen (2003) considers the secondary victimisation of rape victims in court with the comparison of four different trials in Africa to highlight the attitude of the court in these cases and how the victim is impacted. Two of these cases will be explored. The first trial considered a 50-year-old man who raped his daughter and was sentenced to 7 years in prison. The sentence by the judge was based on being sympathetic of the father's older age and feeling suspicious of how much the rape affected the girl. This judge disregarding the feelings and needs of the victims, as well as making notice that she did not experience the rape as her first experience sexually, are clear indicators that the court has conducted secondary victimisation (Viljeon, 2003). In another case, the defendant had a long history of criminal behaviour, with the sexual assault of his niece in his teens, breaking into a house and assaulting the owner, and the attempted rape and murder of a former classmate. In this case that concerned another break in and assault, the victim of the crime had not been notified of the history of the defendant and no sympathy was shown to the victim of the damage (Viljeon, 2003). The secondary victimisation of rape victims is based on fact finding, with no regard of if the victim felt shame or embarrassment for what happened to them.

## **Secondary Victimization in Homicide Cases**

In cases of homicide, there is no direct victim present to participate in the trial, so it falls onto their family to go through the court process. Englebrecht et al. (2014) highlight the difficulties that the families of the victims can face before entering the courtroom. The loss of a loved one is found to be difficult to deal with and devastating, but this struggle can be increased when the cause of death is sudden or violent as in a homicide. Some cases can see family members battle depression and PTSD (Englebrecht et al., 2014). The family can also face difficulty in the initial process of investigating the death of their loved one. They feel a lack of passion by the authorities and can be excluded in participating in any way to find out why their family member was killed (Englebrecht et al., 2014). It can be found that these families experience their own secondary victimisation by the courts. Gekoski et al. (2013) provides interviews conducted with the victim's family on their experiences with the courtroom. The study was concerned with women who lost someone close due to homicide and how they went through the court system. It considered how they felt during their time and where they felt victimised again (Gekoski et al., 2013). The women recounted incidents where the defendant's family was also present in the court and faced intimidation from them with verbal threats. There was also an incident where the attorneys were seen joking and laughing during the break despite the victim's picture being displayed, with disrespect to the victim felt (Gekoski et al., 2013). Also noted by the women was that they had to sit through the horrible details of their loved one's death with graphic images attached to it. Emotion from these details was something that would be punished in the removal of the woman from the court for disruption (Gekoski et al., 2013). Reed and Carabello (2022) investigate how families of the murdered victim are kept up to date by the courtroom and how included they are in the process. 24 cases were examined for this study and was focused on the southeast of the United States. The results of the participation of the families were used to determine their level of victimisation in the court (Reed and Carabello, 2022). The families reported feeling isolated by the legal process and did not receive a lot of information on the sentencing of the defendant by the prosecution. A breakdown of communication was also found in the use of language that could not give them a concrete answer on the status of the defendant or the progress of the trial. This lack of communication can be enough to emotionally affect the family, with confusion and devastation that they are kept out of finding justice for their loved one (Reed and Carabello, 2022). This secondary victimisation shows that those who suffer the consequences of the loss

of their loved one want to fight for them in the courtroom, only to be met with disappointment in the conduct of the courts.

### **Secondary Victimization in Domestic Violence Cases**

Cases that can have a profound impact on the victim are those where the victim has a particularly close relationship with the defendant, such as trials of domestic violence. Hartley (2001) takes the implementation of secondary victimisation from the perspective of tactics used by defence attorneys to intimidate the victim. This study took consideration of domestic violence ending in the death or serious injury of the victim. The cases were analysed for a pattern of defences used by the defence attorneys (Hartley, 2001). The results found that defence lawyers went on a variety of strategies to diminish the credibility of the victim and boost the character of the defendant in the cases. One was to discuss the status of the relationship based on the testimony of others and the killing or abuse was not intentional. These defences did not consider that the victim may have been conditioned to not disclose their abuse (Hartley, 2001). With the defendant, there was an attempt to use their emotions as evidence in the fact that they were distraught after the crime and did aid the police after the fact. For victims who were witnesses, there would be a question to if they had substance abuse issues or mental health struggles to point out their own behaviour in the relationship (Hartley, 2001). Baiocco (2022) turns to the court system of Italy to highlight their issues in the cases of women experiencing violence and the perceptions attached to them. One issue that links to violence against women is the establishment of a perfect victim who did not know the offender and was attacked randomly. This impacted those who went to the courts in the cases of domestic violence and made their damage a minor issue (Baiocco, 2022). When these cases do reach court, there is no sense of remedy to the situation in the conviction of the offender. The remedies can range from a simple warning to the men being forced to move out of the house. These do not guarantee the woman's safety and the court does nothing to truly reduce the risk of reoffending. This puts more fear into the victim for telling on the offender, who could come back to bring more harm (Baiocco, 2022). Gezinski and Gonzalez-Pons (2022) investigate the barriers of the court system that can result in the victim feeling victimised once more by their abuser. There are cases where the victim may be from a lower socio-economic status and cannot afford an attorney to represent them. Circumstances in their situations such as needing to steal for money or being charged in domestic violence in defending themselves, they may not meet

the standard to get help in their case (Gezinski and Gonzales-Pons, 2022). In the courtroom, those who were the victims of domestic violence must face their abuser in the courtroom and be present in the same room as them for the duration of the trial. The fear that survivors feel from being in the same room as the abuser not only retraumatizes them but can lead them to ask for the charge to be dropped (Gezinski and Gonzales-Pons, 2022). These cases show how the courtroom process contributes to the case of the victim being degraded with blame being put on them. This can force them to face a situation that puts them in fear of facing more violence.

What must also be considered is how the structure of different court systems can also cause secondary victimisation. This will continue the discussion of domestic violence victims and their experience in the family court. Laing (2017) makes a study on this topic with the ways in which victims go through this system. Over 20 cases were examined in the concern for the custody hearings of children of separated parents. What was important to consider in these cases was if the parent was a victim of domestic violence and how they were treated in the process (Laing, 2017). Results found that it was the situation with former partners that impacted the proceedings of the family courts. Examples of threats against the victim in the arrangement of custody for the children were discussed and influenced some of the custody arrangements established by the courts (Laing, 2017). There was also a sense of disappointment with the decisions made by the courts regarding the victim's parenting after the fact. Children who experienced and witnessed domestic violence were resistant to the visits, but the mother would have been brought back to court for not complying with the order (Laing, 2017). Rivera et al. (2012) also discuss the experiences of abused mothers in the family court. The study was concerned with the mediation process in the family court and was considered for the father of the house being abusive. These mediation experiences would shape if the mothers would go back to the courts for future help (Rivera et al., 2012). The mediators that most of the participants worked with did not meet their needs as victims of domestic violence. Some reported that their abuse was ignored or subject to speculation, or statements were made for physical abuse being the only viable kind in these cases (Rivera et al., 2012). Over 60% of participants felt that they experienced secondary victimisation from the mediation and were met with fear and depression from the meeting. These meetings also had the father, the abuser, involved. Some exhibited volatile and erratic behaviour, which brought the fear back to the victim (Rivera et al., 2012). Gutowski and Goodman (2020) discuss how the structure of a family court system can subject the victim to secondary victimisation. One concern for those

entering the family court system is the assumption that the case does not contain any form of abuse in the home. The proceedings do not deal with these issues initially and from this, the victim must be in an environment that does not deal with abuse, with their abuser (Gutowski and Goodman, 2020). It can be assumed that the abuse can be freely discussed in the family court to address the issue and to prevent the abuser from seeing the children. This cannot be done freely however as those who suffer the abuse may learn to keep quiet when in the courtroom with threats, “If I talk, daddy will kill mommy.” (Gutowski and Goodman, 2020: 448). Victims of domestic violence come into the family court system being blamed for the abuse and having it questioned, along with being silenced from the beginning by their partner and the safety of their children.

## **Conclusion**

Secondary victimisation is a process that the courtroom imposes on the victim in the pursuit of justice for the victim. When investigating how much the victim is involved in the court process, it is established that there are two factors that must be considered in aiding the victim. There is a struggle and tension between abiding by the rights of the victim regarding their participation in the case, and the structure of the CJS which pushes for fairness in the investigation and verdict (Englebrecht, 2011). Victims can tell their story but be subject to cross-examinations and limited answers to keep with the facts (McBarnet, 1983). Victims can also tell the court how they feel about the crime that has happened with their emotions edited by prosecutors (Healy, 2019). Victims of crime must compete with the publicity of the proceedings of the court and how they handle cases. They may desire their own personal remedies that the courts cannot see as being a benefit to society (Doak, 2005). This tension between the victim of the crime and the courts can be a factor in the treatment of victims regarding secondary victimisation. Victims often feel that the courts are questioning their stories and finding a way to pin the blame onto them for what happened, showing how the courts act on behalf of the state and not of them (Parsons and Bergin, 2010). Crimes as violent as sexual assault or rape often leave victims with a sense that they have not gained real justice in their process. From being present in the same room as the offender to those involved having a lack of sympathy for the harm caused, these victims experience a great deal of secondary victimisation (Bohmer and Blumberg, 1974). Secondary victimisation has extended to victims who are in the court on behalf of a loved one who has been killed. Families often feel isolated

in the proceedings, punished for their heartache and ridiculed by members of the court to show a lack of care for the deceased (Gekoski et al., 2013). Domestic violence is a subject where there is pain and violence in a close relationship, which is not helped by the conduct of the courts. The matching of the story by attorneys can result in strategies that speak ill of the victim to secure an acquittal (Hartley, 2001), and victims being forced to face their abusers makes them retraumatized in a setting that is supposed to strive for their safety (Gezinski and Gonzales-Pons, 2022). Finally, it is important to highlight how the treatment of victims does not change where there is a change in a specific court. Those who suffer domestic violence and go to the family courts concerning the situation of the children, families can be silenced by the abuser into a system that already does not recognise abuse being a factor in the arguments (Gutowski and Goodman, 2020). These victims face scrutiny and trauma when discussing their cases once more in court, and there must be a remedy for them to heal from these experiences.



## **Chapter Four**

### **Available Support for Victims of Crime in Court**

#### **Introduction**

Victims face emotional challenges after a crime and the court process. Help and support is needed for them to feel at ease during the court process. This support will be the main topic of this chapter and will show that help is available inside and outside of the courtroom. Four topics will be explored throughout this chapter. The first to be examined is the use of emotional support animals inside the courtroom. They will be examined for the purpose of them, how useful victims find them and if there are any challenges present. What will also be examined is the procedures provided by the courts to aid the victim in getting through the process as a witness to their case. The next form of support is the victim's advocate. This person can stay by the victim through the process of preparing for the trial and the trial itself, though there may be some opposition with the criminal justice process. The final form of support is found in the victim's social network. The social support felt by the victim can influence how they feel inside and outside of the courtroom. These support bodies and process will determine if there is any change to the anxiety and fear felt by the victim in the aftermath of the crime. It will also be determined if these processes can be enough for the victim to deal with the court process.

#### **Awareness of Available Support**

Victims should be able to know what is available for them when they go through the CJS. Freeman (2013) conducted a study to explore the degree of support victims receive after the crime. One note to consider is how aware the public is about support services for victims. Many victims were aware of the services in place, but this level of knowledge depended on their economic background, ethnicity and physical health (Freeman, 2013). With this high level of awareness, it is rare that victims use the support services available. The use highly depends on if the crime was serious and personal and if the victim felt an emotional toll (Freeman, 2013). Colin (2020) works on a project with the prosecution office to raise awareness of services available for victims. An issue highlighted in this study is when victims of crime enter the justice system, they are left with a financial burden and see no way to solve the issue. States

like some of the European Union have not taken great steps in providing state compensation for victims of crime to relieve them of this burden. With this lack of support from their government, there is a question of if they can go anywhere for relief after a crime (O'Driscoll, 2023). With a better understanding of the services to help with this burden, victims may feel more confident to come forward with their situation and have the help they need (Colin, 2020). In turn, the CJS must recognise some of the best ways to offer support for victims during this time. One way the system can help is providing information, as discussed by Wedlock and Tapley (2016). Longitudinal studies show how important the provision of information is for victims of crime in all stages. Those who were being kept in the dark felt a greater sense of stress and anger (Wedlock and Tapley, 2016). Also important was the involvement of services to support victims in the courts. These services not only further helped in providing information but were also a source of emotional support for them (Wedlock and Tapley, 2016). Victims will not have access to the support they need if state bodies such as the courts do not give them the information. Little to no options for help can make their experience in court much more difficult.

### **Emotional Support Animals**

The purpose, benefits and limitations of these animals will be examined to highlight the impact they have on the emotional state of victims. Schoenfeld-Tacher et al. (2017) defines these animals based on the care that they can provide for someone. Service animals have been defined as animals, primarily dogs, who assist an individual based on a physical disability to help with their functioning in everyday life. Some of these dogs can also aid people who have a severe mental health issue such as major depression and anxiety or PTSD (Schoenfeld-Tacher et al., 2017). To examine victims of crime, emotional support and therapy dogs will be the categories further investigated. Emotional support dogs are those who aid an individual with mental health issues and are primarily viewed as pets. Unlike service dogs, there is no registration process or training that the dog goes through, and they may not have as much access to public settings (Schoenfeld-Tacher et al., 2017). Therapy dogs are animals that are not owned by the person in need of the service. They can be used by different professional bodies such as social workers and psychologists when working with a client (Schoenfeld-Tacher et al., 2017). With the description of these animals in place, they have shown a list of benefits for their use in the court process. Dellinger (2008) describes how dogs may act in helping with

victim's emotions during a trial. Dogs can both recognise and invoke emotions for humans. This is important for victims in the courtroom, who relive the details of their trauma and face an emotional challenge. Having these dogs present can allow them to aid in calming the victim and making it easier for them to testify (Dellinger, 2008). In one case, a set of twins who were victims of child sexual abuse were terrified of the courts and refused to testify for the prosecution. When the girls were introduced to the courtroom dog Jetter, they changed their minds and testified. They relied on the dog when they felt especially anxious such as petting his back during the cross-examination. The dog was also able to recognise tension in the girls and rested his head on their laps to calm them (Dellinger, 2008). The use of these dogs can have practical and legal barriers for the courtroom context, as examined in the United States by Grimm (2013). One issue that arises is the definitions of these animals as stated previously. Dogs that are used for the courtroom can be called courtroom dogs but may have registration and the label of a service or therapy dog but are not recognised in legal means. They may not be brought into the courtroom at all as there is no established legal right to them (Grimm, 2013). A case of child sexual abuse was highlighted to show this strain in the system. The parties had disagreements on the status of the dog and if it was permitted in the courtroom as an animal. Prosecutors argued that the dog was an object of security for a child, like a doll would be. The defence also made arguments that the dog was a factor in determining the jury's verdict (Grimm, 2013). While these animals provide a great amount of support, their legal status can prevent them from being used.

The effectiveness of these animals will be examined for victims of crime in the courtroom. McDonald and Rooney (2016) show the findings from the Canadian CJS on the use of emotional support dogs during the court process. Regarding therapy dogs, clients develop trust with the dog present in the session and they are free to pet it. With the presence of this trusting dog, clients often become more trusting with the professional body in the meeting and talk more openly about their issues. These dogs decreased negative emotions such as anger and depression for the client when speaking about their issues (McDonald and Rooney, 2016). In 2010, a dog named Caber became the first service dog for victims of crime in Canada, working for the Delta police and being trained with a fund by the Department of Justice. Benefits have been found with the use of this service. Victims have reported feeling calmer and more comforted with the dog's presence and petting the dog. They felt more positive going through the court process (McDonald and Rooney, 2016). Schmidt (2021) explores how social workers feel about the use of these animals for victims of child sexual abuse in South Africa. Social

workers from the Teddy Bear Clinic for Abused Children were interviewed via telephone or in person on their opinions on the topic. The data collected was analysed by finding codes and developing themes from the interviews (Schmidt, 2021). Results showed that a common remark made by the social workers was that the children became calm when a dog was with them. The children were also described as becoming more confident in speaking and answering the questions in court. The workers and the courts found the children to be more reliable as witnesses with the presence of these dogs (Schmidt, 2021). South African culture seemed to have an influence of these social workers' beliefs as many mentioned that dogs had been used by the police to scare people. With their enthusiasm about the dogs, they also note worries that the child will be too scared. What was important was that the child was brought through the process slowly and not forced to interact with the dog if they do not want to (Schmidt, 2021). This study highlights how dogs have been beneficial for children in these cases but to also be considerate of not forcing the child into it due to these benefits. Aton (2018) studied the relationship between the use of courtroom dogs and anxiety levels in testifying victims. 11 victims of crime were used for the study in an Oregon courtroom that facilitated a courtroom dog named Marybeth. The dog would be present with the participant for their entire stay in the courthouse, including waiting outside and they were later asked about their anxiety (Aton, 2018). On questions based on the helpfulness of Marybeth, no participant had any disagreements with the usefulness of the dog and the reduced anxiety with her presence, with some feeling indifferent. They found the process to be easier to go through with the dog present and that they would have been more anxious if the dog was not around (Aton, 2018). Emotional support animals are shown to be an essential option for victims of crime to have during their time in court and can help decrease negative emotions.

### **Special Measures for Vulnerable Witnesses**

Some jurisdictions offer special measures for victims of crime who are labelled as vulnerable witnesses. These measures will be defined and examined in terms of potential benefits and limitations. Bull (2010) offers the definition of vulnerable witnesses and the workings of the special measures in place for testimony. Vulnerable witnesses are those who require special needs and treatment in the investigation and prosecution of a case due to their vulnerabilities. The most recognised groups in this category of witnesses are children, adults with a learning or intellectual disability and witnesses who need protection (Bull, 2010). Elliot

(1998) identifies how among these witness, victims of special crimes can fall into this category. These crimes are labelled as increasing, but rare. The crimes considered are sexual offences, domestic violence and hate crimes against ethnic and sexual minorities (Elliot, 1998). While the inclusion of victims is clear in this definition of vulnerable witnesses, there is a lack of inclusivity for victims traumatised by other crimes. Special measures for these vulnerable witnesses are tools to protect witnesses and aid in obtaining sufficient evidence from testimonies. Witnesses can give their testimony out of the defendant's view by using a screen, testifying live on a TV screen or with a previously recorded testimony. For those who are inside the courtroom, people who are skilled in communicating with these witnesses avoid influencing answers and allow them to speak in their own words and ask any questions (Bull, 2010). Majeed-Ariss et al. (2021) reviews the use of special measures for victims of sexual offences and highlights what victims need for the process. Participants who acted as witnesses for their offender's case were interviewed. The different types of special measures were considered and used to examine what was best suited for the victims at that time (Majeed-Ariss et al., 2021). One important factor for the victims was the use of screens to alter the visibility in the courtroom. 72% of participants found the screens very appealing. They felt comfortable not being seen by the defendant but also not putting their emotions on display (Majeed-Ariss et al., 2021). The use of live TV from another location was also a point of comfort for the victim. They felt at ease and safe when they were not in a daunting courtroom environment and had more confidence in their testimony. Burton et al. (2006) identifies the benefits and limitations of each measure. When witnesses gave their evidence via a live TV screen, they reported feeling very happy with the process and felt that they were able to speak more openly. However, some felt that they did not have a choice on using this measure and their partial physical appearance on camera made them a target of speculation (Burton et al., 2006). The use of screens was also reported by witnesses to be useful in not having to look at the defendant and assurance that the defendant would not look back. The protection is only partial as the rest of the court, including possibly the defendant's family, can view the witness and puts the witness at risk of being intimidated (Burton et al., 2006). Special measures can mean something to a specific witness although issues must be addressed for how and when witnesses can use these measures. Without the issues addressed, it may not lift any stress that victims feel during the court process.

The usage and challenges of special measures will be further discussed. Hunter et al. (2013) discusses victims' experiences with the courts and use of special measures. They

expressed the support they felt from the use of screens in the courtroom. If they had to look at the defendant while testifying, they would have lost focus and felt a buildup of anger and upset. Having their view blocked from the defendant was also important as they were nervous that the defendant would recognise them because of the report of the crime (Hunter et al., 2013). With positivity found with the measures, they were described as difficult to receive and causing further stress. Victims were not given information on if they were to receive special measures by the police or the prosecution service. Some victims were told they would receive special measures in their testimony but found out on the day of court that they were denied. With this stress, the courts were able to offer some solutions to protect the victim, one case allowing the victim to enter via the judge's entrance (Hunter et al., 2013). Aldridge (2010) considers the positive expressions about special measures with its challenges. These special measures help in reducing the fear that victims feel during the court process and reduce intimidation from the defendant and legal teams. With this decrease of fear, victims felt both protected and confident in their testimonies (Aldridge, 2010). While the process was positive for victims, practical issues arose. Reports of those working in this process felt that they did not receive proper training on how a specific measure operates and how to recognise a vulnerable victim. With this lack of training, victims may not feel protected by the courts during their trial. There is also a risk that without sufficient resources, measures being performed outside of the courtroom were of poor quality and the testimony could not be submitted as evidence. These issues risked prolonging the victim's time in court (Aldridge, 2010). Abdul Ghafar (2014) examines the troubles that victims may face when trying to be recognised as vulnerable witnesses in Malaysia. With recent legislation on the monitoring and use of special measures, prosecutors do not often address the issue and may focus solely on their argument in court. Without the work in further understanding special measures, it can be hard to determine which measure would be best suited for the victim in question and can force them into a decision not suitable for them. This type of operation could hurt victims in not having their place in the court recognised and feeling that their rights and best interests are not considered (Abdul Ghafar, 2014). What is also recognised in law is that judges of a trial can intervene on the use of special measures in line with the rights of the victim. What is common in Malaysia is that judges take on a reactive approach and are viewed as a neutral party in the case. It has been urged that as their judicial right, judges should act on the use of the special measures in recognising the rights of the victim and not letting them feel abandoned (Abdul Ghafer, 2014). Victims are not at risk of letting their emotions take over with special measures, but this must be recognised by officials also with more education on how to use each measure.

## **The Victim Advocate**

Support is also available in the companion of another person. One companion that follows the victim's case is called a victim advocate, discussed by Kirchengast (2013). A victim advocate is someone who guides the victim through the justice process and fights to keep the victim's interests and rights important to all. They are always present and can be involved in the preparations that come before, during and after trials. These advocates can come from a victim support service or can be provided by a jurisdiction in the form of a victim lawyer (Kirchengast, 2013). This advocacy can be limited however by the jurisdiction. In representing the interests of the victim, there can be a risk that it trumps the defendant's right to a fair trial. A victim's access to this type of council may also depend on many things in law. For example, the United States' definition of a victim under the Crime Victims' Rights Act can exclude some who suffered from a crime from representation in court (Kirchengast, 2013). There is a question to how the victims feel about having the support of an advocate throughout the trial. This was once studied by Campbell (2006), regarding victims of rape. This study focused on both the legal and medical systems, though this thesis will focus on the legal system. Two groups of participants were used, one group who had a victim advocate involved and one which did not. Measures considered if any secondary victimisation was experienced from the police and if they felt any emotions from it (Campbell, 2006). The results found that more action was taken for the victims who were part of the group that had an advocate present. The police investigations were more common and there was a greater discussion on the services that are available to the victim after the crime (Campbell, 2006). Both groups experienced some form of secondary victimisation by the police, although it was less in the group that had an advocate. It has been suggested that this was to cover their normal behaviour with the advocate present and watching the police's conduct. With the emotional distress felt after these encounters, both groups had high levels of this distress, with slightly less in the advocate group. This showed that while advocates can help lift some of the troubles from the system, they cannot change the conduct of legal bodies (Campbell, 2006). Considering previous results from Davis et al. (1984), have the attitudes of prosecutors to advocates changed overtime? Gaines and Wells (2017) explore how the prosecution feel about the advocate's involvement with a sexual assault case. Prosecutors were given a questionnaire and asked about if the advocate's involvement made a difference for the prosecution and if anything could be changed about their role. The advocate was one that was not labelled as being provided by the courts or support service (Gaines and Wells, 2017). Prosecutors recognised the advocate's role being a positive one for

the cases of sexual assault. They saw how they can emotionally support the victims and reducing their stress about the system. The work of the advocates allowed the prosecutions to put more work into bringing the evidence of the case together and improved communication with the victims (Gaines and Wells, 2017). Victim advocates carry many roles in their position and succeed in the main goal of supporting the victim throughout the process and reducing confusion about it.

### **Victim Advocacy and Domestic Violence**

Victim advocacy in cases of domestic violence has been studied widely. There is question of if it can empower or make things worse for the victim facing their abuser. Taylor-Dunn (2016) discusses the potential in having the victim advocate active in this case. In the study, the data was researched on what has worked where, with other circumstances involved. The contribution of the advocate was based on how the trial proceeded with participation and outcomes. Considered with this was the possible reasons for these outcomes (Taylor-Dunn, 2016). When the victim advocate was present in these cases, victims were more likely to participate in the trial. In the 76 cases that made it to trial, only 5 participants did not attend. Most victims also had the strength to give evidence. This increased level of participation also increased the number of findings of guilt for the defendant (Taylor-Dunn, 2016). Advocates had the potential to influence the victim to participate in many ways. They allowed the victims to address their fear about the case and responded by providing validation, support and ensuring victims have a choice. Advocates also provide court measures through special measures, meetings before court or talking about the court process as it occurs (Taylor-Dunn, 2016). Camacho and Alarid (2008) also study how an advocate's work impacts the victim's cooperation. Kansas City Court, who provided victim assistance with advocacy work, was studied and linked to where the victim participated in trial. The victims used one of three advocates who interviewed them on their case and check in on the victim in all parts of the proceedings (Camacho and Alarid, 2008). When victims did receive sources of support by the advocates, they were more likely to be involved in the trials. This participation allowed a higher chance of a guilty verdict, although there is question of if this met the victim's emotional needs. Victims who were able to hand in an impact statement had better odds of victim cooperation, as well as constant communication on the progress of the trial (Camacho and Alarid, 2008). With this empowerment for the victims, there is concern for the advocacy of domestic violence



victims, as studied by McDermott and Garofalo (2004). A concern with victims of domestic violence is that the court process may go against their wishes. They may not feel like they have a choice for if their partner is arrested or if they need to change their story for the sake of the prosecution's argument (McDermott and Garofalo, 2004). This conduct of the system can also be done by the advocate, taking parts of the story deemed as important and form another story from that. If victims used different terms about their experience, the advocate changes the meaning of the words to fit the prosecution's narrative. This can contribute to the stigma domestic violence victims face on their status as a victim (McDermott and Garofalo, 2004). Advocates have a different end goal to the victim, although they are supposed to act in their best interest. The increase of punitiveness in society may also spread to these advocates, especially those provided by the justice system. There is a chance that this can go against the victim's wishes for the trial and is not an indicator of protection for them (McDermott and Garofalo, 2004). While this advocacy can make victims feel support, the job of the advocates seems system oriented.

### **Social Support**

Social support is an important source for victims inside and outside of the courtroom. This type of support is one that the courts cannot operate on and can affect the victim if they must go through the process alone. It is a widely studied support method for those struggling with stress for any reason, discussed by Green and Pomeroy (2007). In this social support, the most common sources come from the victim's family, friends and community that they are part of. This support can have influence the emotions of the victims, with negative emotions stemming from a lack of support. It may also influence their actions of their decisions, such as seeking therapy to explore their trauma (Green and Pomeroy, 2007). Social support is a source that has been found to combat stress levels in a victim. It also serves as a tool for victims to cope with their situation. The need for this support is determined by the severity of their situation (Green and Pomeroy, 2007). Dakof and Taylor (1990) study how victims of a stressful life situation view social support and where it is most effective. In interviews with cancer patients, they experienced more helpful than unhelpful support from their family and friends, as well as professionals such as doctors. The most effective form of support received was the one that dealt with their emotional needs (Dakof and Taylor, 1990). In this support, it was important for the support to be optimistic. Patients reported how their spouses were helpful in

offering affection and having a positive attitude that the prognosis would be beat. Unsupportive behaviour was sourced from other patients continuing with dangerous habits such as smoking, being pessimistic about their therapy and displaying worry (Dakof and Taylor, 1990). Social support highly depends on what type of support they get from a certain person.

### **Social Support for Victims of Crime**

Victims of crime are part of a stressful situation when a crime occurs. This can lead to victims needing a lot of social support to deal with the emotional impact of crime. Andrews et al. (2003) explores the role of social support for victims who experience PTSD. The participants came from crimes labelled as property or personal. There was a focus on whether gender was a factor in receiving social support after the crime. Most of the subjects were men (Andrews et al., 2003). The likelihood of victims experiencing PTSD symptoms depended on if the response of those providing social support was negative. When the support was broken down by gender, negative responses affected the men in the development of PTSD. For women, their satisfaction with the support they received was also a factor for the development of PTSD (Andrews et al., 2003). Anderson and Lyons (2005) continue the study of gender and social support with the subject of blame in rape victims. The study aimed to highlight if the victim having social support was a factor in if they were blamed for the crime. Gender was also a factor, especially to question if men were more judgmental of male victims (Anderson and Lyons, 2005). Gender and social support levels were found to be factors in blaming victims. Those who had social support before the crime were blamed less for it occurring while the perpetrators of male rape were blamed less. Victims dealt with a great amount of blame if they are without social support. There may be a feeling that the crime may not have occurred if they had support available where they would not be alone and vulnerable (Anderson and Lyons, 2005). Social support is so important for all victims as without it, it can worsen emotional issues or become a subject of blame. With this burden of feeling blame, victims can have a fear of being blamed further by the courts.

### **Social Support and Domestic Violence**

A subject studied extensively is the effectiveness of social support for victims of domestic violence. Merrell (2001) studies the support of nurses, who may be one of the first

groups to encounter a domestic violence victim. Nurses provide a variety of support in ensuring the victim that they can be brought to a safe place. They put no blame on the victim for the crime. Some nurses are also trained in the psychological field and can provide support for the victim's mental health and emotional needs. One part of this care is providing information on domestic violence and where the victim and children can go for support (Merrell, 2001). Ekström and Lindström (2016) explore if social support can help with victims bringing their cases to Swedish courts. While most cases ended up being dismissed by the courts, social support was found to be a positive factor for the victims. Victims received social support in 63 cases and out of these, 38% led to a prosecution. This support allowed victims to be more involved in the case and gather the evidence to secure the prosecution (Ekström and Lindström, 2016). A study by Goodman et al. (1999) explores the possibility of social support getting through the barriers victims may feel in the prosecution of their case. There is consideration for the factors of the case. These factors include the emotional needs of the victim and the severity of the crime. With these factors, the effectiveness of social support is studied (Goodman et al., 1999). Many of the victims felt a high level of social support and were very satisfied with the help they received. This help gave them the courage to bring their cases forward to a trial and helped with what the abuser normally took care of such as childcare and food. Those who suffered a great level of violence were more likely to cooperate with the prosecution and their emotional needs from the abuser had no effect on their cooperation (Goodman et al., 1999). Jose and Novaco (2016) study the social support of women seeking restraining orders from their abuser. One of the main concerns for the study was the resilience that the victims feel if they have some form of social support going into the trial. This social support also considered the suppression of negative emotions such as anger, depression and anxiety (Jose and Novaco, 2016). Victims reported a small number of negative supports, with a majority discussing how they had someone to rely on during the process. This support came from the group making them feel loved, listened to and accepted despite the case. With the support, 60% of the victims felt resilient in the case with an ability to face the challenge of filing the order and could handle any negative emotions (Jose and Novaco, 2016). Social support for domestic violence victims allows them to be aware of the issue, give them strength to participate and can relieve any fear they feel going into the courts. If they must go through the process alone, the intensity of the courts can have an easier time with secondary victimisation.

## **Conclusion**

There are many ways that a victim of crime can feel emotionally supported after the crime and during the process of court. With this support, it is important for victims to be fully informed of what is available to them so that they can have their specific needs met (Wedlock and Tapley, 2016). A source of comfort for testifying victims in a trial is the use of emotional support animals. These animals can sense fear and agitation and are trained to calm the victim and be a companion during their time (Dellinger, 2008). Despite the overwhelming benefits, there must be a change in the legal definitions of these animals so that their use is not limited (Grimm, 2013). Special measures provided by the courts can protect the victims acting as witnesses from emotional harm and stress. The intimidation from the defendant or the court process in general may be too much for them to bear, so they may protect themselves behind a screen or CCTV (Burton et al., 2006). With these measures, it is important to note what is needed for the victims and to constantly keep them informed on the situation (Hunter et al., 2013). The victim advocate works with the prosecution to stand up for the victim's rights and to not let the victim be lost or confused during the process. This involvement has been welcomed by the prosecution as they strive to understand the victim's needs (Gaines and Wells, 2017). This can become tricky in cases of domestic violence as some may strive for justice that the victim does not want and can take the victim's power away (McDermott and Garofalo, 2004). A victim having social support is essential in making them feel loved and supported through their troubles in life. This love may give them strength to push for a conviction and to get through this stressful time (Jose and Novaco, 2016). Without this support, they can be subjected to worsening emotions and blamed for not having a network of support after a crime vulnerable (Anderson and Lyons, 2005). The peace and clarity from social support is needed for the court process to affect the victim worse than it would if the victim was alone. Victims have the right to not feel alone in the pain they have suffered from the offender and information on help must be further spread. While these sources of help have more benefits than limitations, there are legal issues to be addressed with each option. If they remain unaddressed, the secondary victimisation of the courts will do more harm than good to victims of crime.

## **Chapter Five**

### **Conclusion**

This thesis focused on the experiences of victims of crime. The aim of this thesis was to explore the emotional impact of crime and how the courts respond to these newly vulnerable victims. Victims do indeed experience an emotional impact when a crime has been committed against them. What has been found in this thesis is that the difference in the nature of the crime does not affect how similar the emotions developed will be. The most common emotions identified with crime are shame and depression. These emotions are also felt no matter how the victim's mental health is, but there are certain psychological issues that can come with this victimisation such as the worsening of symptoms. One source of responding to the issues that the victim has faced since the crime is when the crime is brought to the courts. The issue of the victim becomes the issue of the state, and the rights of victims are not considered because of their conduct. The court does not take the emotional sensitivity of the victim into consideration, with its conduct proving to disregard the victim's feelings and trauma. This has not changed across different cases and can scare victims away from gaining justice. Some support can be provided by the courts to protect the victim's emotions and allow them to have an easier time with the process. While these sources were found to have many benefits attached to them, it is issues within the legal system that can prevent their full potential. The system that cannot work out the legalities or put victim's interests in the forefront is the same one that exposes them to further emotional distress. These findings will be discussed further in this chapter.

In Chapter One, emotions were explored for its definition for this thesis, and how they are expressed with stress. Interacting with crime was assessed through crime acting as a source of stress, which would bring about emotions as previously discussed. This source of stress was shown to continue with victims of crime in Chapter Two. This chapter aimed to show the emotional impact of crime to victims and if there was any difference in where it came from. The notion of crime can affect a community even if no crime was committed to them and the fear was enough to have an emotional impact. With emotions felt after the crime was committed, high rates of victims stated that they did feel an emotional impact. Different emotions came out at different points after the crime, and it left the victim questioning why it happened to them and if they should be blamed for it. Other emotions such as sadness and loneliness were experienced. With the new emotions, crime can take other emotions away

temporarily such as happiness and contentment. When questioning the difference of emotional reactions to crime from victims, crime does not discriminate in any way. With the study of rape and hate crimes based on racism and homophobia, victims suffered a breach in their safety. Both crimes saw victims feeling disgust about themselves and blame for their own circumstances. The fear felt from the crime also saw a change in their behaviour to prevent further victimisation. The emotions that come after a crime were found to not change for victims who develop or already have a mental health issue. Crime can lead to the development of PTSD from the emotions of this stressful situation. The emotions of sadness and despair from the crime continue after this diagnosis. People with a pre-existing mental health issue are at a higher risk of becoming a victim of crime. With this increased vulnerability, they suffer an emotional impact from the crime. With similar emotional reactions to the previous studies, those with a pre-existing mental health issue experience of trend of social withdrawal, increased panic attacks and worsened symptoms of their condition. Overall, victims have an increased emotional vulnerability from the crime and security is needed for them to bring back some safety.

One source of security that victims may decide on is the courtroom, which was the main topic of Chapter Three. Discussions of the reasoning for victims not bringing their cases to authorities gives an idea of both the emotional impact of their crime and the negative attitudes of authorities towards victims. The victim in the courtroom was examined through their rights and participation. In both cases, these aspects can be disregarded by the courts when they take ownership of their issue and aim to show a fair justice system to the public. The response of the courts to an emotionally affected victim has been studied widely through the process of secondary victimisation. This process shows the victim's initial trauma being taken by another and responding negatively to it. Victims of rape were made to feel embarrassed for being raped and were blamed for it, with cases in African regions displaying sympathy for the offender and none for the victim. The conduct of attorneys added insult in injury when they were seen joking in the breaks, while families of homicide victims were punished if they cried out for what happened to their loved one. Courts in Italy held onto the image of the perfect victim where attacks were random, diminishing the experience of those stuck in an abusive relationship. There are ways that victims can receive aid in their time in the court with sources of emotional support, studied in Chapter Four. Emotional support animals brought an abundance of benefits to the victim. They are rarely used however, with the United States highlighting the legal issue of a definition for these animals. Special measures provide a victim of crime with a safety net

from the court process and the offender. A lack of efficient training for authorities can prevent adequate safety and some officials might not consider their use as important. An option outside of the courtroom is a victim's advocate, who fights for the victim's rights disregarded by the courts and guides them through the process. The courts and advocate have a danger of influencing each other. Authorities can hide their unhelpful behaviour in front of another party, and the advocate can take on the court's punitive goal even if the victim does not agree. Hope can be found outside the courtroom when victims have a source of social support, especially for victims of domestic violence who finds strength in having company.

From the research, victims have an incredibly hard time coping with the aftermath of the crime. While some options of help are available, they are not given enough attention to reach their full potential and there is more room for secondary victimisation. Courts need to be aware that crime is not just about the breach of a law with appropriate punishment. There are real people involved and real victims that are formed, who face emotional torment from the incident. This recognition can change how the courts conducts itself and improve on considering what the victim needs the most during a trial. The troubles that can prevent the use of beneficial aid must be addressed. The recounting of the crime in court may never shield victims from what happened, but they can help reduce causing further emotional harm. The method used to bring this study together was exclusively desk-based. A grand variety of sources were found which brought a variety of information to the study. Selecting which sources to use cannot answer for if this is the conduct of every legal system, or if victims are not considered in every system. In future studies of this topic, the courts must be the primary source when possible. While most of the information in this thesis has come from the victims, there is always a risk of retraumatising them recounting their stories. There can be some conflict if the victims are more likely to tell the truth than the courts, but the victim's peace must always be a priority due to the emotional impact.

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