



Crime Victims and Criminal Justice Administration in Nigeria

Usman A. Yusuf & Sarkinnoma Sabo Yahaya

Department of Sociology, Nasarawa State University, Keffi.

Abstract

Victims of crime pertinently form an integral part of the subject matter of criminology. Nevertheless, they have really never been accorded that due recognition. This paper therefore, examines the treatment of crime victims in the administration of criminal justice in Nigeria. The paper utilizes secondary data and it was discovered that victims of crime do not only suffer from the direct impact of crime but also suffer mistreatment and neglect within the criminal justice system in the hands of the police and courts; in the process of arrest, investigation and prosecution of offenders. The paper recommends, among other things, that crime victims participate actively, not passively, in the adjudication of their cases. For this will give them sense of belonging and reduce their level of frustration.

Key Words: *Crime, Crime Victims, Criminal Justice, Nigeria.*

Introduction

Victims of crime pertinently form an integral part of the subject matter of criminology. Nevertheless, they have really never been accorded that due recognition. The study and analysis of criminal phenomena particularly in developing societies/countries has been reduced to basically two approaches. One of these concentrates on the analysis of criminal offender. For this approach, crime is explained essentially in terms of physically identified features of the individual offender (Gyong, 1989).

The second approach concentrates on the circumstances outside the individual offender that precipitated the commission of the crime. This approach often points to the pattern of socialization, the socio-cultural process, the nature and extent of the distribution of political power, the type of development strategy adopted by a polity, etc. Consequently, on the basis of these two approaches, whenever there is a crime problem, intellectuals and policy makers are quick to ask of what can be done to the criminals and/or the circumstantial events that precipitated such criminality. Very few ever ponder over what can be done about the victim and/or his/her circumstances.

However, the total neglect of the victim of crime in either the study or understanding of crime is historical. Historically the trend that has characterized the development of criminology has been nurtured on a faulty foundation. Such a foundation has been characterized by a uni-dimensional approach to the study of criminal phenomenon. This has manifested clearly in the development of criminological theories (Goldstein, 1984).

Starting from demo-logical explanation down through the Bio-Psychological to the socio-cultural forces that produce the individual offender or the situation of crime, and to the radical or even the Marxist perspectives, one common theme characterize them all: these explanation concentrate on the analysis of the individual offender and/or the forces that motivated his/her action (McDonald, 1975).

This historical anomaly reverberates most of the present day research efforts in criminology. After all, theories serve important guides in empirical research. But research efforts into crime and criminality have relegated the victim to the background. According to the United States President's Commission on Law Enforcement and Administration of Justice, "one of the neglected subjects in the study of crime is its victim" (Marek, 1984:8). Odekunle (1979) reiterated this fact and further noted that governmental interests and efforts in criminology usually precede or forerun those in victimology.

The points being made is that most research efforts in the area of criminology have consistently sees the victim as playing a distinctively passive role. Yet, the victim and criminal are the parties in any crime. In other words, in realistic term, an understanding of crime and criminals cannot be said to be complete without due consideration being given to both the criminals and the victims.

The passive role accorded to the victim in the study and understanding of criminal phenomenon is further reinforced by the Criminal Justice System (CJS). A remarkable consensus of opinion demonstrates that contemporary justice administration both in the developed and developing worlds "are doing bad with crime victim" (Marek, 1984:8). Right from the gate-way of the criminal justice system—the police through the courts and thereafter, the victim is subjected to a near-total neglect. The victim is shouldered with the task of playing a distinctively secondary role of mainly reporting crime. While police is required by law to treat the accused as innocent until proved guilty beyond all "reasonable" doubt by a court of law, these legal rights are denied the victim. The victim is completely at the merciful discretion of the law enforcement agents. In cases where the police decide not to effect an arrest, and prosecute or even to allow the offender to "plea bargain", the victim's rights to legal recourse are limited (Siegel, 1992).

Victims are required by law to serve as principal witnesses in courts. In fact, in some jurisdictions (Goldsstain, 1984), the victim is told that crime is an offence against the state and therefore, it is the business of the state to prosecute the offender on behalf of the victim.

Still in some jurisdictions, notably in Nigeria, while still suffering the effects of personal injuries, loss of property or both, the victim is legally bound to attend court sittings at his/her own expense. If, and when, the offender is convicted and sentenced accordingly, the victim does not benefit directly from either. In fact, by this development, the victim has

lost two-fold; one in favour of the offender, and two, in favour of the state.

CONCEPTUAL CLARIFICATIONS

Crime Victim

From ideal point of view, a victim is viewed as “any person or a category of individuals- when hit by crime—most readily are given the complete and legitimate status of being a victim” (cf Fattah, 1986:18). The ideal victim in this context is a sort of public status of the same type and level of abstraction as that for example, of a hero” or a “traitor”. It is difficult to count these victims just as it is difficult to heroes. But they can be exemplified.

Fattah (1986) further identified some attributes of an ideal victim by making reference to one simple example of a little old lady on her way home in the middle of the day after taking care of her sick sister. That she is hit on the head by a big man who thereafter grabs her bag and uses the money for liquor or drugs-in that case we come close to the ideal victim. According to Fattah (1986), it is so by the following attributes:

1. The victim is sick, weak, old, or very young people are particularly well suited as ideal victims.
2. The victim was carrying out a respectable project—caring for her sister.
3. She was where she could not possibly be blamed for being in the street during the day time.
4. The offender was big and bad.
5. The offender was unknown and in no personal relationship to her.

It means then to say that whenever an individual or group of individual is carrying out a respectable project where the chance of being victimized is not provided, and when hit by a crime from an unrelated offender, the individual(s) become ideal victim(s).it implies that whenever one engage in an activities that exposes him to chances of victimization, he will not be regarded an ideal victim when victimized.

Most importantly, an ideal victim is said to be weak compare to the unrelated offender, as well as having put a reasonable energy into protecting himself or herself against becoming a victim. These are necessary conditions, but not always sufficient.

The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power define crime victim as “persons who, individually or collectively, have suffer harm, including mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal law operatives within the members states”. A crime victim is a person who suffered anything as personal injury, death or loss of or injury to personal or real property, as a result of crime.

In legal context, crime victim is defined in the following ways:

1. A person who suffered direct or threatened physical, emotional or primary harm as result of commission of crime.
2. An institution or entity that had suffered any of the same harm by an individual or authorized representative of another entity (Karmen,1992).

Basically, crime victim can be classified into primary, secondary and tertiary crime victim. “Primary crime” victims constitute those who suffered the direct or threatened harm/injury first. Second victims are those who experienced the harm second hand, such as intimate partners or significant others of the rape victims or children of battered woman. Tertiary crime victims experience the harm vicariously such as through media accounts or from watching television (Karmen,1992). The implication of this classification is that at any point in time, everyone is victim of one crime or the other. Odekunle (1989) asserts that the population of victims is remote and diffuse, but refers to the generality of Nigerians.

Criminal Justice

Criminal justice is a concept which is view from different angles by different scholars. According to Dambazau (2007) criminal justice can be defined as a legal process or as an academic discipline. That as a legal process, it involves the procedure of processing the person accused of committing crime from arrest to the final disposal of the case. On the other hand, as an academic discipline, criminal justice provides a thorough understanding of the criminal justice system in relation to the society. Students interested in pursuing professional carriers within the criminal justice focus on subject on the concentration on either law enforcement or corrections, or legal studies.

Bohm and Haley (2002) describe criminal justice system as both an institution and a system. The criminal justice system is essentially an instrument of social control; society considers some behaviours so dangerous and destructive that it either strictly controls their occurrence or outlawed them out rightly (Siegel, 2005). Like the family, schools, organized religion, media, and the law, criminal justice is an instrument of social control.

As an institution of social control, criminal justice is seen as “an organization that persuades people, through subtle and non-subtle means to abide by the dominant value of the society” (Bohm and Haley, 2002:7). Subtle mans of persuasion include gossip, and peer pressure, whereas, expulsion and incarceration are examples of not subtle means.

As an institution of social control, the criminal justice is said to differ from others in two important ways. First, the role of criminal justice is restricted officially to persuading people to abide by limited range of social values: those whose violation constitutes crime. Thus, although courteous behavior is desired of all citizens, rude behavior is of no concern to criminal justice, unless it violates the criminal law. Dealing with non-criminal rude is primarily the responsibility of the family.

Secondly, criminal justice is generally the society’s “last line of defence” against people who refuse to abide by dominant social values and commit crimes. Usually, society turns to criminal justice only after other institutions of social control have failed.

On the other hand, criminal justice is also seen as a “system”. A system is usually view as an organized or complex whole, an assemblage or combination of things or a parts forming –a complex or unitary whole. It is an entity which comprises of interconnected and interdependent parts which collectively constitute the whole, and still collectively work or function to ensure the maintenance and continuity of the whole system.

Based on this systemic idea or reality, criminal justice, as a system, is defined as “a machinery which a criminal, or someone suspected to have committed a crime, is processed and subsequently disposed” (Dambazzau, 1999: 88). The criminal justice system is responsible for the regulation and control of criminal behavior.

According to Dambazzau (2007) criminal justice system is said to be valuable in two ways. First, that the system is an instrument of practical purposes, accountable for the sufficient and effective reduction of crime largely through distinct mechanisms, deterrence, incapacitation and rehabilitation.

Secondly, the system is also an instrument of justice, as means of holding criminals accountable for their crimes, and simultaneously protecting their constitutional rights, which means that it is designed to produce justice.

Components of Criminal Justice System

Basically, the police, the courts, and prison or correction constitutes the major components or agencies of criminal justice. To understand how the criminal justice system works, it is necessary to grasp the working relationships of all its agencies: the use, functions and decisions making process of the police, the structures of the court system and how judges reach decisions; and the intricacies of penal institutions (Dambazzau, 2007).

Criminal justice agencies are the main actors in the fight against crime; the police are responsible for detecting crime and apprehending people who violate criminal law; the courts decides guilt or innocence, and sentence those who are convicted or those who plead guilty; the prisons or corrections carry out the sentence of the courts and rehabilitate criminals.

Crime Victims and Criminal Justice Administration

It is only in recent times that the role of the crime victim in the criminal justice system has risen into prominence. It is in this wise that there is plethora of studies in the world, especially in the developed societies, considering the victims experience, his views and his attitudes. Yet this recent upsurge of interest is in many ways surprising.

We have known for some time how vital the victim is to the operation of the criminal justice system. In a simplistic way, one might consider the system, and all the jobs and workings of the professionals within it as being built upon the actions of two people—the offender and the victim (Shapland, 1986). The numbers and types of cases entering the system and thereby providing the workload for the courts, prison service and the other conventional agencies, appear to be largely determined by the reporting behavior of victims and witnesses, not action initiated by the police (Clarke and Hough, 1980; Bottomley and Coleyman, 1981; Maguire, 1982).

Basically, there are two contradictory facets of the role of the victim—his practical importance and, in contrast, an ignorance of and ignoring of his attitudes and experiences by the professional in the criminal justice system. It is this paradox which is fundamental to our understanding of the victim’s attitudes to the system.

First and foremost, it is argued that victims of crime are significant to the criminal justice system in the area of crime detection and reporting. In a study of victims of violent crimes, it was found that victims were vital in the reporting and investigation of cases and were also essential as providers of evidence for the courts (Shapland, 1986). In the said study, between 31% and 41% of cases were found to be reported by the victim himself, while another 50% were reported by other civilians, such as passersby, neighbours, friends or those in charge of places where the offences happened. This high percentage of the involvement of others is probably due to the violent nature of the offences and the consequent inability of the injured or unconscious victim to report the offence himself. Only 3% and 4% of cases were found discovered by the police themselves.

Indeed, the importance of victims to the reporting of crime has been shown in many studies (McCabe, and Sutcliffe, 1978; Stear, 1980; Mawhy, 1979). The English Royal Commission on Criminal Procedure (1981) has stated: the overwhelming majority of (offences) is not discovered by the police, but by the public (cf Fattah,(ed), 1986: 211).

Some studies also revealed that the victims are important not only in crime but also in detection of crime and offenders (Maguire,1982; Shapland,1986). In the study of burglary victims and violent crime victims respectively, it is discovered that over 60% of cases were detected as a result of definite information (name or address) supplied by the victim. Another 8 to 13% were detected as a result definite information supplied witness, while only 14 to 25% of detection were the result of police actions.

However, this is not of course, to deny a role for the police. Because without quick response by the police where victims have themselves apprehended, the offender, or fast action a name or address has been supplied, offenders would not be caught. The police may not be a major detection agency in these offences, but they are responsible for gathering evidence such that the offender, once caught, can be prosecuted.

In addition Igbo (2006) has tried to summarize the role play or functions of crime victims in the criminal justice administration. He thus stated:

The functions which victims perform are three-fold; to report the crime to the police, to assist the police in carrying out their investigations by providing vital information about the crime and the offender; and to assist the courts in prosecuting offender by providing witness testimony against accused persons (Igbo, 2006:249).

These contributions are fundamental inputs into the criminal justice process, and their go a long way to determine the degree of success achieved by the criminal justice system in its crime prevention and control task.

On the other hand, crime victim is said to be neglected or ignored in the criminal justice process. The crime victims are not given that official recognition by the criminal justice system, just like their counterpart-the offender/victimizer.

Dambazzau (1999:129-130) that “the crime victim is an observer or a passive participant in the criminal justice process. He is always represented by the state, and as such acts as a prosecution witness. He is rarely consulted in any decision-making during the process. However, emphasis is so much laid on the rights of the accused, who enjoys some fundamental protection in order to ensure fair trial. The victim of crime does not enjoy such legal protection, and in fact, he is made vulnerable to other victimization whenever he stands as a prosecution witness.”

This clearly reveals the fact that the legal process does not consider interests, rights, welfare, and all other needs of a crime victim which are usually informed by the impact of their victimization, but rather concentrates substantially on the needs and interests of the crime suspect or offender.

In the criminal justice system, the victim has an ideological interesting position. In its early stages, the criminal justice system may have been clearly victim-oriented (in offence with individual victims), but in today's industrialized countries, all the decisions on how to deal with offences, even those offences with individual victims, are regarded as the concern of the state; its prerogative and duty (Shapland, 1986).

Evidently, all these treatments given to crime victims have certain significant impacts in the relationship between the crime victim and the criminal justice system. In a study of victims of rape, it was found that the victims rated the police high, only those that were disturbed about insensitive questioning and any attempt on the part of the police to regard the victim not as a person, but as evidence (Kelly, 1982).

However, in the middle of the investigation, in the same study, the initial high level of victim satisfaction with the police started to decline. This was due largely to lack of information for which the police were blamed. By the end of the police and court process, there was a significant decline in satisfaction with the police handling of the case and also the decline in attribution of positive qualities to the police generally. In that case, the police were described as being less-efficient, less over-worked, more offensive, less fair, less bureaucratic, more crooked, and less helpful" (c.f Fattah(ed) 1986:213).

In the criminal justice process, the victims are always obsessed with the need for information. Victims will like to know whether the offender is caught, what the charges are, whether he is in custody or bail, when the court appearances would be, whether the victim would have to give evidence, whether the offender is convicted, and what the sentence are. The most important of these is however, the outcome, whether it be conviction and sentence or just that the offender has not be caught, the police have no further leads and are filing the case. Of the total victims of rape studied, 88% felt that they should have received notification of the result of the case, and most of these put the responsibility on the police.

Criminal justice system can make more positive response to victims by keeping victims better informed, improving social service for victims, requiring restitution more frequently, and treating offender appropriately.

Conclusion and Recommendations

From the foregoing, it is evident that crime victims are not fully given adequate consideration, despite the fact that they are one of the important elements and integral part of any crime and criminality. For any discussion on crime and criminal behavior would be fragmentary without reference to the people who are affected by the crime in question. However, it is these significant elements, the crime victims that are mostly found to suffer a wanton neglect in the hands of the agencies of the criminal justice system. The crime victims are most found to be relegated to the background with reference to the criminal justice processes, all in the name of being represented by the state. While the state does not in any way, in practice, act as a true representative of the crime victims. The victims of crime suffer both physical harm and economic losses, but nothing is provided for them, in terms of compensation.

Based on the above, this paper therefore intends here to draw the attention of the criminal justice system as well as the government to the fact that crime victims are very significant as far as criminal justice administration is concern. The criminal justice system should be made in such a way that crime victims participate actively, not passively, in the adjudication of their cases. For this will give them sense of belonging and reduce their level of frustration.

Moreover, the criminal justice administration should endeavor to introduce some practical service programmes to the crime victims to ensure balance of treatment between the offender and the victim, by the criminal justice system. Since offenders receive reformation and rehabilitation training, the victims should be provided with certain compensatory rehabilitative programmes. Because in addition to various financial needs, victims of violent crime, for example, may also require immediate or even long-term medical consideration as well as other forms of assistance. These needs are seriously recognized in paragraph 14 of the "United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power". The declaration states that "victims should receive the necessary materials, medical, psychological and social assistance through government, voluntary organizations, community-based and indigenous means". Paragraph 17 of the same declaration further emphasized that "in providing services and assistance to victims, attention should be given to those who have special needs because of the nature of the harm inflicted".

In addition, in the area of the study, it was discovered that crime rate is on the increase, therefore government should efficiently allocate adequate resources to the criminal justice agencies (especially the police and the court), to ensure effective crime prevention and control as well as effective and reliable administration of criminal justice in this area.

References

- Bohm, R. B. & Haley, K. N. (2002) *Introduction to Criminal Justice*. 3rd Edition. New York: McGraw Hill.
- Christie, N. (1986) "The Ideal Victim" in Fattah, E. A. (ed) *From Crime Policy to Victim Policy: Reorienting the Justice System*. London: Macmillan Press.
- Dambazau, A. B. (1999) *Criminology and Criminal Justice* Kaduna: Nigerian Defence Academy Press.
- Fattah, E. A. (ed)(1986) *From Crime Policy to Victim Policy: Reorienting the Justice System*. London: Macmillan Press Ltd.
- Gyoung, J.E. (1989) "The Victim of Crime and The Criminal Phenomenon" A paper presented at the Report of Sociology Staff Seminar, ABU, Zaria.
- Goldstein, (1984)"Crime Victim and Criminal Justice Administration" in *The World Society of Victimology Newsletter* (1983.Vol.3)
- Igbo,E.M. (2006) *Criminology: A Basic Introduction*, Enugu: Jock-Ken Publishers.
- Maguire, M. (1982) *Burglary in a Dwelling: the offence, the offender and the victim*. London: Heinemann.
- McDonald, W.F. (1975) *Criminal Justice and the Victim: An Introduction in Criminal Justice and the Victim*, Vol.6.p.17.

Marek, A.E. (1984) "Crime Victim and Criminal Justice Administration" in the World Society of Victimology Newsletter (1983/84 Vol.3).

Odekunle, F. (1979) "The Victims of Crime in Developing Countries: A Nigerian Study", A Paper presented at the 2nd International Symposium of Victimology Massachusetts.

Odekunle, F.(1989) "Compensating Victims of Organised Crime", National Conference on Criminal Justice: Restitution, Compensation and Remedies for Victims of Crime (Abuja, Nigeria).

Shapland, J. (1986) "Victims Assistance and the Criminal Justice System: The Victim's Perspective" in Fattah, E. A. (ed) *From Crime Policy to Victim Policy: Reorienting the Justice System*. London: Macmillan Press.

Siegel, L. R. (2005) *Criminology: The Core*. U.S.A.: Thomson Wadsworth.