

Thematic Panel: Vulnerable Victims and the Criminal Justice System

The focus of this thematic panel will be on the interactions of particularly vulnerable victims with the representatives of the criminal justice system. Although there is an increasing domestic and international body of legal regulation which entitles vulnerable victims to claim specific protective measures in the course of criminal proceedings, encounters of this victim group with the criminal justice system can still be troublesome and stressful. The presentations in this panel are taking different perspectives on the general topic to analyze potential pitfalls and structural shortcomings which may keep vulnerable victims from filing reports and expose those who file a report to secondary victimization. While the first presentation will discuss the increasing number of data collection systems in the US on crimes that are motivated by hate or bias and target vulnerable victims, the second presentation will look into the experiences which victims with severe mental illnesses make with the criminal justice system. The third presentation will provide an in-depth analysis of the psychosocial support of vulnerable victims. Finally, the three presentations will be discussed in context.

Discussant: *Dr. Frank S. Pezzella (John Jay College of Criminal Justice)*

Measurement of Crimes Against Vulnerable Victims

Prof. Dr. Jack McDevitt (Director Institute on Race and Justice, Northeastern University)

The measurement of crimes that are motivated by hate or bias and target vulnerable victims has challenged both criminal justice organizations and advocacy organizations for nearly 30 years. In the aftermath of the hate motivated incidents that took place in Charlottesville Virginia in August of 2017 a number of media sources began to develop their own collections of hate motivated incidents to supplement what was believed to be significant underreporting that existed in the national hate crime data systems. This paper will compare these new attempts at collecting information on incidents motivated by bias or hate to more established data collection system such as the hate crime reporting system operated by the FBI, the hate crime data produced from the National Crime Victimization Survey and data collection systems operated by advocacy organizations such as the Anti-Defamation League or the Southern Poverty Law Center. In addition to identifying differences and similarities across data collection platforms the paper will review how various data sources are being utilized to support vulnerable victims and to identify perpetrators.

Access of Victims With Severe Mental Illnesses to the Criminal Justice System

Prof. Dr. Michael Lindemann / Dr. Sandra Schwark (Bielefeld University)

The authors have been working on a study examining potential interdependencies between severe mental illnesses and violent victimization. It is a known fact that people with severe mental illnesses are at a higher risk of violent victimization than the general population. However, far less is known about the interactions between these victims and the criminal justice system. The study therefore focusses on the judicial treatment of this particularly vulnerable group of victims. It aims to survey potential obstacles which may keep mentally ill victims from filing reports as well as structural shortcomings of the criminal procedure which could lead to secondary victimization. It is also looking to include experiences of members of the judiciary with criminal proceedings in which the complainant suffers from a mental illness. The overall aim of the study is to identify potential sources of secondary victimization and to develop instruments to neutralize them. To this end, a literature

study, focus groups and additional qualitative interviews with representatives of the criminal justice system, victim organizations and users of mental health services will be conducted. Results of the study which will still be ongoing in November will be discussed for the first time in this presentation.

Psychosocial Support of Victims: A Critical Analysis

Janita Sommer / Prof. Dr. Michael Lindemann (Bielefeld University)

At the occasion of the directive 2012/29/EU of the European parliament and of the council about “establishing minimum standards on the rights, support and protection of victims of crime”, victims of severe crimes have been entitled to apply for some form of institutionalized psychosocial support in Germany since 1 January 2017. This support, which is provided through specifically trained personnel reimbursed by the state, aims to avoid secondary victimization. The supporters are not permitted to legally assess the case or talk to victims about the crimes committed against them in detail, but rather help them manage their daily lives and support them while the criminal proceedings are ongoing. Of course this could be a valuable tool in proceedings with particularly vulnerable victims. While psychosocial support can be an instrument with many possible benefits for the victims, it is also strongly criticized, especially by defense lawyers who fear that victims’ statements could become flawed through the interaction with the psychosocial supporter. The objective of this presentation will be to examine this area of conflict from the different perspectives and legally evaluate this new instrument.