

ATTITUDES OF PRISON INMATES TOWARD
THEIR VICTIMS

NCJRS

MAR 10 1978

ACQUISITIONS

By

WILLIAM J. HENDRICKS, M.S.W.

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Although conducted under the auspices of the California Department of Corrections, the opinions expressed in this paper are the views of the author and do not necessarily reflect the official position of the California Department of Corrections or of the Health and Welfare Agency.

The concept of retribution: "Something given or demanded in repayment," is clearly evident throughout the history of society's responses to those who violate its rules and dictates. In the earliest societies, individuals reacted to wrongs done to them or their family. Revenge, retaliation and compensation for loss on an individual-to-individual basis were practiced most frequently. In the contemporary criminal justice system, the government deals with the offender, technically on behalf of the person or persons who have been victimized. However, retribution remains a primary force. In fact, correctional methods frequently lack popular appeal and acceptance when they are viewed as too lenient and thus not emotionally satisfying in terms of retributive punishment.

It is startling, however, to recognize that in most instances, retribution is not motivated by the status of the victim. Historically, our criminal justice system has focused on the offender. Research and programs have been developed to apprehend, to diagnose, to understand, to treat, and to supervise the offender. At the same time, the victim generally has been ignored by the criminal justice system. The victim may be hurt physically and/or economically and very probably, emotionally and socially; but little has been done to correct this hurt! Indeed, the system may further traumatize the victim in the pre-trial investigation; confuse and frighten the victim in the trial; and leave him or her alone to rebuild and recover after a decision has been made concerning the offender. The dilemma is well stated in "Victims and Witnesses - Their Experiences with Crime and the Criminal Justice System," Executive Summary prepared for the National Institute of

Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice and dated October, 1977:

"The question of victim/witness assistance (programs) is one for system balance. Right now, it appears that most elements of the criminal justice system are directed to conviction of the offender and the maintenance of regularized system operation. As long as the victim and witness is treated as an intervening actor and not a person in need within the system, he/she will respond negatively. Only when these individuals perceive their concerns are given equal attention as those related to the offender will they recognize that the system cares about them and values their participation. Until this happens the system of justice will not be completely whole."

The forementioned study which involved 4,607 interviewees concurred with previous studies which indicate that victims and witnesses receive limited satisfaction when they experience a crime event and are faced with a need to participate actively within the criminal justice process. Too often their satisfaction depends upon the punishment of the offender rather than the services rendered to the victim.

Problems experienced by crime victims take many forms. Studies suggest that physical-emotional suffering and time losses are the most distressing for the largest number of victims. The National Institute of Law Enforcement and Criminal Justice sponsored research identified mental anguish and fear of offender retaliation as prevalent. The anguish is reflected in the

high percentage of victims who expected to be revictimized within the next year. The expectation of being a victim of a violent crime within the next year is expressed by 43% of the victims and of a property crime by 54% of the interviewees. Female victims surveyed were slightly more likely than others to experience mental or emotional suffering as well as physical injury. The data does not support the view that the elderly experience problems more frequently. Others close to the victim suffered as well as the victim, according to one-third of the victims interviewed. The number of these secondary victims ranged from 1.6 to 2.8.

Other crime-related problems include: medical expenses, income loss, time loss and property loss and/or damage. However, the victim is also victimized as a result of becoming involved in the criminal justice system. These system-related problems may include the marked discomfort of the investigation and trauma of the trial. Other problems imposed by the system almost certainly will include additional time loss from work and/or personal pursuits; further income loss, extra travel and for many, the making of special provisions and expenses for child-care.

With these observations in mind, it was determined that it should be productive and certainly enlightening to investigate the attitudes of prison inmates toward their victims. To this end, a survey involving a questionnaire consisting of seventeen questions was developed. Inquiries included: age at time of confinement; general type of offense for which confined; a determination whether some person who might be described as a victim was involved in the offense; sex of the victim; how many victims if more than

60 years and over. Only .9% are under 20 years of age.

As of June 30, 1977, 55.1% of the population were of the White Ethnic group; 29.9% were of the Black Ethnic group; 13.2% were of the Mexican-American Ethnic group; and 1.8% were of Other Ethnic groups.

The three major offense categories at the California Mens Colony are homicide, robbery and sexual offenses. Homicide accounts for 23.3% of the population. Robbery is the next largest group, involving 21.8%. Sex offenses constitute 18.5%. Other offense groups and their percentage of the California Mens Colony population are: Assault 9.9%, burglary 9.8%, controlled substances and marijuana 7.1%, theft except auto 3.1%, forgery and checks 1.3%, auto theft .7%, and other offenses 4.5.

RESULTS

Eighty-eight questionnaires were returned of the 250 questionnaires which were distributed to a sample of the California Mens Colony population. This sampling return rate of 35% compares very favorably with similar sampling surveys of large groups.

There were several unconventional and incomplete responses. One questionnaire was returned, neatly sealed in the envelope self-addressed to the survey administrator, but torn into hundreds of uniform sized pieces. Another questionnaire was returned with the notation that the requested responses would be offered only in open court with the respondent's attorney present.

Age

The first inquiry concerned age at time of commitment - 38% reported

they were 20 to 29 years of age when committed to prison. Under 20 years was the age when 9% of the sample arrived in prison. Thus, close to 50% of those completing the survey questionnaire were young adults, 29 years and under when committed by the courts. Other age groupings when committed were 30-39 years of age, 22%; 40-49 years of age, 22%; 50-59 years of age, 7%; and 60-69 years of age, 1%.

Offense

The most frequently reported offenses which led to the current imprisonment were: sexual offenses, 23%; robbery, 21%; and homicide, 21%. The sample group is very representative of these major offense categories in the total 2,400-man population of the prison. Assault was the committing offense for 13% of the sample (9.9% of the total institution). Burglary was reported by 10% of those completing the survey (9.8% of the total institution). Drug offenses accounted for 7% of the respondents' offense (7.1% of the total institution). Other commitment offenses comprised 4% and included kidnapping, armed ex-felon and fraud.

Victims

There were 91% of the survey group who reported that some other person who might be described as a victim was involved in their offense. The remaining 9% advised that no other person described as a victim was involved. More than half of those who advised that there was no victim were men who indicated that their commitment offense involved drug law violations. Since this category of offenses is one of the frequently described "victimless crime" categories, these responses that there was no victim are accepted

without further evaluation here.

Others in the survey group who advised that no victim was involved are not as easily understood in the absence of data regarding the individual case dynamics. A man committed to prison for a sexual offense reported there was no victim; no one was injured physically, emotionally, financially or otherwise; and the offense would not have occurred if the female involved had not placed herself in certain surroundings. A young burglar indicated there was no victim, no one was present during his offense, and no one was injured as a result of the offense. An older burglar reported that although a male and female were present during the burglary, neither one was injured in any way and there was no victim. A man in his 50's committed to prison for kidnapping noted that there was no victim; no one was injured and if the female involved had not placed herself in certain surrounding and lacked maturity, the offense would not have taken place.

Multiple Victims

An inquiry concerning the existence of more than one victim in the commitment offense, prompted 36% of the men to acknowledge more than one victim. Surprisingly, multiple victims were most frequently reported by men committed for sexual offenses. This offense group accounted for 26% of those with multiple victims. From other responses on the questionnaire, it is apparent that several counts, charging a series of sexual offenses over a period of time, were involved.

Multiple victims were reported next most frequently by men received in prison for homicide, including one case of a combined murder and robbery and one case of a combined murder and drug law violation. 21.7% of all those

with multiple victims reported themselves to be in this offense group. Unlike the sexual offenses, most of these victims were involved in one offense, rather than a series of offenses over a period of time.

Robbery was the commitment offense for 17.3% of those acknowledging multiple victims. These involved both multiple victims in a single offense and multiple victims as a result of a series of robberies.

Assault was the offense for 13% of the men who indicated that they had multiple victims. Burglary as an offense group accounted for another 13%. As might be expected, the majority of these multiple burglary victims were not present during the offense. On the other hand, by the nature of the offenses and as confirmed by remarks in the questionnaires; the majority of the multiple victims were present (in the sexual offenses, homicides, assaults and robberies).

For all respondents who acknowledged both single victims and multiple victims, 84% of the men indicated that the victim was present during the offense. 16% stated the victim or victims was not present.

Sex of Victims

Inquiry was made regarding the sex of victim or victims. 54.2% of the victims were reported to be male, 34.9% to be female and 10.9% to be several persons of both sexes.

The sex of the reported victim was of unusual significance in four particular offense categories in the group studied. One of these categories was homicide. 19.6% of all the reported victims were male homicide victims. 36.1% of all male victims were victims of a homicide! In contrast, 10.6%

of all the reported victims were female homicide victims, while 30.4% of all female victims were victims of a homicide.

The second offense category in which the sex of the victim appears to have an unusual significance was sexual offenses. While only 15% of all the reported victims were female victims of sexual offenses, 43.4% of all female victims were victimized in a sexual offense! 10.6% of all victims were male victims of sexual offenses; while surprisingly, 19.4% of all male victims were reported as victims of a sexual offense. 3% of the victims of sexual offenses involved several victims of both sexes.

The third offense category was robbery. Only 7.5% of all victims were male robbery victims and 13.8% of all male victims were victimized in a robbery. However, 26.1% of all female victims were victims of a robbery.

As detailed above, three offense categories emerge from this study as especially devastating for females. Indeed, the 34.9% of the victims who were females were subjected to sexual offenses (43.4%); homicide (30.4%); and robbery (26.1%).

The fourth offense category in which the sex of the reported victim appeared to have particular significance was assault. 9% of all the acknowledged victims were male victims of an assault. There were no female assault victims reported by those surveyed. Of course, this apparent divergence between the sexes in respect to who is most liable to be the victim of an assault is a function of the legal terminology involved as well as the charges which the District Attorney selects as most likely to result in a conviction. This truism is illustrated in a number of questionnaires in which the respondents noted that they were convicted of a

sexual offense although other responses indicated that physical assault of a female characterized the offense more than any other factor.

A composite picture of the sexual makeup of the group of victims reported on in this study, according to offense category, was as follows:

<u>Offense</u>	<u>Per Cent Males</u>	<u>Per Cent Females</u>	<u>Per Cent Several of Both Sexes</u>
Homicide	19.6	10.6	-
Sexual Offenses	10.6	15.0	3.0
Robbery	7.5	9.0	4.5
Assault	9.0	-	-
Burglary	7.5	-	3.0
Other	<u>—</u>	<u>.3</u>	<u>.4</u>
Totals	54.2	34.9	10.9

Injury

Injury to the victim or victims was acknowledged by 60% of the respondents. 33% stated there was no injury and 7% indicated that they did not know whether any injury occurred.

Exactly half of the inmates who reported there was no injury to the victim were committed to prison for sex offenses. Although it is possible that some of the sex offense victims experienced no significant physical, emotional or financial injury, it is highly unlikely that this is an accurate assessment of the 20 - 25 victims referred to here. What is suggested by these inmate claims that there was no injury is the defensive stance and self-justification frequency displayed by the sex offender. Defensiveness

certainly is reflected in many of these same offenders' description of behavior on the part of the victim which contributed to the offense. Attempts to justify the sexual acting out and renounce guilt are evident in comments such as: "The victim was swimming nude in an isolated area - what was expected?" "The victim consumed a lot of alcohol with me and was friendly." "The children were just as interested as I was in sexual exploring and sex play." "After the sex act was completed, she kissed me and asked me to stay with her the rest of the night." It is not surprising that these offenders reported there was no injury to the victims!

A relatively small number of burglars and an even smaller number of robbers also reported that there was no injury to their victims.

The 7% of the respondents who were uncertain whether any injury occurred to their victims was equally divided between a small number of men committed for robbery, burglary, sex offenses and one man committed for kidnapping.

The type of injury experienced by the victims of those 60% of the inmates who acknowledged inflicting injury was reported very frankly. Very nearly seven out of every ten of the victims were said to have suffered physical or physical and emotional injury. About one out of every six of the victims were described as having suffered emotional injury. One out of every seven were reported to have had financial injury.

Behavior by Victims Seen As Contributing to Offense

Some 64% of the inmates who indicated that a victim was involved in their offense felt that the victim contributed to that offense! Only 36% felt that the victim did nothing to contribute to the occurrence of the

offense. Although there is undoubtedly a great deal of defensiveness woven into these observations by the respondents, as noted above, the implications are clear for parental guidance, classroom orientation, and public education in the areas of both crime prevention and personal survival if placed in the role of victim. The victims described in this study surely would have fared better if they had known that certain behavior would be perceived by the offender as contributing to the aggravation of the offense.

Most victims who were described as contributing to their own victimization were reported to have contributed in more than one way. However, by far, the most frequently reported behavior concerned an "attitude or way of talking" by the victim which was perceived by the offender as negative. One out of three offenders cited such behavior. Some inmates clarified this response by written comments to the effect that the victim was antagonistic or taunting in some way. That is, the victim in some manner conveyed the impression that he or she was challenging the perpetrator of the offense.

Closely associated with the above-described behavior and the next most frequently reported as contributing to the occurrence of the offense was physical attack by the individual, who ultimately became the victim, directed against the offender. Approximately one out of five offenders mentioned such perceived attacks. All categories of offenses are represented in the group which reported that the victims' attitude or way of talking contributed to the offense. However, physical attack by the victim against the offender was cited almost exclusively by two offense groups. It should not be surprising that these two offense groups were assault and homicide!

Another two types of behavior which appear to be closely related, and the next most frequently reported as contributing to an offense, were the surroundings in which the victims placed themselves and their use of alcohol or drugs. From supplemental comments made by the reporting inmates, it would appear that both types of behavior served to make the victim more vulnerable in the eyes of the man who subsequently carried out the offense. Combined, these two types of behavior were reported by one out of every five offenders.

Less frequently cited behavior seen as contributing to the occurrence of the offense were: lack of maturity and intelligence of the part of the victim, greed displayed by the victim, the victims' manner of attire, and the victims' care of their property.

Inmate Feelings Toward Their Victims

The inmates in the study next were asked to report their feelings toward their victims, first, at the time of the trial to the best of their recollection and secondly, at the time of the completion of the questionnaire.

Most respondents cited more than one feeling. At the time of the trial, the three most frequently mentioned feelings were: felt sorry for the victim (28% of the responses); felt sympathetic toward the victim (25%); felt forgiving toward the victim (17%). Other less frequently reported feelings were: felt indifferent (14%); felt angry (13%); wanted to get back at the victim (3%).

The several feelings were arbitrarily classified according to conventional standards into socially appropriate or socially acceptable feelings under the circumstances and socially inappropriate or socially unacceptable

feelings under the circumstances. For example, after a robbery or rape the prevailing social expectation would be that an offender should feel sorry for the victim, sympathetic, or even forgiving toward the victim for going to the authorities and testifying at the trial. On the other hand, societal reactions would be less accepting of an offender's feeling angry at the victim, wanting to get back at the victim, or even feeling indifferent toward the victim.

In some respects, one might view this classification as a rough index of the existence of feelings of remorse or lack of remorse. All offense categories, except two, were fairly equally represented in these two informal classifications of feelings toward the victim at the time of the trial. That is, approximately as many men committed to prison for robbery expressed socially acceptable feelings as those who expressed unacceptable feelings. Similarly, as many men committed for assault experienced socially acceptable feelings as those who expressed unacceptable feelings. This was true also for those sent to prison for burglary, theft and drug offenses.

The two offense categories which are the exception in this respect are homicide and sexual offenses. Inmates committed for homicide reported that at the time of the trial, they experienced socially acceptable or socially expected feelings nearly three times as often as socially unacceptable feelings were experienced. Inmates committed for sexual offenses also expressed socially appropriate feelings nearly three times as often as they experienced inappropriate or socially unacceptable feelings.

Feelings toward the victim reported by the offender as present after a period of imprisonment were markedly different than those feelings reported

as having been experienced at the time of the trial. After a period of imprisonment, feelings described here as socially unacceptable for the situation comprised only 21% of the responses: 79% of the responses were socially acceptable. At the time of the trial, 38.8% of the men had said they experienced socially unacceptable feelings toward their victims. After a period of imprisonment, 25.3% of the men reported such feelings.

Feelings of anger, wanting to get back at the victim, and indifference toward the victim diminished in all offense categories except burglary and theft. After a period of imprisonment, there appears to have been a slight increase in the reported expression of socially unacceptable feelings toward their victims by men committed for burglary and theft.

The group reporting the largest modification of feelings, from antagonism and indifference to sorrow and sympathy, was the sex offender group. A similar large modification was suggested by the responses of those committed for assault. A somewhat smaller modification seemed to have occurred among those sentenced to prison for robbery and drug offenses. There was no appreciable change in expression of feelings from time of trial, to the period after imprisonment, for those serving sentences for homicide.

Further studies and research may be necessary to understand these reported shifts in feelings or as suggested above, the lack of any significant shift in the expression of feeling.

It is recognized that a major limitation in this phase of the present study is that the material involved inmates introspecting and reporting their own feelings, from the past (trial) and at the time the questionnaire was completed. There also is the problem posed by no fix standard of measure or comparison for the "period of confinement" referred to. For some men

completing the questionnaire, the period of confinement may have been five years while for other men, it may have been five months.

However, these and other limitations notwithstanding, the responses made by the inmates in this study impress one as being frank and straightforward. Certainly, many of the responses and personal comments written on the questionnaires were not intended to impress a Parole Board!

Some questions which can be asked about the data concerning inmate feelings toward their victims are these: (1) Do those men committed for homicide and sexual offenses express socially acceptable feelings toward their victims at time of trial, in far greater proportion than other offender categories because of magnitude of their act by society's standards? That is to say, do these offenders reflect conventional social values at a frequency greater than other offenders, a short time after the offense, because of the nature of their act and inherent emotional drama involved?

(2) Did the reported feelings of anger, wanting to get back at the victim and indifference toward the victim diminish in most offense categories after a period of imprisonment because of any activity during imprisonment (rehabilitation)?

(3) Did the reported shift in feelings from antagonism and indifference to sorrow and sympathy occur after a period of imprisonment primarily because of the passage of time and the resulting lessening of intensity of feeling?

(4) If the passage of time is the primary factor involved in the reported shift from socially unacceptable to socially acceptable feelings, why is there no reported shift by men committed for burglary and theft? Why, in fact, is there a report of a slight increase in the expression of socially

unacceptable feelings toward their victims, by men in the burglary and theft offense categories?

(5) Is the expression of socially accepted feelings toward a victim indicative of remorse? Does the presence of remorse in an offender serve to block or lessen his motivation to repeat that offense?

(6) If the answers to (5) are in the affirmative, what can be done to facilitate the shift of feelings toward victims from the socially unacceptable to the socially acceptable?

Offenders As Victims

The foregoing discussion of inmates' feelings toward their victims leads to another section of this study. The inmates were asked if they ever were the victim of a criminal offense. Perhaps, surprisingly, 77% reported that they had been the victim in a criminal offense! All offense categories were represented in the inmate group who reported they themselves had been victims. The proportion of each offense category is almost identical to the makeup of the study sample.

The possible existence of some identification process between offender and victim based on the offender's own experiences as a victim was investigated. The findings suggest the possibility of the offenders in this study identifying with their own experience as a victim, but in a negative, reactive or retaliatory way! Specifically, there were only two instances of an expression of socially unacceptable feelings toward their victims by men who reported never having been a victim themselves! In other words, the inmates who reported that they never had been the victim of a criminal offense expressed

more sorrow and sympathy for their victims than did the inmates who previously had been victims themselves. Conversely, the majority of the 38.8% who reported that at the time of the trial they experienced feelings, described here as socially unacceptable, were men who acknowledged being victims previously themselves. Similarly, the majority of the 25.3% who reported that after a period of imprisonment they experienced feelings described as socially unacceptable, were men who had been victims themselves.

The group of inmates who noted that they had been a victim in a previous criminal offense were asked if that previous offense was the same as the offense which led to their current commitment, somewhat the same, or different. 41% reported that the previous offense was the same as the offense which led to their current commitment. Another 5% responded that it was somewhat the same. 54% reported that the previous offense was unlike their commitment offense. Thus, a remarkably high percentage of inmates in this study reported that they were involved in a criminal offense, first as a victim and then subsequently as the perpetrator of the same type of offense.

The group of inmates who acknowledged experiencing the same type of criminal behavior, both as a victim and offender, included four significant offense categories. Inmates sentenced for sexual offenses and assault were equally represented and together, these two categories of offenders constituted 62% of the group with this dual experience. Men committed for robbery comprised 20.7% and men committed for burglary represented 10.3%. The small remainder of the group was made up of men convicted of theft and drug offenses.

Inmate Views Toward Assistance to Victims

Lastly, the inmates in this study were asked if they were in favor or

opposed to some type of assistance being made available to victims of criminal offenses, not necessarily their offense. And if they favored assistance, what type of assistance did they recommend? 78% responded that they favored some type of assistance. 10% reported that they were opposed to assistance to victims while 12% had no opinion.

The preferred type of assistance for victims, from the inmates' point of view, were counseling and financial aid from the offender. 33% of the inmates responding recommended counseling. 31% specified financial aid from the offender. Another 23% recommended financial aid to the victim from the State. 12% suggested special education and 1% listed various other forms of aid.

Summary

It is believed that this study has assembled some potentially significant data about victims of criminal offenses. Little has been known about the role of the victim in the Criminal Justice System and hopefully, the information presented here will be a part of a trend to increase our understanding in this deserving and crucial area.

This study has brought into focus the number of victims which may be involved for each individual offender; the extent of victims' injuries, as estimated by the individual who carried out the offense against them; and some insights into the types of behavior which offenders feel contributed to the occurrence of the offense. Victim behavior, as perceived by the offender, immediately prior to and during the offense constitutes a new and important area for further study.

Identifying and attempting a simple classification of feelings of prison inmates toward their victims at the trial and after a period of imprisonment should offer useful information to correctional staff. The findings summarized here undoubtedly will contradict some of the stereotypes about offenders and prison inmates.

The endorsement by the majority of inmates in this study of some type of assistance for victims of crimes is suggestive of an attitude which only recently has come under consideration by that larger part of society outside the prison confines. The fact that 31% of the inmates in this study favored financial aid from the offender to the victim indicates that the concept of retribution may still have meaning and a promise of value to those who might best utilize it.

Finally, the findings that 77% of the prison inmates in this study reported that they themselves had been victims of criminal offenses should serve to remind us that neither victim nor offender are special categories unto themselves. This observation is made dramatically clear in the finding that 41% of those inmates who acknowledged having been both victim and offender indicated that the prior offense in which they were the victim was the same type as that which caused their current imprisonment.



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