

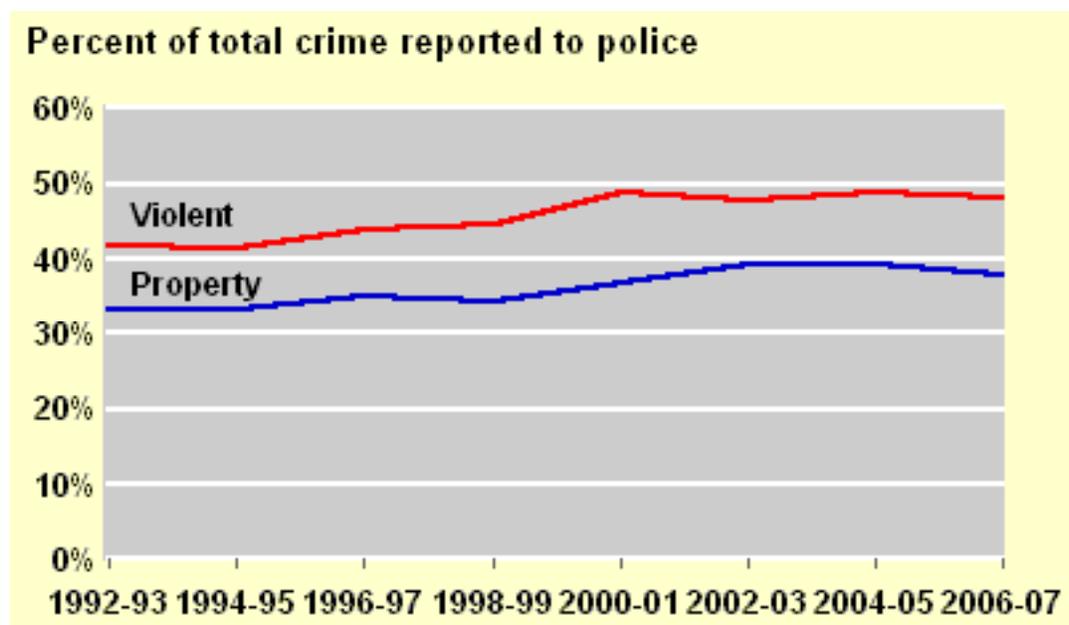
Reading

A Victim's Journey Through the Criminal Justice System: Reporting to and Interacting With the Police

Melissa Morabito, Ph.D., University of Massachusetts Lowell

This material was developed under a cooperative agreement with The U.S. Department of Justice, Office for Victims of Crime (OVC). OVC funded The University of Massachusetts Lowell, Department of Criminal Justice and Criminology, along with partners from the University of Massachusetts Boston, University of Massachusetts Dartmouth, and University of Massachusetts Medical School to develop innovative, multidisciplinary education models that address victimization issues and responses to crime victims.

1. What factors affect the decision to report crime to the police?



Not all crime is reported to the police. This means that all crime victims do not come to their attention. In fact, less than half of all crime is reported to the police. In 2008, 47 percent of violent crimes and 40 percent of property crimes were reported to the police (Rand, 2009). It is helpful for the police when crime is reported.

First, it allows investigators and analysts to see crime patterns and trends within a city or town. More importantly, it allows for the creation of an accurate picture of crime for the police and citizens.

**Post-Secondary Education:
Integrating Crime Victims' Issues Into College and University Curricula**

According to data gathered through that National Crime Victimization Survey (NCVS) the major reasons that victims offer for not reporting violence to the police were because it was a "private/personal matter" (20%), because the violence was considered "not important enough" (17%), or because it was "reported to some other official" (14%)ⁱⁱ.

In practice, citizens may not report crime to the police because they believe that their neighbors have already reported the crime when there is a large-scale event. Police agencies urge both victims and witnesses to report crimes regardless of whether they think their neighbors have reported it. 911 call centers are equipped to deal with multiple calls about the same incident.

Victims of different types of crime have varying reasons for not reporting their victimization to the police. As noted in the following table, victims of property crime are less likely to report their victimization to the police than victims of violence. Even within these larger categories there is a great deal of variation.

Crime victims who are injured are more likely to report a violent crime to the police than those who are not physically injuredⁱⁱⁱ. The seriousness of the crime is a major predictor of reporting crimes to the police.

There are, however, exceptions to these statements. For example, despite their seriousness, rape and sexual assault are also less likely to be reported than other personal (violent) crimes. Victims may fear reprisal, not want to tell their families or worry that the police may not believe them or will treat them with hostility.

For many, there is a lack of trust of the police. Stalking victims report similar fears of the police^{iv}. In terms of property crime, we can see that some crimes are reported much more frequently than others. For example, motor vehicle theft is has close to 100 percent reporting levels. This diligence in reporting is due to the fact that insurance companies require a police report in order to compensate subscribers for stolen vehicles.

**Post-Secondary Education:
Integrating Crime Victims' Issues Into College and University Curricula**

Table 2^v

2007

**Percent distribution of victimizations, by type of crime
and whether or not reported to the police**

Sector and type of crime	Number of victimizations	Percent of victimizations reported to the police			
		Total	Yes/a	No	Not known and not available
All crimes	22,879,720	100.0 %	39.5 %	59.3 %	1.2 %
Personal crimes	5,371,190	100.0 %	47.0 %	51.8 %	1.2 %
Crimes of violence	5,177,130	100.0	46.3	52.4	1.3
Completed violence	1,578,870	100.0	58.4	39.9	1.6 *
Attempted/threatened violence	3,598,260	100.0	41.0	57.9	1.1
Rape/Sexual assault	248,280	100.0	41.6	58.4	0.0 *
Rape/Attempted rape	140,620	100.0	51.6	48.4	0.0 *
Rape	69,850	100.0	53.9	46.1 *	0.0 *
Attempted rape/b	70,770	100.0	49.3	50.7	0.0 *
Sexual assault/c	107,660	100.0	28.6 *	71.4	0.0 *
Robbery	597,320	100.0	65.6	34.4	0.0 *
Completed/property taken	444,010	100.0	68.7	31.3	0.0 *
With injury	169,980	100.0	85.0	15.0 *	0.0 *
Without injury	274,020	100.0	58.5	41.5	0.0 *
Attempted to take property	153,320	100.0	56.6	43.4	0.0 *
With injury	43,440	100.0	84.6	15.4 *	0.0 *
Without injury	109,870	100.0	45.6	54.4	0.0 *
Assault	4,331,530	100.0	43.9	54.6	1.5
Aggravated	858,940	100.0	57.2	41.0	1.8 *
With injury	221,340	100.0	73.4	24.5	2.0 *
Threatened with weapon	637,590	100.0	51.5	46.8	1.7 *
Simple	3,472,590	100.0	40.6	57.9	1.4
With minor injury	757,890	100.0	53.5	43.7	2.8 *
Without injury	2,714,710	100.0	37.0	61.9	1.1 *
Purse snatching/Pocket picking	194,060	100.0	65.3	34.7	0.0 *
Completed purse snatching	30,070 *	100.0 *	86.8 *	13.2 *	0.0 *
Attempted purse snatching	7,690 *	100.0 *	48.4 *	51.6 *	0.0 *
Pocket picking	156,300	100.0	62.0	38.0	0.0 *
Property crimes	17,508,530	100.0 %	37.2 %	61.6 %	1.2 %
Household burglary	3,215,090	100.0	50.1	48.8	1.2
Completed	2,563,190	100.0	50.4	48.5	1.1 *
Forcible entry	1,101,230	100.0	67.9	30.9	1.2 *
Unlawful entry without force	1,461,970	100.0	37.3	61.7	1.0 *
Attempted forcible entry	651,890	100.0	48.9	49.7	1.4 *
Motor vehicle theft	979,640	100.0	85.3	14.5	0.3 *
Completed	795,900	100.0	91.3	8.7	0.0 *
Attempted	183,740	100.0	59.1	39.4	1.4 *
Theft	13,313,800	100.0	30.6	68.2	1.2
Completed	12,776,930	100.0	30.4	68.4	1.3
Less than \$50	3,244,070	100.0	14.9	84.3	0.9 *
\$50 - \$249	4,521,300	100.0	27.6	71.6	0.9
\$250 or more	3,416,890	100.0	50.9	47.2	1.9
Amount not available	1,594,670	100.0	25.8	72.3	1.8 *
Attempted	536,870	100.0	34.9	64.6	0.5 *

Note: Detail may not add to total shown because of rounding.

*Estimate is based on 10 or fewer sample cases.

a/Figures in this column represent the rates at which victimizations were reported to the police, or "police reporting rates."

b/Includes verbal threats of rape.

c/Includes threats.

2. What is the crime reporting process?

Crimes come to the attention of the police through police initiated action or citizen reporting. A police officer can come upon a crime in progress in which case citizens do not need to report the crime. A witness or victim of crime can also approach a police officer, report a crime on-line, or most commonly call 911. For the most part police contact will be citizen initiated. It is unlikely for police to come upon the scene of a crime. It is estimated that police initiated action in approximately 5 percent of violent crime incidents and 1 percent of property crime incidents^{vi}. This means that police learned about the remaining incidents because they were citizen initiated.

911 is most useful to:

- Report a situation which requires a police officer at the scene (e.g. assaults, kidnapping, burglaries, domestic disputes, terroristic threats, violation of protection orders, biased crimes, parental kidnapping, motor vehicle theft, theft from person, auto accidents with injuries, etc.).
- Report a crime in progress.
- Report suspicious, criminal activity in progress (e.g. alarms, shots fired, shouts for help, sounds of glass breaking, unfamiliar person carrying items from a house).

In some communities it is even possible to report a crime on-line. For example, the Minneapolis Police Department will allow citizens to report crimes such as theft, theft from motor vehicle, lost property and damage to a motor vehicle through an on-line form^{vii}. Reporting a crime on-line is inappropriate for emergencies and violent crimes where an immediate response is necessary.

Key Actors

The communications center is staffed by operators who are trained to ask questions that elicit the information patrol officers will need to do their jobs. An incoming call is answered by an operator. The operator is responsible for answering calls from the public, retrieving information, and determining if a police response is necessary. If the operator decides that a police response is necessary, the information is passed on to a dispatcher. The dispatcher will then assign an available officer or officers to the incident or stack the call using computer aided dispatch. The dispatcher decides how many officers to send to a call as well as the urgency of that call. For example, a victim of a property crime such as theft from motor vehicle will likely require a different response than a victim of a violent crime such as assault or rape.

Callers will likely first be asked their address. Next, the operator will ask questions about what the caller is reporting and who is involved in incident. This is all information that will help the dispatcher determine what type of resources a call requires and aid officers responding to the call since they will have important information about the situation they are about to face.

3. What happens after a crime has been reported?

An officer responds to a call for service. Patrol officers are the primary responders to most crime victims. What happens next can differ based on the circumstances of the crime. Officers may have to juggle many tasks in addition to attending to the victim(s), including securing the crime scene, determining the need for and calling for emergency medical services, advising other public safety personnel upon their arrival, collecting evidence, and interviewing witnesses at the scene. Apprehending offenders is the officer's primary duty and, as a result, first responders may not be able to respond to victims as quickly as they would like.

During this period, police can treat victims as clients, with services being delivered to them. An officer on scene should be sure to introduce himself or herself to the victim, assure the victim of their safety and explain the next steps^{viii}. Officers should take into account the age, and any physical disabilities or illness that the victim might have. For example, young children should be interviewed in familiar setting to alleviate some of the stress^{ix}.

How police respond to victims of crime can impact a victim's psychological health and the victim's future relationship with the criminal justice system. Inappropriate manner of questioning increases the distress of crime victims^x. Victims who perceive that the police are conducting investigatory efforts (a sign that the police are taking their case seriously) are more likely to report future crimes to the police^{xi}. The actions of law enforcement in responding to victims constitute important influences on a victim's long term recovery and the ongoing relationship law enforcement has with the community (via the need for citizens to report crime). It should also be noted that working with the public to solve crime and disorder issues constitutes an integral component of community policing and that victims of crime represent an important segment of the community.

It is true that victims of crime need help, but they are also key participants in the immediate response to the crime, the ongoing investigation of the incident, and efforts to prevent a recurrence^{xii}. Officers will ask questions about the incident and the offender to understand the context of the event. Victims may have more information about crime and disorder patterns than the police. Accordingly, they should be treated as co-producers of public safety. The more information a victim is able to provide to the officer on scene, the better. Approximately 80 percent of arrests of offenders are made on scene by patrol officers—not later by detectives.

Some victims may be unable to cooperate with the police. They may be traumatized by the crime event, under the influence of alcohol or illegal drugs, or injured as a result of the crime^{xiii}. Other victims may have language or cultural barriers that prevent them from speaking with the police. Police should have a plan to assist and gather information from these victims. Some larger police departments do have victim support teams or advocates available to assist victims of certain types of crimes and their families. These advocates are charged with helping victims of domestic violence and violent crime navigate the criminal justice system. They may also refer victims to any counseling services they may need. Sometimes advocates are associated with the prosecutor's office rather than the police department.

There are also advocates who work organizations outside the criminal justice system, such as such as domestic violence programs and rape crisis centers. These advocates can play a more

**Post-Secondary Education:
Integrating Crime Victims' Issues Into College and University Curricula**

active role in assisting victims with the police and prosecutors trying to ensure that their interests and concerns are appropriately considered. In addition to helping the victim with criminal justice system personnel a rape crisis counselor may also help a victim of rape deal with the hospital procedures she may go through, including the administration of a rape evidence kit.

Regardless of the availability of victims' services, police officers should make sure that victims of violent crime are safe, and at a minimum, they should be able to leave contact information for additional support resources with the victim. Almost all, if not all, police departments have brochures, small "hot" cards, or sheets of resources for their officers to hand out.

If an arrest has not been made immediately at the scene (which is quite common), the case will generally be referred to a detective for further investigation. The assigned detective should contact the victim as the investigation progresses. It is important to note that not all cases are referred for additional investigation. For example, a study by the Rand Corporation (Walker & Katz, 2010) estimates that detectives work approximately 30 percent of all residential burglaries. Furthermore, most cases receive one day or less of investigation and most of this work involves paperwork.

If an arrest has been made, the offender will make an initial appearance—typically within 24 hours. At this point the criminal justice process is out of the hands of the police and moves to the prosecutor and courts.

Different crimes may result in different responses. For example, if there is a violation of a restraining order, police will enforce that restraining order and arrest the offender. These orders are only effective if the offender believes that they will be enforced. In response, many states have passed legislation providing for mandatory arrest for violations of protection orders or for domestic violence offenses that meet certain criteria.

Domestic violence represents a particularly difficult crime for police. Historically, police did not make arrests in domestic violence situations. This occurred for a number of reasons. First, police were used to treating domestic violence as a private matter and for the most part simply focused on restoring order when responding to a domestic violence incident. Unless the victim was seriously injured or the incident occurred in public, arrest was highly unlikely. Second, those trained in mediation focused on resolving the situation under the assumption that the two parties were equally to blame. Finally, victims of domestic violence did not necessarily cooperate with the police—they did not call, refused to press charges, did not want to pursue a case against their abuser.

Mandatory (police must arrest provided legal criteria for arrest are satisfied) and pro-arrest (arrest the preferred response) laws and policies have been enacted to control officer discretion and try to insure that arrests are made of offenders (Walker and Katz 2010). Unfortunately, the implementation of mandatory arrest laws and policies has resulted in cases of victims being arrested together with the offenders in what are known as dual arrest situations (Hirschel, Buzawa, Pattavina, Faggiani & Reuland, 2007). This arose because police did not evaluate who was the actual abuser and instead arrested both parties. Police need training on how to effectively evaluate domestic violence situations so they can make an appropriate arrest.

**Post-Secondary Education:
Integrating Crime Victims' Issues Into College and University Curricula**

As discussed above, victim advocates may be available to help the victim deal with the police and access needed services, including issuance of a restraining order.

Unfounding of a crime means that the police have determined a complaint to be false or baseless, meaning that no offense was completed or attempted. This decision is completely left up to the discretion of the police. Research suggests that police are more likely to write reports about serious crimes, crimes where the victim prefers a crime report, crimes committed by strangers and crimes where the victim is deferential to the police officer^{xiv}.

This means that less serious crimes are more likely to be unfounded. That being said, there are multiple other reasons why police may decide to unfound crimes.

First, citizens may not understand the criminal law and report events that are not crimes. These crimes are usually unfounded by the police. It may be that a citizen needs a referral to a different municipal agency that can assist in solving the problem at hand rather than police help.

Next, there may be insufficient evidence that a crime was committed. Walker and Katz (2010) note that what a citizen perceives as an attempted break-in may instead be the wind banging a loose door^{xv}. Third, officers may misuse their discretion when unfounding crimes. Police may unfound a crime if they are biased against the victim—if the victim is drinking or using illegal drugs or engaged in dangerous behavior. The police may feel that the victim ‘deserves’ the consequences.

Finally, unfounding crime can be a way for police to make their community appear safer than it is. This is a systemic problem that often results when the police department is under pressure from political leaders to reduce the crime rate. It is difficult to find exact numbers on how many crimes are unfounded nationally. If a crime complaint is determined to be unfounded or false, the FBI removes it from an agency’s count. As a result, the FBI does not collect national statistics on the unfounding of crime reports. This information can be found in local police departments.

Summary

In short, police and victims both have important roles to play in responding to crime. Victims must first trust the police and report their victimization. Crime victims have the power to initiate the criminal justice process--If a crime is not reported, police are unable to help the victim or prevent the recurrence of victimization. Once the crime has been reported, police are responsible for not only collecting all of the pertinent information but also for making sure that the victim is safe and has access to services. The police are responsible for helping crime victims prevent a recurrence regardless of whether an arrest is made. The police must decide how to investigate the offense and whether the report is founded. Both the victim and the police are important actors in the criminal justice process.

Additional Readings

The following are suggested reading materials and resources for the instructor. The instructor may also require students to review one or more of the following prior to the class lecture, if desired.

**Post-Secondary Education:
Integrating Crime Victims' Issues Into College and University Curricula**

Campbell, R. (2005). What really happened? A validation study of rape survivors' help-seeking experiences with the legal and medical systems. *Violence and Victims*, 20(1), 55-68

Hirschel, J. D., Buzawa, E., Pattavina, A., Faggiani, D., & Reuland, M. (2007). Explaining the prevalence, context, and consequences of dual arrest in intimate partner violence cases: final report. Washington, D.C.: U.S. Department of Justice. Available at: www.ncjrs.gov/pdffiles1/nij/grants/218355.pdf.

National Sheriffs Association. 2008. First Response to Victims of Crime. Office for Victims of Crime. Washington D.C.

Office of Community Oriented Policing Services. 1998. Bringing Victims into Community Policing. Department of Justice. Problem Oriented Policing Guide. Washington D.C.

Endnotes

ⁱFor an update of these statistics go to the Bureau of Justice Statistics website. Thus, for example, the 2001 through 2010 statistics are available in the publication *Criminal victimization 2010* at <http://www.bjs.gov/content/pub/pdf/cv10.pdf>.

ⁱⁱ <http://bjs.ojp.usdoj.gov/index.cfm?ty=tp&tid=96>

ⁱⁱⁱ <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=2173>

^{iv} <http://www.ojp.usdoj.gov/nij/pubs-sum/182369.html>

^v <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=2173>

^{vi} http://bjs.ojp.usdoj.gov/content/pub/html/cvus/response_to_reported_incident585.cfm

^{vii} <http://www.ci.minneapolis.mn.us/police/e-report/>

^{viii} National Sheriffs Association. 2008. First Response to Victims of Crime. Office of Victims of Crime. Washington D.C.

^{ix} National Sheriffs Association. 2008. First Response to Victims of Crime. Office of Victims of Crime. Washington D.C.

^x Campbell, R. (2005). What really happened? A validation study of rape survivors' help-seeking experiences with the legal and medical systems. *Violence and Victims*, 20(1), 55-68

^{xi} Xie, M., Pogarsky, G., Lynch, J.P., & McDowell, D. (2006). Prior police contact and subsequent victim reporting: Results from the NCVS. *Justice Quarterly*, 23(4), 481-501.

^{xii} Office of Community Oriented Policing Services. 1998. Bringing Victims into Community Policing. Department of Justice. Problem Oriented Policing Guide. Washington D.C.

^{xiii} Office of Community Oriented Policing Services. 1998. Bringing Victims into Community Policing. Department of Justice. Problem Oriented Policing Guide. Washington D.C.

^{xiv} [Walker, S., & Katz, C. \(2010\). *The Police in America: An Introduction* \(5th ed.\). Boston: McGraw Hill.](#)