

Reading

Who Is a Victim of Crime?

In a traditional narrow legal sense, a crime victim is generally defined as a person who has experienced physical, sexual, or financial harm as a result of the commission of a criminal offense.

For the most part, suffering emotional or psychological harm alone does not legally define one as a crime victim. For example, no crime has been committed against someone who is the victim of emotional abuse alone. Putting someone down is not a criminal offense.

However, threatening to harm someone may be a crime. For example, in an offense of attempted murder if the offender threatens the victim with a gun but does not fire, the victim may not experience any physical harm but the threat may be classified as a crime. In addition, it should be noted that most crime victims do experience emotional harm along with physical, sexual, or financial harm.

Once harm has been inflicted, the person should be considered to be a victim, even if the harm has not been reported to the police or any other authorities nor disclosed to family or friends. Victim services generally may still be provided without such disclosures.

For this curriculum, the term “crime victim” is broadened to include a person, group, business, or organization that has been harmed or injured due to criminal activity. The harm inflicted may be physical, financial, mental, or religious/spiritual.

1. Victims, primary victims, immediate victims, or direct victims

Victims, primary victims, immediate victims, or direct victims are those individuals who directly experience the crime or those whom the offender directly harms. Some victims choose to call themselves survivors. The term “survivor” is also used to refer to family members and close friends of a homicide victim.

2. Secondary victims or co-victims

Secondary victims or co-victims are those individuals who have a close relationship with the victim. A ripple or domino effect refers to how the effects of a crime can travel throughout a community, affecting both those who are close to the victim and those who do not know the victim, but hear about the crime.

The impact of crime may spread to:

- The victim’s immediate family (spouse, partner, parents, children).
- The victim’s extended family (nieces, uncles).
- The victim’s social circle (friends).

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- The victim's coworkers.
- Criminal justice personnel (prosecutors, judges, victim advocates).
- First responders (law enforcement, medical personnel, clergy).
- Those assisting victims (insurance agents, funeral directors, counselors).
- Community members in general.

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3. *The victim in a criminal case*

A crucial point to consider is that although there are people who are the direct and indirect victims of criminal activity, in a criminal case it is the state that is considered the injured or victimized party. For example, if John Smith assaulted Matthew Johnson in New York, the criminal case would be *State of New York v John Smith*, not *Johnson v Smith*. This fact helps explain why a victim has little or no control over the decisions made by the different officials (police, prosecutors, court and corrections personnel) in the processing of a criminal case.

References

OVC. (2005). *Victim impact: listen and learn facilitator manual*. Washington, D.C.: U.S. Department of Justice. Available at: www.ovcttac.gov/victimimpact/units_toc.cfm

Most of the material in this curriculum kit has been taken from this resource.