



NATIONAL OPEN UNIVERSITY OF NIGERIA

CRIMINOLOGY AND SECURITY STUDIES DEPARTMENT

FACULTY OF SOCIAL SCIENCES

COURSE CODE: CSS 861

COURSE TITLE: Restorative Justice, Victimization and Victim Assistance

NATIONAL OPEN UNIVERSITY OF NIGERIA
CRIMINOLOGY AND SECURITY STUDIES
FACULTY OF SOCIAL SCIENCES

COURSE CODE: CSS 861

COURSE TITLE:

Restorative Justice, Victimization and Victim Assistance

Restorative Justice, Victimization and Victim Assistance



Course Writer/Developer

Dr. Adegboyega A. Karim *fsi*
Research Fellow and Directing Staff
National Institute for Security Studies
Abuja

Course Coordinator

Prof. Sam Obadiah Smah
CSS, FSS NOUN.

Course Editor

Dr. Dickson Ogbonnaya Igwe
Ag. HOD, CSS, FSS NOUN

Programme Leader

Dr. Dickson Ogbonnaya Igwe
Ag. HOD, CSS, FSS NOUN

CONTENTS PAGE

Introduction.....	
Course Aims.....	
Course Objectives.....	
Working through this Course.....	
Course Materials.....	
Study Units.....	
Textbooks and References	
Assessment.....	
Tutor-Marked Assignment	
Final Examination and Grading.....	
Course Marking Scheme.....	
Course Overview	
Presentation Schedule.....	
How to Get the Most from this Course.....	
Facilitators/Tutors and Tutorials.....	
Summary.....	

INTRODUCTION

Welcome to CSS 861: Restorative Justice, Victimization and Victim Assistance

CSS 861 is a semester of 3 credit unit course that provides students with the various topics on the issues in Restorative Justice, Victimization and Victim Assistance. It is prepared for students in the first year of study in Criminology and Security Studies in the National Open University of Nigeria (NOUN).

Restorative justice has emerged over the past 35 years as an increasingly influential alternative to criminal justice practice around the world. Restorative justice is a field in the twin disciplines of victimology and criminology. Accepting that crime leads to injury to people and communities, restorative justice posits that justice repairs those injuries and that the victims of crime be allowed to involve in that process. This guide provides the students with straightforward understanding of the role of restorative justice in the analysis and response to victims of crime and victimization in the criminal justice process.

To study this course, and the various units, students need to be ready to think critically. They need to develop constructive minds and use situational analysis, case studies and other research oriented approaches carefully to support arguments in the study of restorative justice practice.

In this course, aims and objectives will be explained. The module provides some useful advice on the reading system, the role in using the course guide, the structure of the module, and guidance for the assessment.

AIMS

- a) To demonstrate an understanding of the application of restorative justice techniques to the protection of victims of crime.
- b) To apply the main theories and concepts of restorative justice in victimology and criminology.
- c) To outline and critically analyze contemporary issues related to restorative justice, victimization and victim assistance.

- d) To examine the role of victims of crime in the Nigerian criminal justice system.
- e) To critically assess and demonstrate the ability to communicate students programme through a combination of written papers and oral presentations.

OBJECTIVES

- i. To introduce students to the concept of restorative justice, victimization and victim assistance.
- ii. To expose students to the various methods of restorative justice in repairing harm caused to victims of crime.
- iii. To identify types of crime and victimization.
- iv. To teach students to be acquainted with the criminal justice system.
- v. To educate students how to develop restorative justice process in assisting victims of crime.
- vi. To underscore the salient challenges in the practice of restorative justice on victims of crime in different jurisdictions.

WORKING THROUGH THIS COURSE

To complete this Course, you are required to check the study units, read the recommended books as well as other course materials provided by the NOUN. Each unit contains Self-Assessment Exercise (SAE) and Tutor Marked Assignments (TMAS) for assessment purposes. There will be a written examination at the end of the course. The course should take students about 26 weeks to complete. You will find all the components of the course listed below. Students need to allocate time to each unit to finish the course successfully.

COURSE MATERIALS

For this course, students will require the following materials:

- 1) The course guide;
- 2) Study units which are twenty-four (24) in all;
- 3) Textbooks recommended at the end of the units;
- 4) Assignment file where all the unit assignments are kept;
- 5) Presentation schedule.

STUDY UNITS

There are twenty-four (24) study units in this course broken into 6 modules of 4 units each. They are as follows:

Module 1 Methods and Theories of Restorative Justice

- Unit 1 Introduction and General Background
- Unit 2 Characteristics and Importance of Restorative Justice
- Unit 3 Methods of Restorative Justice
- Unit 4 Theories and Practice of Restorative Justice

Module 2 Definition, Theories, History and Classification of Crime

- Unit 1 Defining Crime
- Unit 2 History of Crime
- Unit 3 Theories of Crime
- Unit 4 Classification of Crime

Module 3 Criminal Justice System and Restorative Justice

- Unit 1 Criminal Justice System
- Unit 2 Restorative Justice within Criminal Justice System

Unit 3 Restorative Justice outside the Criminal Justice System

Unit 4 Advantages and Criticisms of Restorative Justice

Module 4 Victimization

Unit 1 Victim

Unit 2 Classification of Victims of Crime

Unit 3 Victimization

Unit 4 Victimology

Module 5 Role, Treatment and Rights of Victims of Crime

Unit 1 The Role of Victims of Crime

Unit 2 Psychological Impact of Victimization

Unit 3 Treatment of Victims in the Criminal Justice System

Unit 4 Provisions, construction and enforcement of compensation to victims of crime

Module 6 Victim Assistance and Needs

Unit 1 Victim Assistance

Unit 2 International Rights of Victims

Unit 3 Restitution and Crime Victims

Unit 4 Victims Report Method

Each unit contains some exercises on the topic covered, and Students will be required to attempt the exercises. These will enable them evaluate their progress as well as reinforce what they have learned so far. The exercise, together with the tutor marked assignments will help students in achieving the stated learning objectives of the individual units and the course.

TEXT BOOKS AND REFERENCES

Certain books have been recommended in the course. You may wish to purchase them for further reading. Students may wish to consult the references and other books suggested at the end of each unit to enhance their knowledge of the material. This will enhance their understanding of the material.

ASSESSMENT

Assessment for this course is in two parts. Such as, the Tutor-Marked Assignments and a written examination. Students will be required to apply the information and knowledge gained from this course in completing their assignments. Students must submit their assignments to their tutor in line with submission deadlines stated in the assignment file. The work that you submit to your tutor for assessment will count for 30% of your total score.

TUTOR MARKED ASSIGNMENTS (TMAS)

In this course, you will be required to study fifteen (15) units, and complete tutor-marked assignment provided at the end of each unit. The assignments carry 10% mark each. The best three of your four assignments will constitute 30% of your final mark. At the end of the course, you will be required to write a final examination, which counts for 70% of your final mark.

The assignments for each unit in this course are contained in your assignment file.

You may wish to consult other related materials apart from your course material to complete your assignments. When you complete each assignment, send it together with a tutor marked assignment (TMA) form to your tutor. Ensure that each assignment reaches your tutor on or before the dead line stipulated in the assignment file. If, for any reason you are unable to complete your assignment in time, contact your tutor before the due date to discuss the possibility of an extension.

Note that extensions will not be granted after the due date for submission unless under exceptional circumstances.

FINAL EXAMINATION AND GRADING

The final examination for this course will be for two hours, and count for 70% of your total mark. The examination will consist of questions, which reflect the information in your course material, exercise, and tutor marked assignments. All aspects of the course will be

examined. Use the time between the completion of the last unit, and examination to revise the entire course.

You may also find it useful to review your tutor marked assignments before the examination.

COURSE MARKING SCHEME

The following table lays out how the actual course marked allocation is broken down.

Assessment	Marks
Assignments (best Three Assignments out of Four marked)	=30%
Final Examination	=70% of total course mark
Total	100% of course mark

COURSE OVERVIEW

Assignment file consists of all the details of the assignments you are required to submit to your tutor for marking. The marks obtained for these assignments will count towards the final mark you obtain for this course. More information on the assignments can be found in the assignment file.

COURSE OVERVIEW AND PRESENTATION SCHEDULE

	Title of Work	Weeks Activity	Assessment (End of Unit)
Module 1	Methods and Theories of Restorative Justice		
Unit			
1	Introduction and General Background	Week 1	
2	Characteristics and Importance of Restorative Justice	Week 2	

3	Methods of Restorative Justice	Week 3	Assignment 1
4	Theories and Practice of Restorative Justice	Week 4	
Module 2	Definition, Theories, History and Classification of Crime		
Unit			
1	Defining Crime	Week 5	
2	History of Crime	Week 6	Assignment 2
3	Theories of Crime	Week 7	
4	Classification of Crime	Week 8	
Module 3	Criminal Justice System and Restorative Justice		
Unit			
1	Criminal Justice System	Week 9	
2	Restorative Justice within Criminal Justice System	Week 10	Assignment 3
3	Restorative Justice outside the Criminal Justice System	Week 11	
4	Advantages and Criticisms of Restorative Justice	Week 12	
Module 4	Victimization		
Unit			
1	Victim	Week 13	
2	Classification of Victims of Crime	Week 14	
3	Victimization	Week 15	Assignment 4
4	Victimology	Week 16	

Module 5	Role, Treatment and Rights of Victims of Crime		
Unit			
1	The Role of Victims of Crime	Week 17	
2	Psychological Impact of Victimization	Week 18	Assignment 5
3	Treatment of Victims in the Criminal Justice System	Week 19	
4	Provisions, construction and enforcement of compensation to victims of crime	Week 20	
Module 6	Victim Assistance and Needs		
Unit			
1	Victim Assistance	Week 21	
2	International Rights of Victims	Week 22	
3	Restitution and Crime Victims	Week 23	Assignment 6
4	Victims Report Method	Week 24	
	Revision	Week 25	
	Examinations	Week 26	
	Total	26 Weeks	

HOW TO GET THE MOST FROM THIS COURSE

In distance learning, your course material replaces the lecturer. The course material has been designed in such a way that you can study on your own with little or no assistance at all. This allows you to work, and study at your place, and at a time and place that best suits you. Think of reading your course material in the same way as listening to the lecturer. However, you are advised to study with your course master in the same way a lecturer might give you some reading to do, the study units gives you information on what to read, and these form your text materials.

You are provided exercise to do at appropriate points, just as a lecturer might give you an in-class exercise. Each of the study units follows a common format. The first item is an introduction to the unit, and how a particular unit is integrated with the other units and the course as a whole. Next to this, is a set of learning objectives. These objectives let you know what you are required to know by the time you have completed the unit. These learning objectives are meant to guide your study. The moment a unit is finished, you must go back and check whether you have achieved the objectives. If you make this habit, it will improve your chances of passing the course significantly.

The main body of the unit guides you through the required reading from other sources. This will usually be either from the reference books or from a reading section. The following is a practical strategy for working through the course. If you run into difficulties, telephone your tutor. Remember that your tutor's job is to help you when you need assistance, do not hesitate to call and ask your tutor for help or visit the study centre.

Read this Course Guide thoroughly is your first assignment.

- 1) Organize a study Schedule, Design a "Course Overview" to guide you through the course. Note the time you are expected to support on each unit and how the assignments relate to this unit. You need to gather all the information into one place, such as your diary or a wall calendar. Whatever method you choose to use, you should decide and write in your own dates and schedule of work for each unit.
- 2) Once you have created your own study schedule, do everything to be faithful to it. The major reason students fail is that they get behind with their course work. If you get into difficulties with your schedule, please, let your tutor know before it is too late for help.
- 3) Turn to unit 1, and read the introduction and the objectives for the unit.
- 4) Assemble the study materials. You will need the reference books in the unit you are studying at any point in time.

- 5) Work through the unit. As you work through the unit, you will know what sources to consult for further information.
- 6) Before the relevant due dates (about 4 weeks before due dates), access the Assignment file. Keep in mind that you will learn a lot by doing the assignment carefully, they have been designed to help you meet the objectives of the course and pass the examination. Submit all assignments not later than the due date.
- 7) Review the objectives for each study unit to confirm that you have achieved them. If you feel unsure about any of the objectives, review the study materials or consult your tutor.
- 8) When you are confident that you have achieved a unit's objectives, you can start on the next unit. Proceed unit by unit through the course and try to pace your study so that you keep yourself on schedule.
- 9) When you have submitted an assignment to your tutor for marking, do not wait for marking before starting on the next unit. Keep to your schedule. When the Assignment is returned, pay particular attention to your tutor's comments, both on the tutor-marked assignment form and also the written comments on the ordinary assignments.
- 10) After completing the last unit, review the course and prepare yourself for the final examination. Check that you have achieved the unit objectives (listed at the beginning of each unit) and the course objectives (listed in the Course Guide).

TUTORS AND TUTORIALS

There are 24 hours of tutorials provided to support this course. Tutorials are for problem solving and they are optional. You need to get in touch with your tutor to arrange date and time for tutorials if needed. Your tutor will mark and comment on your assignments, keep a close watch on your progress and on any difficulties you might encounter and provide assistance to you during the course. You must submit your tutor-marked assignments to

your tutor well before the due date (at least two working days are required). They will be marked by your tutor and returned to you as soon as possible.

Do not hesitate to contact your tutor by telephone, e-mail, or discussion board. The following might be circumstances in which you will find necessary to contact your tutor. If:

- You do not understand any part of the study units or the designed readings.
- You have difficulties with the exercises.
- You have a question or problem with an assignment, with your tutor's comments on an assignment or with the grading of an assignment.

To gain maximum benefits from this course tutorials, prepare a question list before attending them. You will learn quite a lot from participating in the discussions.

SUMMARY

The course guide has introduced you to what to expect in restorative justice, victimization and victim assistance. It examines the general background of restorative justice, history, benefits of restorative justice differences between restorative justice and criminal justice.

The course also discusses the field of victimology, rights of victims of crime, victim facilitation and victims report method among related themes and concepts.

Upon completion, you should be equipped with the foundation for analyzing and researching restorative justice, victimization and victim assistance and needs.

We wish you success with the course and hope you will find it both engaging and interesting.

COURSE CODE: CSS 861

COURSE TITLE:

Restorative Justice, Victimization and Victim Assistance

Course Writer/Developer

Dr. Adegboyega A. Karim *fsi*
Research Fellow and Directing Staff
National Institute for Security Studies
Abuja

Course Coordinator

Prof. Sam Obadiah Smah
CSS, FSS NOUN.

Course Editor

Dr. Dickson Ogbonnaya Igwe
Ag. HOD, CSS, FSS NOUN

Programme Leader

Dr. Dickson Ogbonnaya Igwe
Ag. HOD, CSS, FSS NOUN

MODULE 1

Unit 1 Introduction and General Background

Unit 2 Characteristics and Importance of Restorative Justice

Unit 3 Methods of Restorative Justice

Unit 4 Theories and Practice of Restorative Justice

UNIT 1 INTRODUCTION AND GENERAL BACKGROUND

CONTENTS

1.0 Introduction

2.0 Objectives

3.0 Main Content

3.1 Definition of Restorative Justice

3.1.1 Historical Background to Restorative Justice

3.1.2 Principles of Restorative Justice

3.1.3 Differences between Restorative Justice and Criminal Justice

3.2 Process, Values and Goals

3.3 Innovative Restorative Justice

4.0 Conclusion

5.0 Summary

6.0 Tutor-Marked Assignments

7.0 Reference/further readings

1.0 INTRODUCTION

A way of understanding any subject is to know its definition, the history behind the concept, its nature, purpose and scope. To understand restorative justice, we must define what it is and the definition should be in such a way as to make meaning clear to all.

2.0 OBJECTIVES

By the end of the unit, you should be able to: understand that restorative justice sees crime as more than violating the law, it also causes harm to people, relationships, and the community. So, restorative justice can address those harms and crime. Victims take an active role in the process, while offenders are encouraged to take responsibility for their actions, "to repair the harm they've done—by apologizing, returning stolen money, or community service"

3.0 MAIN CONTENT

3.1 Definition

The definition of restorative justice should be preceded by the nuances surrounding retributive justice. Retribution justice is justice that is founded around punishment as a means of preventing vengeance from the victim. The philosophy behind this form of justice regime is that victims are thought to have natural proclivity to revenge which can only be assuaged if they see that the offender has been adequately punished.

The punishment of the offender gives the victim a sense of justice and relieve. The only goal in retributive justice is punishment. Whether it deters or restores is immaterial. Proportionality is an important concept in retributive justice. This does not mean that the punishment has to be equivalent to the crime. A retributive system must punish severe crimes harsher than minor crimes, and the severity of the crime is usually determined by amount of harm and the moral imbalance it creates (Abikan, 2017).

Deterrence is considered a critical component of retributive justice system. When offenders are punished it is assumed that such punishment will serve to deter the offender and other prospective offenders from committing further crime. Deterrence is therefore aimed at preventing future crime by frightening the potential criminal or released felons. The concept of deterrence usually has two assumptions. The first is that specific punishments will deter offenders from committing further crimes, and the second is that the fear of punishment will deter others from committing such crimes (Abikan, 2017).

Defining restorative justice goes beyond the understanding of crime and conflict in the society, it sees how the society thinks about crime and at the same time responds to the crime, thereby restoring balance to the society. Restorative Justice (also sometimes called "reparative justice") is an approach to justice that focuses on the needs of victims, offenders, as well as the involved community, instead of satisfying abstract legal principles or punishing the offender.

Restorative justice (RJ) is an approach to trying to deal with the harm caused by crime and other conflicts. It involves bringing together victims and offenders in order to help find answers, and to help the offender to fit back into society. Restorative justice is a completely voluntary process and will only take place with the permission of participants (Centre for Justice & Reconciliation, 2017).

A philosophical framework and a series of programmes for the criminal justice system that emphasize the need to repair the harm done to crime victims through a process of negotiation, mediation, victim empowerment and reparation.

Restorative Justice is a theory of justice that emphasizes repairing the harm caused by criminal behavior. It is best accomplished through cooperative processes that allow all willing stakeholders to meet, although other approaches are available when that is impossible. This can lead to transformation of people, relationships and communities.

In 2014, Carolyn Boyes-Watson defined restorative justice as:

...a growing social movement to institutionalize peaceful approaches to harm, problem-solving and violations of legal and human rights. These range from international peacemaking tribunals such as the South Africa Truth and Reconciliation Commission to innovations within the criminal and juvenile justice systems, schools, social services and communities. Rather than privileging the law, professionals and the state, restorative resolutions engage those who are harmed, wrongdoers and their affected communities in search of solutions that promote repair, reconciliation and the rebuilding of relationships. Restorative justice seeks to build partnerships to re-establish mutual responsibility for constructive responses to wrongdoing within our communities. Restorative approaches seek a balanced approach to the needs of the victim, wrongdoer and community through processes that preserve the safety and dignity of all" (Marty Price, 2001).

Restorative justice is a process whereby all the parties with a stake in a particular offense come together to resolve collectively how to deal with the aftermath of the offense and its implications for the future. In short, restorative justice is a process through which remorseful offenders accept responsibility for their misconduct to those injured and to the community that, in response allows the reintegration of the offender into the community. The emphasis is on restoration: restoration of the offender in terms of his or her self-respect, restoration of the relationship between offender and victims, as well as restoration of both offenders and victims within the community (Ibidapo, 2010).

Restorative justice provides a very different framework for understanding and responding to crime. Crime is understood as harm to individuals and communities, rather than simply a violation of abstract laws against the state. Those most directly affected by crime --victims, community members and offenders --are therefore encouraged to play an active role in the

justice process. Rather than the current focus on offender punishment, restoration of the emotional and material losses resulting from crime is far more important.

Restorative justice models are based upon several overarching principles. First, crime is primarily a conflict between individuals, resulting in harm to victims and communities and to offenders. It is only secondarily a transgression against the state. This simple notion has profound consequences as demonstrated by the previous discussion on defining crime. Second, the central goal of the criminal justice system should be to reconcile victims, offenders and their communities while repairing the harm caused by the criminal behaviour. That is not to say that public safety is not paramount. Rather, it is the method of achieving public safety that is under debate. Third, the criminal justice process should facilitate active participation by victims, offenders and their communities. This results in a diminished role for the state (Latimer and Kleinknecht, 2000).

For victims, restorative justice offers individuals a meaningful voice in the process. The victim may also experience satisfaction from playing a part in preventing future criminal behaviour and from receiving reparation. For offenders, the process can be therapeutic as they take responsibility for their actions and take steps to repair the harm. For community members, the process serves to humanise the criminal justice system and reduce fear of crime by providing more accurate information about offenders and crime in general. Restorative justice also provides community members with a voice in the criminal justice process. Restorative justice has been described as an empowering experience for all participants in the triad (Bazemore and Schiff, 2001).

3.1.1 Historical Background to Restorative Justice

The phrase "restorative justice" has appeared in literature since the first half of the nineteenth century (Gade, 2013). The modern usage of the term was introduced by Albert Eglash, who in 1977 described three different approaches to justice:

1. "retributive justice", based on punishment;
2. "distributive justice", involving therapeutic treatment of offenders;
3. "restorative justice", based on restitution with input from victims and offenders.

The initial conceptualization of restorative justice began in the late 1970s and was first clearly articulated by Howard Zehr. At that time, the discussion of this new paradigm was based largely in North America, with a small network of academics and practitioners in Europe. Restorative justice was not being considered seriously by mainstream criminal and juvenile justice policymakers and practitioners (Umbreit, 2019).

By 1990, an international conference supported by NATO funds was convened in Italy to examine the growing interest in restorative justice throughout the world. Academics and practitioners from a wide range of countries (Austria, Belgium, Canada, England, Finland, France, Germany, Greece, Italy, Netherlands, Norway, Scotland, Turkey) presented papers related to the development and impact of restorative justice policies and practice.

International interest in restorative justice has continued to grow. In 1995, the New Zealand Ministry of Justice issued a working paper on restorative justice for serious consideration as a federal policy. During 1996 and 1997, a group of scholars in North America and Europe interested in restorative justice met in the United States and Belgium to further examine this emerging practice theory. Additional and much larger international conferences have been held in the United States and in Germany. The Council of Europe endorsed the concept of restorative justice through victim-offender mediation in 1999, and a subcommittee of the United Nations has also been examining the concept.

3.1.2 Principles of Restorative Justice

The foundational principles of restorative justice have been summarized as follows:

1. Crime causes harm and justice should focus on repairing that harm.
2. The people most affected by the crime should be able to participate in its resolution.
3. The responsibility of the government is to maintain order and of the community to build peace.

As a corollary, the restorative approach is a process which involves the following:

- 1) The victim and the offender play remarkable role in the process which is usually anchored by relevant state institutions. The processes normally involve parties participating in meetings with each other as well as nominate supportive persons during the conference.
- 2) These conferences discuss how the crime was committed, the level of damage done to the victim and the society. The offender's perspective is evaluated together with the version of the victim.
- 3) Subsequently, if parties agree to settle, a plan with specific commitments on the part of the offender and the victim will be agreed upon and signed by the interested parties. The process is designed to be participatory, reconciliatory and restorative.

Self Assessment Exercise (SAE) 1

What is the concept of restorative justice? Explain its principles.

3.1.3 Differences between Restorative Justice and Criminal Justice

Restorative justice is diverse from criminal justice in numerous ways.

In the first instance, it views criminal acts more broadly rather than defining crime as simply law-breaking, it recognizes that offenders harm victims, communities and even themselves.

Secondly, it involves more parties in responding to crime rather than giving key roles only to government and the offender, it includes victims and communities as well.

Lastly, it measures success differently rather than measuring how much punishment is inflicted, it measures how much harm is repaired or prevented.

3.2 Process, Values and Goals

There are at least four vital ingredients for a fully restorative process to achieve its objectives:

- (a) An identifiable victim;
- (b) Voluntary participation by the victim;
- (c) An offender who accepts responsibility for his/her criminal behaviour; and,
- (d) Non-coerced participation of the offender.

Most restorative approaches strive to achieve a specific interactive dynamic among the parties involved. The goal is to create a non-adversarial, non-threatening environment in which the interests and needs of the victim, the offender, the community and society can be addressed.

The objectives of restorative justice programmes and the kind of outcomes they purport to produce have led to the articulation of a number of process values reflected to a different extent in each of them.

Restorative Justice represents a truly different paradigm based upon the following values.

1. It is far more concerned about restoration of the victim and victimized community than with ever costlier punishment of the offender.
2. It elevates the importance of the victim in the criminal justice process, through increased involvement, input, and services.
3. It requires that offenders be held directly accountable to the person and/or community that they victimized.
4. It encourages the entire community to be involved in holding the offender accountable and promoting a healing response to the needs of victims and offenders.

5. It places greater emphasis on the offender accepting responsibility for his or her behaviour, and making amends whenever possible, than on the severity of punishment.
6. It recognizes a community responsibility for social conditions that contribute to offender behaviour.

Process goals include the following:

- i. Victims who agree to be involved in the process can do so safely and come out of it satisfied;
- ii. Offenders understand how their action has affected the victim and other people, assume responsibility for the consequences of their action and commit to making reparation;
- iii. Flexible measures are agreed upon by the parties which emphasize repairing the harm done and, wherever possible, also address the reasons for the offence;
- iv. Offenders live up to their commitment to repair the harm done and attempt to address the factors that led to their behaviour; and,
- v. The victim and the offender both understand the dynamic that led to the specific incident, gain a sense of closure and are reintegrated into the community.

Self Assessment Exercise (SAE) 2

Discuss why Restorative Justice is better than criminal justice.

3.3 Innovative Restorative Practices

The following are examples of innovative restorative practices:

- a. Indigenous practices are being modified for use in the criminal justice system. Examples of this include conferencing and circles.
- b. Victim-offender encounters are being employed inside correctional centres in Europe and North America. In isolated cases, this involves victims meeting with their offenders in a kind of "post sentencing mediation;" it is even used in this way on death row in Texas, USA.
- c. The programme increases safety of the public by establishing a reintegration plan with the offender, by regularly monitoring the behaviour of the offender, and by ensuring that community resources needed by the offender are made available.
- d. Unique prison regimes have developed in Latin America and elsewhere in which prisoners volunteer to stay at facilities run largely by volunteers and the prisoners. The regimes establish a particular spiritual or cultural ethos that involves learning through example and apprenticeship.
- e. Victim-offender-community meetings are being employed at many stages of the justice process. They are run by police prior to charge, by probation officers and on occasion by parole officers in Canada.
- f. Restorative processes are being utilized to tackle conflict between citizens and the government. Examples include the Truth and Reconciliation Commission in South Africa and the Treaty of Waitangi Commission in New Zealand.

4.0 CONCLUSION

In this unit, we highlighted the definitions and concepts of restorative justice. We traced the history of restorative justice to the first half of the nineteenth century. The modern usage of the term was introduced by Albert Eglash in 1977 while the initial conceptualization of

restorative justice began in the late 1970s and was first clearly articulated by Howard Zehr. We also discussed the foundational principles of restorative justice as well as its objectives, values and goals.

5.0 SUMMARY

In this unit we have come to know that restorative justice is an alternative to criminal justice. This stems from the fact that restorative justice sees crime as more than violating the law, it also causes harm to people, relationships, and the community. In this justice process, victims of crime take an active role in the process, while offenders are encouraged to take responsibility for their actions in order to repair the harm they have done by apologizing, returning stolen money, or community service.

6.0 TUTOR- MARKED ASSIGNMENT

1. Define Restorative Justice
2. Trace the historical journey of restorative justice
3. Describe the foundational principles of restorative justice
4. Explain the values and goals of restorative justice

7.0 REFERENCE/FURTHER READINGS

Abajuo, R.M.(2016)An Appraisal of the Administration of Criminal Justice Act, 2015, <http://ssrn.com/abstract=2665611>. Accessed on 2nd November, 2018.

Abikan, H, (2017) Debating the Criminal Justice System.<http://voiceofreason.org.ng/wp/2017/10/12/debating-criminal-justice-system/>Accessed on 2nd November, 2018.

Bazemore, G., & Schiff, M.(2001) Restorative community justice: Repairing harm and transforming communities. Cincinnati, OH: Anderson Publishing.

Ibidapo–Obe, A. (2010). 'Restorative Justice and Plea Bargaining Practices: A Tilt toward Customary Criminal Justice'. Gold Press Limited, Ibadan.

Centre for Justice & Reconciliation (2017) Restorative Justice. Programme of Prison Fellowship international.

Gade, C.B.N. (2013) Restorative Justice and the South African Truth and Reconciliation Process, *South African Journal of Philosophy* 32(1).

Latimer, S., and Kleinknecht, S.(2000).The Effect of Restorative Justice programming: A review of the empirical? Canada: Department of Justice

Marty Price, J.D. (2001) "Personalizing Crime," *Dispute Resolution Magazine*, Fall.

Umbreit, M. (2019) "Restorative Justice" Encyclopedia of Crime and Justice. *Encyclopedia.com*. 28 Nov. 2019.

Van Ness, Daniel W., Karen Heetderks Strong (2010) *Restoring Justice – An Introduction to Restorative Justice*. 4th ed. New Province, N.J.: Matthew Bender & Co., Inc., 2010: 21–22.

UNIT 2 CHARACTERISTICS AND IMPORTANCE OF RESTORATIVE JUSTICE

CONTENTS

1.0 Introduction

2.0 Objectives

3.0 Main Content

3.1 Characteristics of Restorative Justice

3.2 Importance of Restorative Justice

3.3 Challenges in Evaluating Restorative Justice

4.0 Conclusion

5.0 Summary

6.0 Tutor-Marked Assignments

7.0 Reference/further readings

1.0 INTRODUCTION

Restorative justice is aimed at dealing with the harm caused by crime and other violent acts. It basically entails bringing the victims and offenders together in order to help find answers, and to help the offender to fit back into the society. Restorative justice is best accomplished through cooperative processes that allow all willing stakeholders to meet, through a process of negotiation, mediation, victim empowerment and reparation. This can lead to transformation of people, relationships and communities.

2.0 OBJECTIVES:

By the end of the unit, you should be able to: understand the characteristics and importance of restorative justice as well as the challenges in evaluating this process.

3.0 MAIN CONTENT.

3.1 Characteristics of Restorative Justice

Restorative justice is mostly different from contemporary criminal justice in several ways. Firstly, it views criminal acts more comprehensively: rather than defining crime as simply lawbreaking, it recognizes the tendencies that offenders harm victims, communities and even themselves. Secondly, it involves more parties in responding to crime: rather than giving key roles only to government and the offender; it includes victims and communities as well. Finally, it measures success differently: rather than measuring how much punishment is inflicted, it measures how much harm is repaired or prevented in the community (John, 2009).

From the premised above, the following can be deduced as distinguish features of restorative justice:

- a) Restorative justice is a different way of thinking about crime and how individual and the community response to crime;
- b) The concept of restorative justice focuses on the harm caused by crime: repairing the harm done to victims and reducing future harm by preventing crime;
- c) It requires offenders to take responsibility for their actions and for the harm they have caused;
- d) It seeks redress for victims, recompense by offenders and reintegration of both within the community;

- e) Restorative justice is achieved through a co-operative effort by communities and the government.

United Nations (2006) further identified the following as features of restorative justice programmes:

- i. A flexible response to the circumstances of the crime, the offender and the victim, one that allows each case to be considered individually;
- ii. A response to crime that respects the dignity and equality of each person, builds understanding and promotes social harmony through the healing of victims, offenders and communities;
- iii. A viable alternative in many cases to the formal criminal justice system and its stigmatizing effects on offenders;
- iv. An approach that can be used in conjunction with traditional criminal justice processes and sanctions;
- v. An approach that incorporates problem solving and addressing the underlying causes of conflict;
- vi. An approach that addresses the harms and needs of victims;
- vii. An approach which encourages an offender to gain insight into the causes and effects of his or her behaviour and take responsibility in a meaningful way;
- viii. A flexible and variable approach which can be adapted to the circumstances, legal tradition, principles and underlying philosophies of established national criminal justice systems;

- ix. An approach that is suitable for dealing with many different kinds of offences and offenders, including many very serious offences;
- x. A response to crime which is particularly suitable for situations where juvenile offenders are involved and in which an important objective of the intervention is to teach the offenders some new values and skills;
- xi. A response that recognizes the role of the community as a prime site of preventing and responding to crime and social disorder (UN, 2006).

At the end of the entire process, the following laudable outcome would be achieved, namely:

Reconciliation: Since the process is participatory and interactive in nature, it effectively creates avenue for positive interaction and socialization or encounter between the victim and the offender. The aim is to ensure that some of the fears and concerns of the victim are addressed and to also bring the offender in close experience with the extent of the harm caused by his conduct on a fellow citizen.

The process creates a rear opportunity for the offender to have hindsight experience of the damage caused and appreciate the effect of the harm on the victim. The reality of interacting with the victim infuses a sense of remorse and empathy on the offender. While full reconciliation between the victim and the offender may not be guaranteed in all cases, a guided meeting between them can serve as antidote to the concerns of the victim and trigger remorseful feelings, hence a change of attitude in the offender. This is valuable because of the possibility of some kind of future relationship between the parties after the disposal of the criminal case (Nwosu, 2011).

Restitution: A prime utility of restorative justice is its provision for the compensation of the victim of crime. This is an effort to restitute the victim, if possible to the pre-crime status.

The system is intended to reinstate the victim to the position he was before the crime by mending the harm produced by the victim by the offender. Full restoration of the victim may be impossible; it however serves the interest of victims of crime better than they can ever have under retributive justice.

Reintegration: Rehabilitation and reintegration of the offender back into the society is a critical component of restorative justice. It deemphasizes punishment and stigmatization of offenders and rather sees them as victims or prisoners 'criminal tendencies that need help. Restorative justice therefore underscores disposal options such as community service, vocational training, compulsory education and other forms of correctional and constructive engagement that offer the offender real and genuine platform of rebuilding themselves to desist from crime and contribute positively to the society. If well-structured and implemented, restorative justice system is the most effective way of ensuring the veracity and reliability of any criminal justice system.

Restoration: At the end of the process, both the offender and victim are considerably restored to their pre-crime state. The community is assured against future occurrence of the offending conduct and the societal equilibrium distorted by the crime is redressed and repaired, while recidivism is reduced to the barest minimum. It helps the relevant authorities on research basis as to why that offence is being committed, how it is executed etc. Restorative justice essentially, aims to heal the victim's wounds; restores offenders to law abiding lives; repairs harm done in inter-personal relationships and the community; seeks to involve all stakeholders and provide opportunities for those most affected by the crime to be directly involved.

Self Assessment Exercise (SAE) 1

What are the characteristic features of restorative justice?

3.2 Importance of Restorative Justice

Generally, the importance of restorative justice cannot be over-emphasized. It may be beneficial for victims' psychological wellbeing, by reducing symptoms of Post-Traumatic

Stress Disorder (PTSD) and stress and being empowered. Restorative justice compares well with traditional criminal justice:

- a. It substantially reduces repeat offending for some offenders, although not all,
- b. It reduces repeat offending more than prison for adults and at least as well as prison for youths,
- c. It doubles (or more) the offences brought to justice as diversions from criminal justice,
- d. When used as a diversion it helps reduce the costs of criminal justice,
- e. It provides both victims and offenders with more satisfaction that justice had been done than the traditional criminal justice,
- f. It reduces crime victims' post-traumatic stress symptoms and the related costs, and
- g. It reduces crime victims' desire for violent revenge against their offenders (Sherman and Strang, 2007).

With restorative justice processes, success is measured not by how much punishment is given, but by how much harm has been repaired or prevented. Restorative justice offers a multitude of benefits, from the empowerment of individuals to cost savings for communities.

Reduced recidivism: Restorative justice has a high rate of success in reducing repeat offenses. When communities reintegrate their citizens after harm has been repaired, the likelihood of recidivism is greatly reduced. People who have offended have the opportunity to make things right, learn from the process, and put the matter behind them, so they can more easily go on to lead a crime-free life.

Increased safety: With reduced recidivism comes a safer community. Restorative justice empowers individuals to make their neighborhoods and towns safer and more pleasant places to live.

Cost effectiveness: A restorative approach to crime saves the state money by preventing individuals from becoming part of the criminal justice system for offenses that can be resolved at the local level with community and victim participation.

A stronger community: In addition to enhancing the safety and well being of a town or region, community justice centers help to establish a more active citizenship. Volunteering has been shown to build stronger and more cohesive communities and increase the social networks within towns and neighborhoods.

Restorative Justice has the following benefits to victims of crime

Empowerment: When victims are offered the opportunity to have a safe and facilitated dialogue with the person who harmed them, they feel empowered and invested in the process. Victims' needs are acknowledged and considered, which gives them a voice in an often-impersonal system.

Meaningful dialogue: Victims are given the opportunity to explain how they were harmed, get answers to their questions, and state what they need the offender to do to make amends.

Recovery and satisfaction: Restorative justice boasts a high rate of victim satisfaction. Many are able to recover what was taken from them, whether be it material possessions or their sense of security and peace of mind. They are more likely to be able to move on from the incident and get back to their daily lives.

The benefits of restorative justice to the offenders include:

An opportunity to make it right: People who offend have the opportunity to express remorse and apologize for their actions, benefiting themselves as well as their victims.

A way to put the incident behind them: People who offend have the opportunity to make significant and appropriate amends and then move on. They are able to return to their communities knowing that the matter is settled.

A timely resolution: The process of restorative justice is swift in comparison to the criminal justice system, so that offenders can more quickly make meaningful changes in their lives.

A high success rate: Restorative justice has a high rate of compliance or completion. Within a voluntary and non-coercive process, people who have offended tend to follow through on agreements that they have a part in creating.

Self Assessment Exercise (SAE) 2

Discuss why Restorative Justice is beneficial to victims of crime, offenders and communities.

3.3 Challenges in Evaluating Restorative Justice

There are a number of challenges in attempting to evaluate the effectiveness of restorative justice processes. These include, but certainly are not limited to, the following:

The difficulty of securing adequate control groups of crime victims and offenders who participated in the conventional criminal justice system.

The myriad of restorative programmes and the variety of goals and objectives of these programmes.

The wide variability among restorative programmes in the nature and number of cases processed.

The lack of adequate controls and comparability of the referral criteria, the competence and training of facilitators, the legislative and policy framework within which individual restorative programmes operate, and the various benchmarks that are used to assess outcomes.

The variability in the indicators that are used to measure programme success. Variations in the time period used to assess recidivism among offenders who participate in restorative programmes.

The specific measures that are used by programme evaluations to assess crime victim and offender “satisfaction”, the levels of “fear” among crime victims, and the expectations that offenders and victims had of the restorative process. There are, for example, a variety of indicators that can be used to assess victim satisfaction, including satisfaction with:

- (a) The way their case was handled;
- (b) The outcome of the case;
- (c) With the facilitator;
- (d) The fairness of the process; and,
- (e) The interactions with the offender.

The manner in which any assessments of crime victim and offender experience with the restorative process are conducted.

Controlling for the wide variety of contexts, i.e. urban/rural; highly troubled/highly integrated communities, in which restorative processes operate. Controlling for the diversity in the types of training that programme staff and facilitators receive.

Controlling for the variety of legislative and policy frameworks within which restorative processes operate.

Quantifying processes that are highly subjective, personal and interactive. Developing measures to assess the extent to which restorative processes enhance community, family and system capacities.

Developing measures to assess victim empowerment, offender remorse and rehabilitation.

As well, the majority of evaluations conducted to date have focused on the experiences of crime victims and offenders. Less attention has been given to the views of politicians and senior law enforcement and criminal justice personnel. Their decisions, actions or inaction

can have a significant impact on the development and implementation, and ultimate success, of restorative justice processes.

Self Assessment Exercise (SAE) 3

Discuss the challenges in evaluating restorative justice processes.

4.0 CONCLUSION:

In this unit, we highlighted the characteristics, importance and the challenges of evaluating restorative justice.

5.0 SUMMARY

In this unit we have come to know that restorative justice provides a very different framework for understanding and responding to crime and victimization. Moving beyond the offender-driven focus, restorative justice identifies three clients: individual victims, victimized communities, and offenders.

6.0 TUTOR- MARKED ASSIGNMENT

1. Mention the characteristics of restorative justice
2. Discuss the importance of restorative justice
4. Explain the challenges in evaluating restorative justice

7.0 REFERENCES/FURTHER READINGS

John, O .O. (2009) Restorative Justice as an Alternative Dispute Resolution Model: Opinions of Victims of Crime, And Criminal Justice Professionals in Nigeria. Unpublished, Thesis De Montfort University, Leicester

Nwosu, K. (2011). ' Nigerian Criminal Law and Procedure in Prospective' (National Strategic Training/Workshop on Fast Track Trials, Case Diversion Measures; Non –

Custodial Options; Plea Bargaining; Use of ADR for Crimes and Restorative Justice, Abuja, Nigeria, December 5-9.

Sherman, L.W and Strang, H (2007) *Restorative Justice: The Evidence*. London: The Smith Institute.

United Nations (2006) *Handbook on Restorative Justice Programmes. Criminal Justice Handbook Series*. New York: United Nations Office on Drugs and Crime.

UNIT 3 METHODS OF RESTORATIVE JUSTICE

CONTENTS

1.0 Introduction

2.0 Objectives

3.0 Main Content

3.1 Methods of Restorative Justice

3.2 Repairing the Harm Caused by Crime

3.3 Restorative Justice Movement

4.0 Conclusion

5.0 Summary

6.0 Tutor-Marked Assignments

7.0 Reference/further readings

1.0 INTRODUCTION

There are several methods or techniques adopted in restorative justice in different countries and jurisdictions.

2.0 OBJECTIVES:

It is believed that by the end of this unit, you will come to know:

- i. The types of methods in restorative justice.
- ii. The application of methods in restorative justice in different jurisdictions.
- iii. How harm caused by crime can be restored.

3.0 MAIN CONTENT

3.1 Methods of Restorative Justice

Restorative justice requires a form of meeting between the offender and the victim face-to-face. Meeting between the offender and the victim can be effective because the offender has to learn about the harm they have caused to their victim, making it hard for them to justify their behaviour. Besides, the meeting offers a chance to discuss moral development to offenders who may have had little of it in their life. Offenders are more likely to view their punishment as legitimate.

3.1.1 Victim-offender dialogue

Victim-offender dialogue is also known as victim-offender mediation, victim-offender conferencing, victim-offender reconciliation, or restorative justice dialogue. It is usually a meeting, in the presence of one or two trained facilitators, between victim and offender. This system generally involves few participants, and often is the only option available to imprisoned offenders.

Victim Offender Dialogue originated in Canada as part of an alternative court sanction in a 1974 Kitchener, Ontario case involving two accused vandals who met face-to-face with their many victims. One of the first victim-offender mediation projects in the United Kingdom was run by South Yorkshire Probation Service from 1983-1986 (Williams, 1997).

3.1.2 Victim, Offender and Community Meetings:

Meetings between victims, their offenders, and members of the affected community are important ways to address the relational dimension of crime and justice. It is accepted that the following three methods are hallmarks of restorative justice. Each requires that the offender claim responsibility for the offence.

3.1.3 Victim offender mediation:

This is a process that provides an interested victim the chance to meet his offender in a protected and structured setting, engaging in a discussion of the crime with the assistance of a trained mediator. The goals of victim offender mediation include: permitting victims to meet their offenders on a voluntary basis, encouraging the offender to learn about the crime's impact and to take responsibility for the resulting harm, and providing victim and offender the opportunity to develop a plan that addresses the harm.

3.1.4 Family or Community Group Conferencing:

This process brings together the victim, offender, and family, friends and key supporters of both in deciding how to address the aftermath of the crime. The goals of conferencing include: giving the victim an opportunity to be directly involved in responding to the crime, increasing the offender's awareness of the impact of his or her behaviour and providing an opportunity to take responsibility for it, engaging the offenders' support system for making amends and shaping the offender's future behaviour, and allowing the offender and the victim to connect to key community support.

Conferencing was adapted from Maori traditional practices in New Zealand, where it is operated out of the social services department, and was further modified in Australia for use by police. It is now in use in North America, Europe, and southern Africa in one of those two forms. It has been used with juvenile offenders (most New Zealand juvenile cases are handled by conferencing) and with adult offenders. The New South Wales scheme has been favourably evaluated by the New South Wales Bureau of Crime Statistics and Research. Fiji uses this form of mediation when dealing with cases of child sexual assault.

3.1.5 Peacemaking or Sentencing Circles:

This is a process designed to develop consensus among community members, victims, victim supporters, offenders, offender supporters, judges, prosecutors, defense counsel, police and court workers on an appropriate sentencing plan that addresses the concerns of all interested parties. The goals of circles include: promoting healing of all affected parties, giving the offender the opportunity to make amend, giving victims, offenders, family

members and communities a voice and shared responsibility in finding constructive resolutions, addressing underlying causes of criminal behavior, and building a sense of community around shared community values.

Many restorative justice systems, especially victim-offender mediation and family group conferencing, require participants to sign a confidentiality agreement. These agreements usually state that conference discussions will not be disclosed to nonparticipants. The rationale for confidentiality is that it promotes open and honest communication.

Self Assessment Exercise (SAE) 1

What are the restorative justice methods?

3.2 Repairing the Harm Caused by Crime

Each of the restorative justice processes victim offender mediation, community or family group conferencing, and peacemaking or sentencing circles ends with an agreement on how the offender will make amends for the harm caused by the crime. Two traditional criminal justice sanctions are used in restorative responses to crime:

1. Restitution and
2. Community service.

Restitution is the payment by an offender of a sum of money to compensate the victim for the financial losses caused by the crime. It is justified in a restorative perspective as a method of holding offenders accountable for their wrongdoing, and as a method of repairing the victim's injury. Restitution can be determined in the course of mediation, conferencing or circles; it can also be ordered by a judge. In other words, it is a potentially restorative outcome that may result from either a restorative or a conventional process. Studies have shown that restitution increases victim satisfaction with the justice process.

Community service is work performed by an offender for the benefit of the community. It is justified in a restorative perspective as a method of addressing the harm experienced by

communities when a crime occurs. However, it can be used instead for retributive reasons or as a means of rehabilitating the offender.

Self Assessment Exercise (SAE) 2

Describe how to repair harm caused by crime

3.3 Restorative Justice Movement

The restorative justice movement has gained momentum from a number of different sources. These include:

- i. the movement towards increased rights for victims in the criminal justice process;
- ii. alarm over increasing and high rates of incarceration, particularly among indigenous or minority populations;
- iii. the movement towards greater community involvement in crime prevention; and
- iv. concern about recidivist offending.

Self Assessment Exercise (SAE) 3

Write short notes on Restorative Justice Movement.

4.0 CONCLUSION:

In this unit, we highlighted the methods of restorative justice, how the harm can be repaired and restorative justice movement. We outlined that all the methods of restorative justice such as victim offender dialogue, victim offender mediation, community or family group conferencing, and peacemaking or sentencing circles are mainly aimed at repairing the harm caused by crime.

5.0 SUMMARY:

In this unit we have come to know that restorative justice is an alternative to criminal justice. This stems from the fact that restorative justice sees crime as more than violating the law, it also causes harm to people, relationships, and the community. In this justice process, victims of crime take an active role in the process, while offenders are encouraged to take responsibility for their actions in order to repair the harm they have done by apologizing, returning stolen money, or community service.

6.0 TUTOR- MARKED ASSIGNMENT

Give detailed methods of restorative justice methods

Write short notes on Restorative Justice Movement.

7.0 REFERENCE/FURTHER READINGS

Williams, C. (1997) 'Offenders and Victims of Crime; Mediation and reparation in the criminal justice system, including case studies of mediation and reparation projects organized by the probation service' Unpublished PhD University of Bradford.

UNIT 4 THEORIES AND PRACTICES OF RESTORATIVE JUSTICE

CONTENTS

1.0 Introduction

2.0 Objectives

3.0 Main Content

 3.1 Theories of Restorative Justice

 3.2 Practices of Restorative Justice

4.0 Conclusion

5.0 Summary

6.0 Tutor-Marked Assignments

7.0 Reference/further readings

1.0 INTRODUCTION

Theories abound to explain the practices of restorative justice in the cotemporary criminal justice. The theory of restorative justice provides a blueprint for moving into the twenty-first century by drawing upon much of the wisdom of the past.

2.0 OBJECTIVES:

By the end of the unit, you should be able to: understand the theory and practices of restorative justice in different countries.

3.0 MAIN CONTENT.

3.1 Theories of Restorative Justice

Howard Zehr's (1990) *Changing Lenses—A New Focus for Crime and Justice*, first published in 1990, is credited with being "groundbreaking" (Dorne, 2008), as well as being one of the first to articulate a theory of restorative justice (Van Ness, Daniel and Karen, 2010). The title of this book provided an alternative framework for thinking about crime and justice (Dorne, 2008).

Changing Lenses juxtaposed a "retributive justice" framework, where crime is viewed as an offence against the state, with a restorative justice framework, where crime is viewed as a violation of people and relationships. The book made reference to the positive results of efforts in the late 1970s and 1980s at victim-offender mediation, pioneered in the United States by Howard Zehr, Ron Claassen and Mark Umbreit ((Van Ness, Daniel and Karen, 2010).

Re-integrating Shaming Theory

One of the theories often used in explaining the need for restorative justice in society is the Re-integrating Shaming theory propounded and popularized by John Braithwaite who is also a reliable investigator in the field of restorative justice. According to Braithwaite, when members of the community are the primary controllers through active participation in shaming offenders, and, having shamed them, through concerted participation in ways of reintegrating the offender back into the community of law abiding citizens, crime is best controlled.

Braithwaite then goes further to state that low crime societies are societies where communities prefer to handle their own crime problems rather than hand them over to professionals in the criminal justice system (Braithwaite, 1989). Braithwaite maintained that families are the most effective agents of social control in most societies.

In relation to Nigerian society where extended and nuclear family is practiced, no family member wants to bring shame to their families or communities because of the cultural values placed on individual conduct.

Moreover, while maintaining bonds of respect, family life teaches us that shaming, as well as punishment is possible, hence a properly understood re-integrative shaming by both participants and observers is vital to the success of restorative justice (Braithwaite & Braithwaite, 2001). This is true especially when influential and important people from the community and in the offenders' family life are present as active participants in the meeting.

As opined by Braithwaite (1989) in his theory, the essence of involving important people or members of the offender's family and friends, as well as their community in the conferences is to show their disapproval of the offender's behaviour while at the same time showing respect and acceptance towards the offender as a person, which will most likely make the offender to make a contrast between what they did and who they are with a view of incorporating and aligning themselves once again with their family and community, which is the first process towards restoration and healing.

One misconception and confusion about the re-integrative shaming theory need to be clarified as this confusion seems to have emanated from the word "shaming" which many have interpreted to mean the humiliation of the offender intentionally in the public and conferences, as well as in a meeting. To clear this confusion, Braithwaite (1989) makes a clear division between *disintegrative* or *stigmatizing shaming* on one hand, and *re-integrative shaming* on the other.

According to Braithwaite (1989), disintegrative shaming happens when *the person* is stigmatized, demeaned, and humiliated for what they did. Re-integrative shaming happens when the person's *behavior* is condemned but their self-esteem and confidence are upheld through positive comments about them and gestures of forgiveness and re-acceptance. Besides, Braithwaite is firmly opposed to stigmatic shaming and sees it as likely to be counter-productive in the restoration process.

Moreover, re-integrative shaming is seen as likely to be effective in controlling crime in that the offence rather than the offender is condemned and the offender is reintegrated with rather than rejected by society, adding that the shame which matters most is not the shame of judges or police officers but the shame of the people we most care about (Braithwaite, 1989).

Similarly, the role of culture in expediting restoration and re-integration has been studied (Braithwaite, 1989). Culturally, Braithwaite (1989) cites and uses the example of the Japanese culture that has a high degree of affinity with the Japanese society as the principal influences responsible for keeping crime rate low in Japan, especially after the Second World War. According to Braithwaite (2001), the justice system in Japan operates like a strong family where responsibility and morality is stressed in a way that no family member wants to bring shame to their family.

In essence, Braithwaite's re-integrating shaming theory points out the flaws in the conventional criminal justice system in that it disempowers stakeholders – offenders, victims, family members, and the society in the conflict and creates a feeling of isolation, confrontation, and unnecessary alienation between stakeholders in a conflict, thereby creating a feeling of helplessness, animosity, hatred, and fear between the victim and the offender, which gives no room for re-integration, restoration, and resolution of the conflict between and among the stakeholders.

Procedural Justice Theory

The theory of re-integrative shaming is that condemnation is communicated within a continuum of respect for the lawbreaker. A key way to show respect is to be fair, to listen, to empower others with process control, to abstain from prejudice on the grounds of age, sex or race. Mostly, procedural justice disseminates respect.

Being one of the methods of restorative justice, conferences do not have all the procedural safeguards of court cases, yet there are hypothetical basis for predicting that offenders and victims will find them fairer. Why? Conferences are structurally fairer because of who participates and who controls the discourse. Criminal trials invite along those who can

impose highest damage on the other side; conferences invite those who can offer maximum support to their own side, be it the victim side or the offender side.

In other words, those present are expected to be fair and therefore tend to want to be fair. They tend not to see their job as doing better at blackening the character of the other than the other does at blackening theirs. Citizens are empowered with process control, rather than placed under the control of lawyers.

There is now quite a bit of evidence that procedural fairness predicts subsequent compliance with the law. For example, in the Milwaukee domestic violence trial (Bridgeforth 1990), “arrestees who said (in lockup) that police had not taken the time to listen to their side of the story were 36% more likely to be reported for assaulting the same victim over the next 6 months than those who said the police had listened to them” (Sherman 1993).

More broadly, in *Why People Obey the Law*, Tyler (1990) found that citizens were more likely to comply with the law when they saw themselves as treated fairly by the criminal justice system. Sherman (1993) reviewed subsequent supportive evidence on this question as did Tyler and Huo (2001).

The key questions are whether citizens feel they are treated more fairly in restorative justice processes than in courts and whether they are more likely to understand what is going on. The answer seems to be yes. Early results from the Canberra conferencing experiment show that offenders are more likely to understand what is going on in conferences than in court cases, felt more empowered to express their views, had more time to do so, were more likely to feel that their rights were respected, to feel that they could correct errors of fact, to feel that they were treated with respect and were less likely to feel in conferences that they were disadvantaged due to “age, income, sex, race or some other reason” (Barnes 1999; Sherman and Barnes 1997; Sherman et al. 1998). The NSW Youth Conferencing Scheme seems to be even more successful than the Canberra programme on these dimensions (Trimboli 2000).

Without the randomized comparison with court, a number of other studies have shown absolutely high levels of citizen satisfaction with the fairness of restorative justice processes, with such perceptions being higher the more restorative the programmes are.

Given that there is now strong evidence that restorative justice processes are perceived to be fairer by those involved and strong evidence that perceived procedural justice improves compliance with the law, it follows as a prediction that restorative justice processes will improve compliance with the law.

Defiance Theory

Howard Zehr (1995) claims that “Disrespect begets disrespect “and few things communicate disrespect as efficiently as the criminal abuse of another human being. Lawrence Sherman (1993) has woven propositions from the above-mentioned sections about procedural justice, re-integrative shaming and unacknowledged shame into an integrated theory of defiance. It has three basic assumptions:

1. Sanctions aggravate or incite future *defiance* of the law (persistence, more frequent or more serious violations) to the extent that offenders experience sanctioning conduct as illegitimate, that offenders have weak bonds to the sanctioning agent and community, and that offenders deny their shame and become proud of their isolation from the sanctioning community.
2. Sanctions produce future *deterrence* of law-breaking (desistance, less frequent or less serious violations) to the extent that offenders experience sanctioning conduct as legitimate, that offenders have strong bonds to the sanctioning agent and community, and that offenders accept their shame and remain proud of solidarity with the community.
3. Sanctions become *irrelevant* to future law breaking (no effect) to the extent that the factors encouraging defiance or deterrence are fairly evenly counterbalanced (Sherman 1993).

Sherman hypothesizes that restorative justice processes are more likely to meet the conditions of proposition 2 than traditional disciplinary processes. The proof to date supports this. We have already seen that restorative processes are accorded high legitimacy by citizens, that they are better designed to empower those with strong bonds with the offender and that they outperform court in inducing the acknowledgement and discharging of shame for wrongdoing.

Hagan and McCarthy (1997) have experienced Sherman's defiance theory against the prediction that children who have been humiliated, treated unfairly and had bonds severed by virtue of being victims of sexual abuse or physical violence (with bruising or bleeding) will have their criminal behaviour enlarged by traditional criminal justice processing more than offenders who have not been abused.

Causal Theory

This causal theory of restorative justice is founded in the original vision of Howard Zehr (1990) and by his two basic postulates;

- 1) that crimes harm people and relationships and
- 2) that justice requires efforts at healing those harmed, as much as possible (Zehr, 1990).

Zehr (1985) first described restorative justice as a new model of justice based on the goal of healing rather than sentence. The harm caused by crime could be healed by meeting the *needs* of victims, offenders, and the community.

Restorative justice is a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible (Zehr, 2002).

It is the repair of the harm caused by the crime that is the goal of restorative justice, whether or not doing so actually prevents individual re-offending. Crime prevention as an outcome

is not necessary for theoretical reasons, though it may be necessary for practical reasons. Still, there are good theoretical reasons to think both specific and general crime prevention might be side-benefits of restorative practices.

Requiring offending individuals to be assume responsibility for the consequences of their behavior is likely to have some positive effect on that person's future behaviour, especially if this is consistently done. Engaging and empowering of the community of affected persons to respond to their own conflicts is likely to produce a strengthening of communal bonds, which may indirectly prevent future crime. However, the failure to empirically demonstrate either of these effects would not invalidate the causal theory proposed here. Restorative justice is not a deterrence theory, nor a rehabilitation theory.

Judging the merit of a theory by how well it meets the goals of other theories is out of place. Fundamentally, adding a crime prevention requirement creates something more than a barebones causal theory since the repair of harm is the goal, not the prevention of future harms. The barebones part of the theory is itself worthy consideration without the burden of requiring a utilitarian part—that is, restorative justice in its purist form (McCold, 2000).

Focusing effort on testing the ability of restorative encounters to reduce crime is a distraction from the need to test the essential parts of the casual chain of the theory. Whether or not restorative justice produces deterrent effects or rehabilitation effects as well as the current desert-based approach is not a test of the bare-bones structure. Whether restorative justice repairs the harms of crime better than the current system is the real test of the validity of the bare-bones theory ((McGold, 2005).

Self Assessment Exercise (SAE) 1

Explain and apply Re-integrating Shaming theory to restorative justice in any country

3.2 The Practices of Restorative Justice

In several countries, displeasure and disappointment with the formal justice system has led to calls for alternative responses to crime. Many of these alternatives provide the parties

involved, and often also the immediate community, an opportunity to participate in resolving conflict and addressing its consequences.

It is a truism that, what is being called restorative justice is profoundly entrenched in the traditional practices of many indigenous people throughout the world, such as American Indians, Pacific Islanders, the Maori in New Zealand, and First Nation people in Canada.

Restorative justice is being embraced by many communities within Alberta, Canada and internationally as a promising approach to criminal harm and victimization.

Several countries, including most notably New Zealand and Australia, have garnered international commendation over the last decade for restorative justice initiatives in their criminal justice systems. In particular, the New Zealand invention of the "Family Group Conference" (FGC) for youth offenders has been praised as a ground-breaking model of restorative justice.

Conferencing, adapted from the New Zealand family group conferencing model, was introduced into the Australian criminal justice system in the early 1990's. For example, in 1991 police in the city of Wagga Wagga, New South Wales adopted portions of the New Zealand conferencing idea but in the form of conferences coordinated and facilitated by police officers.

Circle sentencing is a type of restorative justice conferencing that is used in Canada. In 1992, Yukon Judge Barry Stuart convened the first circle conference in the case of Philip Moses. While circle sentencing was initially used for aboriginal offenders, it is now applied to aboriginal and non-aboriginal offenders.

Restorative and community justice conferences have been utilized in a number of state and local jurisdictions in the United States.

New South Wales (Australia) under the 1997 Young Offenders Act, and in New Zealand under the 1989 Children, Young Persons, and their Families Act.

Fiji uses this form of mediation when dealing with cases of child sexual assault.

Specific programmes have their own names, such as *Community Justice Committees* in Canada and *Referral Order Panels* in England & Wales. Restorative Circles refers to restorative justice conferences in Brazil and Hawaii, though can have a wider meaning in the field of restorative practices.

In many developing countries, restorative justice practices are applied through traditional practices and customary law. In doing so, these approaches may serve to strengthen the capacity of the existing justice system. A fundamental challenge for participatory justice is, however, to find ways to effectively mobilize the involvement of civil society, while at the same time protecting the rights and interests of victims and offenders (United Nations, 2006).

Restorative Justice in different Jurisdictions

Restorative justice is currently being practiced across several common law jurisdictions. Several countries, including most outstandingly New Zealand and Australia, have garnered international applause over the last years for restorative justice initiatives in their criminal justice systems. In particular, the New Zealand invention of the "Family Group Conference" (FGC) for youth offenders has been praised as a pioneering model of restorative justice. Other examples of restorative justice have been piloted in other countries.

In Australia, conferencing, adapted from the New Zealand family group conferencing model, was introduced into the criminal justice system in the early 1990's. Different jurisdictions handle conferencing in slightly different ways. For example, in 1991 police in the city of Wagga Wagga, New South Wales adopted portions of the New Zealand conferencing idea but in the form of conferences coordinated and facilitated by police officers.

Police in other Australian locations in the Australian Capital Territory (ACT) and were tried on a pilot basis in Western Australia, the Northern Territory, Queensland, and Tasmania also experimented with conferencing organized by the police. Other applications of the conferencing idea have been tried in schools and workplaces in New South Wales and Queensland beginning in 1994.

In Canada, circle sentencing is a type of restorative justice conferencing that was used. In 1992, Yukon Judge Barry Stuart convened the first circle conference in the case of Philip Moses. While circle sentencing was initially used for aboriginal offenders, it is now applied to aboriginal and non-aboriginal offenders.

In the United States, restorative and community justice conferences have been utilized in a number of state and local jurisdictions in the United States. For example, in July 1996, a two-year pilot programme using FGCs for juvenile offenders in 12 communities in the 1st Judicial District in Minnesota was begun (Fercello and Umbreit, 1988).

Conferencing used in Minnesota involved a mediation-type process coordinated by a neutral facilitator who assisted victims, offenders and other concerned parties (parents, relatives, friends, and other supporters of the victims or offenders) to engage in an open dialogue about the crime and its impact (Fercello and Umbreit, 1988).

The South African Truth and Reconciliation Commission is one example as are the Gacaca hearings in Rwanda.

In Nigeria, current trends in criminal justice administration indicates a paradigm shift from retributive penal justice system towards creative problem-solving approaches as embodied in the concept of restorative justice, victim compensation and other non-custodial options for crime disposal. Despite the importance and widespread global acceptance of the efficacy of these emerging principles and practices in promoting effective criminal justice administration, attempts in Nigeria to integrate these concepts into the criminal justice system has yielded limited results (Odoh, 2015).

This means that the concept of restorative justice has not been totally institutionalized in the Nigerian criminal justice system. The more the criminal justice system cared about finding ways to deal with offenders through harsh legislation and tough policing, the less time and

energy is devoted to finding the root causes of crime, and crime control issues related to victims needs, interests, aspirations and expectations, and offenders behaviour modification, reformation and reintegration (Jame, 2007). To get around this predicament, the Administration of Criminal Justice Act was introduced in 2015. The Act covers the entire criminal justice process from arrest, investigation, trial, custodial matters and sentencing guidelines. The long title or explanatory memorandum of the ACJA captures the essence and utilitarian value of the law. It states thus:

This Act provides for the administration of criminal justice system which promotes efficient management of criminal justice institutions, speedy dispensation of justice, protection of the society from crimes and protection of the rights and interest of the suspect, the defendant and victims in Nigeria.

Administration of Criminal Justice Act (ACJA) was signed into law in May 2015. It is comprised of 495-sections divided into 49 parts, providing for the administration of criminal justice and for related matters in the courts of the Federal Capital Territory and other Federal Courts in Nigeria.

With the ACJA, Nigeria now has a distinctive and unified law applicable in all federal courts and with respect to offences contained in Federal Legislations. The law repeals the erstwhile Criminal Procedure Act as applied in the South and the Criminal Procedure (Northern states) Act, which applied in the North and the Administration of Justice Commission Act.

The purpose of the ACJA is a radical departure from the definition of the character of crime which confined its end point on punishment of the offender. This purpose encapsulates sufficiently the principle of restorative justice and it is by all means a lofty purpose. Conscious of the many troubles of our extant criminal justice system, the Administration of Criminal Justice Act 2015 purports a shift in the viewpoint of criminal justice from punishment to restorative justice and protection of society.

It has made significant provisions aimed at ameliorating the pains of awaiting trial inmates with the provisions for detention timelines, abolition of holding charges, magisterial oversight of police stations to ensure compliance, the inclusion of restorative outcomes like victim restitution and return of property as well as use of non-custodial sentencing disposition like community service and parole (Omale, 2005).

It should be noted that prior to the passage of the ACJA, restorative justice principles were not lawfully entrenched in the Nigerian criminal justice system. Several of these restorative alternatives have now been included in the criminal justice system through statutory provisions in the ACJA as listed infra:

- Suspended sentence, Section 461;
- Community Service, Section 460 –466;
- Probation under Sections 453 –458;
- Compensation-under sections 454 (3) (a);
- Restitution-under sections 270 (2)(b), (5) (ix), (6) (b); 321,341,342,401 (g), 454 (4).
- Rehabilitation-under sections 401,467,468 (2).
- Treatment-under sections 298 (2); 311 (2); 319 (1)(c); 401(c).The practical implication of these provisions is that ACJA has endeavored to remedy the problem of prison congestion by offering other potent alternatives to imprisonment.

In particular, the ACJA in sections 453, 460 and 468 addresses the problem of extreme use of imprisonment as a disposal method by introducing some substitutes to imprisonment. One remarkable and restorative dimension of the ACJA is that it makes provision for the payment of compensation to the victim. Section 319(1)(a) of the ACJA provides thus:

A court may, within the proceedings or while passing judgment, order the defendant or convict to pay a sum of money: (a) as compensation to any person injured by the offence, irrespective of any other fine or other punishment that may be imposed or that is imposed

on the defendant or convict, where substantial compensation is in the opinion of the court recoverable by civil suit.

Similarly, Section 321 of the ACJA vests the Court with power to order restitution to the extent of returning the property to the owner or to the owner's representative or to pay an amount equal to the value of the property.

Another important provision of the ACJA is on plea bargain that aims at reconciling the victim and the offender, and compensating the victim for his losses arising from the offence. Section 270 of the ACJA lays the outlines of Plea Bargain, provided some conditions are met. One of such condition as stated in paragraph (b) of the subsection is the consent of the defendant to return the proceeds of the crime or make restitution to the victim or his representative. Embedded in the guidelines for plea bargaining, is the attempt at reconciliation between the offender and the victim.

The provisions of the ACJA on suspended sentence and community service are directed at reintegrating and restoring the offender into the society. Also, a combined reading of the aforesaid Sections with Sections 401-405 leaves no illusion that the ACJA is entirely predicated on the principle of restorative justice. The provisions of Sections 401-405 are retributive. It is, therefore, submitted that the ACJA is a hybrid of both retributive justice and restorative justice. This piece of legislation fuses the values of the two principles.

From the foregoing, thus, it may be safe to assert that restorative justice is the underlying principle of the ACJA. The hybridization of both retributive justice and restorative justice in this piece of legislation is highly commendable. This is contrary to the opinion of some learned authors, like Abajuo (2016), canvassing for the expunging of the retributive justice principle from the ACJA. With due respect, those canvassing for this position have not averted their minds to the constitutional provision contained in section 36 (12), which otherwise will make the ACJA inconsistent with the Constitution, hence null and void to the degree of the inconsistency.

Apart from the fact that retributive justice is a core constitutional requirement for the character and validity of our criminal justice system, our criminal jurisprudence has not developed to the point of leaning entirely on restorative justice. Unfortunately, and quite regrettably, the ACJA is only applicable in criminal trials for offences established by an Act of the National Assembly and other offences punishable in the Federal Capital Territory, Abuja. The Lagos State Government also enacted the Administration of Criminal Justice Law (ACJL). Both the ACJA and ACJL have embedded some innovative reforms that combine the current retributive justice system with a restorative / reparative approach.

It is however sad that all other States of the federation are still tied down with either the application of the CPA or the CPC depending on whether they are in the South or Northern Nigeria. The criminal justice system on the wheels of either the CPA or CPC is gravely confined to the notion of retributive criminal justice delivery only. It is of concern because bulks of the criminal trials are done in the States' courts, especially the Magistrate courts where either the CPA or CPC are still being applied wholesale (Lawal, 1990).

The adoption of restorative justice as part of the criminal justice system in all Federal and Lagos State's Courts is no doubt a tonic that has boosted the effectiveness of the criminal justice delivery in those jurisdictions. An effective criminal justice system involves the state, the society, the offender who commits the act and the victim(s) of the crime (Alobo and Inaku, 2018).

Self Assessment Exercise (SAE) 2

Discuss the practice of restorative justice in different jurisdictions

4.0 CONCLUSION

In this unit, we highlighted the theories and practices of restorative justice. Howard Zehr's (1990) book *Changing Lenses—A New Focus for Crime and Justice*, first published in 1990, is credited with being "groundbreaking" (Dorne, 2008), as well as being one of the first to articulate a theory of restorative justice. Re-integrating Shaming theory authored and

popularized by John Braithwaite is also one of the theories often used in explaining the need for restorative justice in society.

5.0 SUMMARY

In this unit we have come to know some theories of restorative justice and the practice of restorative justice in some countries. It is a truism that, what is being called restorative justice is profoundly entrenched in the traditional practices of many indigenous people across the world.

6.0 TUTOR- MARKED ASSIGNMENT

1. Design a theoretical framework for restorative justice
2. Discuss the practice of restorative justice

7.0 REFERENCE/FURTHER READINGS

Abajuo, R.M.(2016)An Appraisal of the Administration of Criminal Justice Act, 2015, <http://ssrn.com/abstract=2665611>. Accessed on 2nd November, 2018.

Alobo, E.E. and Inaku, J. (2018) An Appraisal of the Principle of Restorative Justice in the Nigerian Criminal Justice System. *International Journal of Engineering Technologies and Management Research*, 5(12), 134-145. Vol.5 (Iss.12).

Dorne, Clifford K. *Restorative Justice in the United States*. New Jersey: Pearson Prentice Hall, 2008: 8.

Howard, Z. (1990) *Changing Lenses—A New Focus for Crime and Justice*.

James H. (2018). Restorative Justice; A Panacea To Crime Prevention In Nigeria <https://thenigerialawyer.com/restorative-justice-a-panacea-to-crime-prevention-in-nigeria-by-james-hope-esq/>. Accessed on 2nd November, 2018.

Lawal, P. (1990). "Criminal Jurisdiction of Magistrate Courts in Nigeria: A Need for Review" being a paper delivered at the 6th Edition of The Biannual National Convention and Delegates' Conference of Magistrates' Association of Nigeria, held in Lagos State.

McGold, P. (2005) Barebones causal theory of restorative justice. Conference Paper. March.

Odoh B. (2015). Creative Approaches to Crime: The Case for Alternative Dispute Resolution(ADR) in the Magistracy in Nigeria *Journal of Law, Policy and Globalization* Vol.36.

Omale, D. (2005). Understanding Restorative Justice: A Handbook for Criminal Justice Stakeholders, (Trinity –Biz Publication, Enugu, Nigeria.

United Nations (2006) *Handbook on Restorative Justice Programmes. Criminal Justice Handbook Series*. New York: United Nations Office on Drugs and Crime.

Van Ness, Daniel W., Karen Heetderks Strong (2010). *Restoring Justice – An Introduction to Restorative Justice*. 4th ed. New Province, N.J.: Matthew Bender & Co., Inc.

MODULE 2 DEFINITION, THEORIES, HISTORY AND CLASSIFICATION OF CRIME

Unit 1 Defining Crime

Unit 2 History of Crime

Unit 3 Theories of Crime

Unit 4 Classification of Crime

UNIT 1 DEFINING CRIME

CONTENTS

1.0 Introduction

2.0 Objectives

3.0 Main Content

3.1 Crime

3.2 What is Crime?

4.0 Conclusion

5.0 Summary

6.0 Tutor-Marked Assignments

7.0 Reference/further readings

1.0 INTRODUCTION

Crime has been and will continue to remain a critical subject in human interaction. It has been in existence since the primitive to modern period, threatening lives and their properties.

In this unit, you will be exposed to the nuances and dynamics of crime. Students are also expected to know the evolution and classification of crime.

2.0 OBJECTIVES:

At the end of this unit, you should be able to:

- i. Give concise definitions of crime
- ii. Identify the intricacies of crime
- iii. Have a better understanding of the reasons why crime exists in the human society;
- iv. Be able to use crime concepts and terminologies.

3.0 MAIN CONTENT.

3.1 Nature of Crime

Crime is understood primarily as an offense against people within communities, as opposed to the more abstract legal definition of crime as a violation against the State. Crime is the breach of a rule or law for which a punishment may ultimately be prescribed by some governing authority of force. However, not all breaches of the law are considered crimes, for example, breaches of contract and other civil law offences. The label of “crime” and the accompanying social stigma are normally reserved for those activities that are harmful to the general public of the State, including some that cause serious loss or damage to individuals.

The word crime originates from the Latin word, *crimen* (genitive *criminis*), from the Latin root, *cernō* and Greek *κρίνω* = "I judge". Originally it meant "charge (in law), guilt, accusation." Informal relationships and sanctions have been deemed insufficient to create and maintain a desired social order, resulting in formalized systems of social control by the government, or the State.

With the institutional and legal machinery at their disposal, agents of the State are able to compel individuals to conform to behavioural codes and punish those that do not. Various mechanisms are employed to regulate behaviour, including rules codified into laws, policing people to ensure they comply with those laws, and other policies and practices designed to prevent crime. Remedies and sanctions constitute a criminal justice system. Not

all breaches of the law however, are considered crimes, for example, breaches of contract and other civil law offenses.

The label of "crime" and the accompanying social stigma are normally reserved for those activities that are injurious to the general population or the State, including some that cause serious loss or damage to individuals. The label is intended to assert hegemony of a dominant population, or to reflect a consensus of condemnation for the identified behavior and to justify a punishment imposed by the State, in the event that an accused person is tried and convicted of a crime.

The term "crime" can also technically refer to the use of criminal law to regulate minor infractions, such as traffic violations. Usually, the perpetrator of the crime is a natural person, but in some jurisdictions and in some moral environments, legal persons are also considered to have the capability of committing crimes. The State also commonly commits crimes, although this is underrepresented in the justice system.

From the legal point of view, a crime has not been committed unless all seven of the following elements are present. These are Harm, Legality, Actus reus, Mens rea, Causation, Concurrence, and Punishment. Let us look at each of these elements one after the other.

1. Harm

For crime to occur, there must be an external consequence, or harm. The harm may be physical or verbal. For example, if someone punches another individual without reasonable legal cause, then it is considered physical harm. If a person threatens to beat up or kill another person, whether or not the threat is carried out, is verbal harm. Also, if a person slanders or bears false witness against another individual that dishonours or injures him/her, it is considered harm.

The question that readily comes to mind is whether the legal element of harm is present in all crimes. For instance, if one examines victimless offences such as prostitution, gambling, marijuana use, one may believe that engaging in these acts has an element of agreement and consent. The participants may not see their habits as acts of harm perpetrated in the society.

However, the family of the participants and the moral fabric of the society are jeopardized by such behaviour (Bohn & Haley, 2002).

2. Legality

Legality has two aspects. First, the harm must be legally forbidden for an act to be a crime. For example, robbing other citizens while armed is against the law in Nigeria. If caught, it is generally agreed that the individual has committed a crime and should be dealt with accordingly. This means that the individual has committed a crime from the view point of legality. The second aspect is that the criminal law must not be retroactive or ex post facto.

This can be seen in three ways:

- i) Declaring an act that was not illegal when it was committed as a criminal act.
- ii) Increasing the punishment for a crime after it is committed.
- iii) Altering the rules or evidences in a particular case after the crime is committed.

Out of these two aspects, the first is the most common.

3 Actus Reus

This is a Latin word, which refers to criminal action or inaction that causes harm. If individuals do not act in situations where the law requires them to act, then they are legally committing a crime. We can therefore say that actus reus is the physical element of the guilty act, and it requires proof. Where there is no actus reus, there is no crime. This includes all the elements in the definition of the crime, with the exception of the mental element. Actus reus can also be seen to be made up of the conduct, its consequences and the circumstances in which the conduct takes place.

4. Mens rea

This is a Latin word that refers to a criminal intent or a guilty state of mind. It is the mental aspect of a crime. Here, criminal conduct is limited to intentional, premeditated or purposeful action or inaction and not accidents or mistakes of omission and commission.

For example, If one individual slaps another and the assaulted party does not retaliate immediately, but allowed a significant period (1-2 days) to pass before retaliating with a slap; such an action will be viewed as intentional and purposeful. As such, the individual will be criminally responsible for the outcome of his/her action. This is what is regarded as mens rea.

The case would have been different if the offended party had retaliated immediately; thus making it an act of provocation or self-defence. If an individual kills another in self defence, instead of being charged with murder in the court of law, the individual will be charged with manslaughter to reduce the punishment because of the circumstances surrounding the killing. This is because the individual is less criminally responsible.

One thing to be borne in mind is that mens rea is not required for all crimes. This is because, to demonstrate mens rea, it must be proved that an individual intentionally behaved in a given manner or caused a given result.

The following factors would negate criminal responsibility.

Duress

If a person did not want to commit crime but was forced or coerced to do so against his or her will, he or she committed the crime under duress and is generally excluded from criminal liability. For example, if a group of armed robbers compelled another person to drive them to where they want to rob a bank with a gun pointing at his head, if he did and in the process is caught along with them; he is not to be held criminally responsible, because he acted under duress.

Under-age

This is another legal excuse or defence against criminal responsibility. The age at which a person is considered legally responsible for his or her actions, varies by jurisdiction. In most countries of the world, children less than 18 years are not considered entirely responsible for their criminal acts. It is assumed that their capacity to form mens rea is not fully

developed. As a result, a special category of offence called juvenile delinquency has been created for those children.

Insanity

Insanity is the third legal defence or legal excuse from criminal responsibility. Insanity is a legal term, not a medical one. Insanity simply means mental or psychological impairment or retardation. The argument here is that an insanity defence rests on the assumption that someone who is insane at the time of a crime lacks the capacity, or has diminished capacity, to act in a premeditated manner. In this case, it is expected that the person should not be held responsible or should be held less responsible for a given crime.

Self-Defence

Self-defence is a situation where people are relieved of criminal responsibility. This is because they have only acted in defence of their person or property. But you must use only the amount of force reasonably necessary to defend yourself or others against an apparent threat of unlawful and immediate violence. The reason why people are not held legally responsible for acting in self defence or in defence of a third party, is that, due to extenuating circumstances, they do not act with mens rea (Bohn & Haley, 2002).

Entrapment

This is a situation where people are generally considered either not responsible or less responsible for their crimes if they were trapped or induced into committing them, by a law enforcement officer or by someone acting as an agent of Law Enforcement.

Necessity

The final legal defence or legal excuse from criminal responsibility is necessity. A necessity defence can be used when a crime has been committed to prevent a greater or more serious crime. Necessity defence has been evoked occasionally, especially in cases of "Law enforcement brutality". For example, if innocent civilians die in the course of maintenance

of law and order by law enforcement agents, such law-enforcement agents can be made to be less responsible for the crime of killing them as it was done in the process of discharging their duty. As such, they will not be criminally responsible.

5. Causation

This is a process where the criminal act must lead directly to harm without a long delay. It is a causal relationship between the legally forbidden harm and the actus reus. The purpose of the requirement of causation is to prevent people from facing the threat of criminal charges for the rest of their lives. When the cause of a crime is known, it makes it possible to understand the intricacies surrounding its commission.

6. Concurrence

For any act to be considered crime there must be concurrence between actus reus and mens rea. In other words, the criminal conduct and the criminal intent must occur together. For example, if you invite a plumber to your house to repair your water closet, and that plumber on his way out, picks your property (mobile phone/silverware) and leaves. In this situation, you cannot accuse the plumber of being guilty of entering your house illegally (trespass), because that was not his initial intention. However, the plumber can be found guilty of stealing the mobile phone.

7. Punishment

This is the last of the ideal legal elements of crime. For any behaviour to be considered a crime there must be a statutory provision for a punishment or at least the threat of punishment. The threat of punishment and actual punishment is usually directed at crime and illegal acts and not innocent behavior.

Self Assessment Exercise (SAE) 1

What does the term crime mean to you?

3.2 Definition of Crime

The definition of the word "Crime may vary at particular periods in the same country or in different countries. Criminologists have agreed broadly however that a crime is what each society by its laws says is a conduct which breaches the social, moral or other norms of the society and is therefore resented by the said society. In order to express the resentment or criticism of the conduct, the society punishes in one form or another such conduct under the criminal law of the society.

Dambazau (1994) defined crime as an act or omission against public interest and which is prescribed by law enacted by the legislature in the overall interests of the society, and to which prescribed punishment is attached in the event of violation. According to him, it involves four major principles which are public wrong, moral wrong, legally pronounced and punishment for the criminals.

Crime is also seen as a violation of the rules agreed to be respected by all members of the society, and upon which the rest members of the society sanction those guilty of the violation. It is for the same reason that the legal system views crime as a public and moral wrong (Dambazau, 1994).

A normative definition views crime as deviant behaviour that violates prevailing norms, specifically, cultural standards prescribing how humans ought to behave. This approach considers the complex realities surrounding the concept of crime and seeks to understand how changing social, political, psychological, and economic conditions may affect the current definitions of crime and the form of the legal, law enforcement, and penal responses made by the State. These structural realities are fluid and often contentious. For example, as cultures change and the political environment shifts, behavior may be criminalized or decriminalised, which will directly affect the statistical crime rates, determine the allocation of resources for the enforcement of such laws, and influence the general public opinion.

From the sociological point of view, a crime is seen as an "antisocial" behaviour and encompasses in its preview many acts the conventional lawyer may not regard as anything more than minor deviation behaviours.

From the legal approach, crime is treated or defined as essentially a legal concept and therefore best understood by reference to law.

It is submitted that the second approach is preferable as it eliminates from serious consideration other vices that rightly belong to and should be the concern of other disciplines. For instance, lying simpliciter is undoubtedly a vice and a sin against all religions but short of stirring public disorder, it should not be an area for legal legislation.

Taking, therefore, as our reference point the second approach we find section of the Criminal Code defining offences (or crimes) as: "acts or omissions which render the person doing the act or making the omission liable to punishment under this code".

Recidivism: By estimating crime rates we want to predict recidivism. Recidivism is the future criminal offences following a previous offence and is defined through new arrests, new charges and new convictions. In general the best single predictor of recidivism is number and type of previous criminal offences, and these rates will vary due to age, gender and type of crime. Items such as prior youth or adult offences, present offences, charges or and arrests under the age of 16. As well, offence history is important -such as the use of a weapon, an assault on authority, sexual assault and impaired driving -in predicting future offences.

Self Assessment Exercise (SAE) 2

Discuss the various definitions of crime?

4.0 CONCLUSION

We have been able to explain what crime is or what constitutes a crime. The definition here may not be an exclusive one, reason being that most legal terms lack or suffer definitional problem. However, we made attempt to give working definition of the word Crime. Our major source was the criminal code, judicial pronouncements and other legal materials.

5.0 SUMMARY

In this unit, we dealt with the meaning or definition of Crime, the scope of criminal law, the elements of a crime. We concluded by examining the parties to a crime and the various methods of participating in criminal activities.

6.0 TUTOR- MARKED ASSIGNMENT

1. Attempt a statutory and judicial definition of the word Crime.
2. Discuss and proffer solutions to how Criminal activities can be eliminated from the Nigerian society.

7.0 REFERENCE/FURTHER READINGS

Dambazau, A (1994). Evaluation of past policy Measures for solving Unemployment problems. Bullion publication of the Central Bank of Nigeria 25 (4) 6-12.

Manhelm, H. (1946) Criminal Justice and Social Reconstruction London: p. 5

Okonkwo & Naish (1980) Criminal Law in Nigeria, London p. 19

Mills, John Stuart (1899) Essays on Liberty, London: Chapter 1

The Nigerian Constitution of the Federal Republic (1999)

Chukkol, Kharisu Sufiyan (1989), The Law of Crimes in Nigeria. Zaria: Ahmadu Bello University Press.

UNIT 2 HISTORY OF CRIME

CONTENTS

1.0 Introduction

2.0 Objectives

3.0 Main Content

 3.1 History of Crime

 3.2 Reasons for Crime

 3.3 Risk Factors

4.0 Conclusion

5.0 Summary

6.0 Tutor-Marked Assignments

7.0 Reference/further readings

1.0 INTRODUCTION

Crime is an ever-present incident that occurs everywhere and at the same time a crucial issue in human existence, spans time, age and space. Crime has local, national and international variants. In this unit we will critically examine the nuances surrounding the source of crime, its precursors and risk factors for its existence in human society.

\Crime is an ever-present incident that occurs everywhere and at the same time a crucial issue in human existence, spans time, age and space.

2.0 OBJECTIVES:

At the end of this unit, you shall be able to:

Explain the origin of crime. Identify the causes of crime and have a better understanding of the type of crime in human society; and the precursors of crime in society.

3.0 MAIN CONTENT

3.1 History of Crime

Crime is as old as man itself, from the primitive to modern period. Early thoughts about illegal behaviour were either linked to religion or property. Sin, morality and sacrilege were the business of the church who took a key role in a societal regulation which focused on biblical ideas. On this basis the origin of crime is connected with religious beliefs.

According to biblical accounts, the first crime was committed by Adam and Eve when they disobeyed God and ate the fruit of the knowledge of good and evil thus contravening a law. The second crime was the murder of Abel by Cain. Other crimes followed which led to the destruction of the earth by a flood. Other religious literatures seem to have similar stories about how crime started.

Some religious communities regard sin as a crime; some may even highlight the crime of sin very early in legendary or mythological accounts of origins, for examples the story of Adam and Eve and the theory of original sin.

However, the earliest known civilizations had codes of law, containing both civil and penal rules mixed together, though not always in recorded form. The Sumerians produced the earliest surviving written codes. Successive legal codes in Babylon, including the code of Hammurabi (c. 1790 BC), reflected Mesopotamian society's belief that law derived from the will of the gods (Oppenheim, 1964). Many states at this time functioned as theocracies, with codes of conduct largely religious in origin or reference. In the Sanskrit texts of Dharmasastra (c. 1250 BC), issues such as legal and religious duties, code of conduct, penalties and remedies, etc. have been discussed and forms one of the elaborate and earliest source of legal code (Olivelle, 2004).

Sir Henry Maine studied the ancient codes available in his day, and failed to find any criminal law in the "modern" sense of the word. While modern systems distinguish between offences against the "state" or "community", and offences against the "individual", the so-called penal law of ancient communities did not deal with "crimes" (Latin: *crimina*), but with "wrongs" (Latin: *delicta*). Thus the Hellenic laws treated all forms of theft, assault, rape and murder as private wrongs, and left action for enforcement up to the victims or their survivors. The earliest systems seem to have lacked formal courts (Gagarin, 1986).

The Romans systematized law and applied their system across the Roman Empire. Again, the initial rules of Roman law regarded assaults as a matter of private compensation. Assault and violent robbery involved trespass as to the *pater's* property.

The development of sociological thought from the 19th century onwards prompted some fresh views on crime and criminality, and fostered the beginnings of criminology as a study of crime in society. In the 20th century, Micheal Foucault in *Discipline and Punishment* made a study of criminalization as a coercive method of state control.

Self Assessment Exercise (SAE) 1

Give a brief history about the origin of crime

3.2 Reasons for Crime

Various reasons have been adduced for the prevalence of crime in the society. Some of these reasons are:

- Poverty
- Criminal tendencies of some individuals
- Pubic normlessness/environmental instability
- Poor administration of justice
- Religious fanaticism
- Greed
- Poor law enforcement

Weak laws
Poor socialization
Mental instability
Ignorance of the law

There are many complex and interconnected reasons for crime, which are summarized in three main categories:

Economic Factors/Poverty

This is possibly one of the most tangible reasons why people commit crimes. Economic deprivation is seen as a major instigator in this regard. The problem of poverty apparently accounts for the bulk of crime due to such problems as unemployment and inadequate housing, physical and social infrastructures.

In addition to lack of financial resources, poverty manifests itself in a lack of educational opportunities, lack of gainful employment, poor housing, lack of hope etc. In a country where economic deprivation is rampant, it is common for people to engage in criminal acts. The hunger and poor economic conditions are what leads many people to invest themselves in criminal cases.

Social Environment

Social root causes of crime are: inequality, lack of support to families/neighbourhoods, real or perceived inaccessibility to services, low value placed on children and individual's well-being and over exposure to television as a means of reaction.

Family Structures

The families are exclusively placed in contributing to raising healthy responsible members of society. Family influence plays an undeniable role in shaping the society. The quality of family life is reflected in social behaviour. In families where violence is a way of life, a reflection of it is seen in the violent behaviour of children. Children living in violent homes

are themselves more likely to become agents of violence as they grow up. These children naturally see violence as an instrument of inter-group relations

Peer Pressure

Pressure group is a new type of concern in the contemporary world. A lot of people commit crimes because they see a lot of their peers involving in such acts. Therefore, peer pressure is another infamous motive for why young people are compelled into joining the bandwagon. Peer group pressure and the age factor play an important role in determining youth involvement in crime.

The average age group of youth is between 15 and 25 years. Many youths of this age grade are at their most impressionistic and they tend to imitate easily. Thus, they are more easily manipulated and influenced by their peers, who encourage them to commit delinquent acts on the grounds that it enhances their status and commitment in the society (Tamuno, 1991).

Drugs

The prevailing culture of drug abuse has in no small way contributed to the upsurge in youth crime. Hard drugs such as heroin, marijuana and cocaine are often found in the possession of youths. Violent clashes often occur under the influence of alcohol and other mind disturbing drugs. There is no doubt that abuse of drugs, such as cocaine, and over-indulgence in alcoholic drinks, such as gin and whisky, alter the state of the user's mind and predispose it to crime.

Unemployment

Unemployment in many countries is often the main reason why so many people commit crimes. Unemployment is not just an issue relevant to the developing countries but equally common in developed countries. Unemployment rate in Nigeria especially among the youths is alarming with obvious effect on crime.

The large scale unemployment among youths is encouraging the development of street youths in Nigeria. The street youths, denied of legitimate means of livelihood, grow up in a culture that encourages criminal behaviour. More so, these youths are instrument of political thuggery used by politicians in the course of actualizing their political careers. This is also a

result of unemployment. Armed robbery, stealing, pick pocketing, prostitution etc. are all manifestations of unemployment among youths.

Education

Education plays a role in what becomes of an individual in their adulthood. Those who have the necessary education possess the skills needed to be employed and to fit in the ongoing society. Thus, many of the uneducated may find themselves unemployed, living in sub-standard housing and in impoverished conditions, and as money becomes scarce, and many of them might be tempted to engage in criminal activities.

Social and moral decadence

Crime appears to be the symptoms of the social and moral decadence of the society in general. This decay manifests itself in the form of various social vices and ills epitomized by corruption, indiscipline, moral laxity and many other ills in the society.

Therefore, since youths in Nigeria, who do not exist in a vacuum, observe this unhealthy social environment and the breakdown in societal values and norms, it is from what they observe and the signals they perceive that they, in order to achieve what they perceive as societal goals, emulate the behaviour of the society. Thus, the society in this way can be seen as the source of crime for the youths merely reflect societal behaviour. In a society where persons who have achieved success through corruption are lauded, the signal sent to the youths is that corruption is an acceptable means of achieving success. This is of course reflected in crime.

Deprivation

This is another major reason for crime rates increasing every day. In countries where there is economic deprivation of even the basic rights, it is common for people to revolt and transition into doing notorious activities. Furthermore in small communities it is common for people to engage in fights over land, property, wealth etc. Therefore to get their voices heard, many people commit crimes for the world to see what they've done. Especially

during election campaigns, it is common for angry people to destroy cars, houses and properties to tell the government how cruel they can be if not entitled to their rights.

Unfair judicial system

People who are not served justice become hostile and often engage in crimes. Though most of the courts of law try to do their best in the light of available evidence and all, but sometimes the innocent are proven guilty in the court which compels them to show the ugly side of their personality to the world. As many as thousands of people blame the judicial system as unfair and commit crimes. Many often kill the members of the winning party when justice is not served to them. In many developing countries, it is common for people in small communities to kill each other based on simple issues.

Self Assessment Exercise (SAE) 2

Write short notes on the reasons for crime.

3.3 Risk factors for Crime

A risk factor for criminality is anything in a person's psychology, developmental or family history that may increase the likelihood that he/she will become involved at some point in criminal activities. A protective factor is anything in a person's biology, psychology, developmental or family history that will decrease the likelihood that e/she will become involved in criminal activity.

Risk factors generally include: lower class origin, family of origin, poor personal temperament, lower aptitude, early behavioural histories, poor parenting, school based factors, poor educational/vocational/socioeconomic achievement, poor interpersonal relationships, antisocial associates which support crime, antisocial attitudes/values/beliefs and feelings and psychopathology.

When several risk factors are combined, there is a higher probability that crime occurs. The following are some of the risk factors for commission of crime in the society.

1. Occasional and Persistent Delinquents: Persistent offenders engage in criminal behaviour earlier and continue longer.
2. High Crime Areas: Cities are more prone to crime than the rural areas.
3. Gender: Males have tendencies to commit crime than females.
4. Persistent Unemployment: This often creates a sense of despair and can provoke angry expression including theft, substance and alcohol abuse.
5. Frustration: The chances are high that frustration leads to crime. A frustrated individual is likely to inflict his aggression on the society.
6. Social and moral decadence: prevalence of crime appears to be the symptoms of the social and moral decadence of the Nigerian society in general. This decay manifests itself in the form of various social vices and ills epitomized by corruption, indiscipline, moral laxity and many other ills in the society.
7. Peer group influence: Peer group pressure and the age factor play an important role in determining involvement in crime.
8. Drug Abuse: The prevailing culture of drug abuse has in no small way contributed to the upsurge in crime. Hard drugs such as heroin, marijuana and cocaine are often found in the possession of criminals.

Self Assessment Exercise (SAE) 3

Write short notes on the risk factors responsible for crime.

4.0 CONCLUSION

Crime variables are numerous. These variables are usually topical problems that affect the safety and security of the citizenry in different ways. It is necessary to have an idea of how these issues affect humanity and how they are applicable to the Nigerian context.

5.0 SUMMARY

In this unit, we have been able to discuss crime from historical dimensions. We delved into issues ranging from history, causes and risk factors of crime. In the next unit, we shall critically examine the classification of crime.

6.0 TUTOR- MARKED ASSIGNMENT

1. In your own words describe the origin of crime.
2. Write short notes on the reasons for crime.
3. What are the risk factors responsible for high crime rate in the society?

7.0 REFERENCE/FURTHER READINGS

Gagarin, M. (1986) *Early Greek Law*. London: University of California Press.

Olivelle, Patrick. 2004. *The Law Code of Manu*. New York: Oxford UP.

Oppenheim, A. Leo (and Reiner, Erica as editor). (1964). *Ancient Mesopotamia: Portrait of a Dead Civilization*. Revised edition (September 15, 1977). Chicago: University of Chicago Press.

Tanimu, B. (2006) *Convicts' View of the Criminal Justice System in Nigeria, in the National Question and Some Selected Topical Issues on Nigeria*, pp. 294 – 309.

UNIT 3 THEORIES OF CRIME

CONTENTS

1.0 Introduction

2.0 Objectives

3.0 Main Content

3.1 Anomie Theory

3.2 Social Learning Theory

3.3 Differential Association Theory

3.4 Rational Choice Theory

3.5 Routine activity theory

4.0 Conclusion

5.0 Summary

6.0 Tutor-Marked Assignments

7.0 Reference/further readings

1.0 INTRODUCTION

Several theories abound on crime in the society. Such theories help in better understanding of the reasons and risk factors for crime. In this unit, you will be exposed to the different related theories of crime and their application.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- i. Know related theories of crime
- ii. Identify the basic assumptions in crime theories

- iii. Have a better understanding of reasons for crime;
- iv. Be able to apply theories to crime.

3.0 MAIN CONTENT.

3.1 Anomie Theory

Anomie theory was propounded by Merton (1963). He stated that all social and cultural structures are characterized by two elements that are inseparable in reality but may be categorized for analysis. First, the goals, which are the aspirations of all individuals in the society. These goals are those things that are worth striving for. Second are the means by which these goals may be obtained.

These are socially approved methods and involve the element of norms which are culturally defined. He further explained that when there is a focus on the goals to the virtual exclusion of the norms and when the socially approved means for obtaining those goals are not equally available to all, many will turn to unapproved and unacceptable means in order to achieve those goals. Merton thus designed a typology to describe the modes of adaptation that were available to those who react to society's goals and means. He identified five modes. They are; conformity, innovation, ritualism, retreatism and rebellion.

Conformity describes the acceptance of a society's goals and also its means. Innovation represents acceptance of the goals but rejection of the means for obtaining the goals. Ritualism is rejection of the goals but acceptance of the means. Retreatism is the rejection of both the goals and the means of society while rebellion is characterized by a rejection of the goals and means of the society and an attempt to establish a new social order.

Merton suggests that people may respond to a discrepancy between approved goals and approved methods of reaching them in one of five different ways, depending on their acceptance or rejection of the goals or the means (see the table below).

Typology of Adaptation

Modes of adaptation	Accepts culturally approved goals	Accepts culturally approved means
1 <i>Conformity</i>	Yes +	Yes +
2 Innovation	Yes +	No -
3 Ritualism	No -	Yes +
4 Retreatism	No -	No -
5 Rebellion	No + -(creates new goals)	No + -(creates new means goals)

Source: Adapted from Robert, K.M. (1968) *Social Theory and Social Structure*. New York: Free Press, p.194.

Based on Merton's theory, the following explanation is relevant. Conformity occurs when people accept both the approved goals and the approved means as success and generally use approved means even if they are unsuccessful. Innovation occurs when people accept the approved goals but resort to disapproved means. Thus, the most common form of deviance occurs, for example, when a student wants to pass a test but resorts to cheating or when a woman wants to earn money but becomes a prostitute.

Ritualism occurs when people abandon the goals as irrelevant to their lives but still accept and compulsorily enact the means. The classic example is the bureaucrat who becomes obsessed with petty rules and procedures, losing sight of the objectives that the rules are designed to achieve. Retreatism occurs when people abandon both the approved goals and the approved means of achieving them. The retreatist is the "double failure" in the eye of society-the vagrant, the chronic narcotics addict, the "skid-row bum." Rebellion occurs when people reject both the approved goals and means and then substitute with new but disapproved ones, instead. The rebel, for example, may reject the goal of personal wealth and a business career as the way to achieve it and turn instead to a goal of social equality to be achieved through revolution.

As aforementioned, Merton suggests that people might respond to a discrepancy between approved goals and approved methods of reaching them in one of five different ways. However, the number two, “innovation,” occurs when people accept the approved goals but resort to disapproved means. This is applicable to the family, children and the society. For instance, parents accept the approved goals of money, rich home, a better living standard, but they may resort to disapproved means of acquiring these goals. Some parents may not send their children to school, instead their children may be sent to hawk on the street, work at a plantation farm or work in a factory because of little wages they are paid. In this way, they (the parents) innovate a way to acquire the approved goals but disagree with the means of acquiring the goals.

The effect of this is that children may be exposed to other risk factors that may undermine their normal development. The result of this is abnormal behaviour. For example, a child may learn to be a criminal in the process of hawking or the girl child may become a prostitute or be impregnated. However, as parts of the weaknesses of the theory is that it over looks several key factors including the important role of factors such as the place of mentor, resilience of the abused child or the child coping strategies.

Self Assessment Exercise (SAE) 1

Briefly discuss Anomie theory of crime

3.2 Social Learning Theory

Albert Bandura (1977), influenced by Hull and Skinner's social learning experiences, propounded the Observational/Social Learning Theory. According to the theory, the majority of the habits we form during our lifetimes are acquired by observing and imitating other people. According to Bandura, much complex behaviour could never be learned unless people are exposed to some other humans who modelled them. Thus, observational learning permits human to acquire many new responses in settings where their 'models' are simply pursuing their own interests and are not trying to teach anyone anything.

In Bandura's attempt to explain the dynamics of imitative learning where a 'model' is no longer present and yet component responses involved in an act are acquired, he contend that the acquisition of modeled behaviour is governed by four interrelated processes of: attention, retention, motoric reproduction and motivation. Bandura explained that a child, for example, attends carefully to a model to learn by observation and the child also commit the model's behaviour to memory; if the child must have to reproduce the responses later, when the model is no longer present to serve as a guide, reproducing such responses, apparently, requires some symbolic coding activities of either verbalizations or images, so that, translation of symbolized images and verbal codes into action can become less cumbersome. Thus, a child who is able to effectively translate symbolic representations or a modelled sequence into action is said to have imitated the model's behaviour.

In using Bandura's observational learning theory to explain the prevalence of corruption in Nigeria, there is no gain saying that many Nigerians, even on a daily basis, witness cases of corruption everywhere. In both public and private organization, employees are daily stared in the face with the realities of 'kick backs' from contracts awarded. We often see public servants who, by every standard, live above their salaries and cruise around town in sleekly and expensive cars, live in palatable mansions of their own, and send their wards to highly expensive schools. These individuals are revered and 'worshipped' as the high and mighty.

3.3 Differential Association Theory

Sutherland (1934), proposed one of the first sociological theories on deviant behaviours. To Sutherland, all behaviour is learned through differential exposure to situation that influences a person's definition of appropriate and in appropriate behaviour; socialization to deviance is stronger than socialization to conformity. Sutherland further stressed that exposure to deviant pattern of behaviour and isolation from anti-deviant pattern is the essence of the differential association theory. Individual engages in deviant behaviour when "he acquires an excess definition favourable to violations of law over definition unfavourable to violation of law", that is, there is more association and closer interaction with people who favour deviance than those who oppose it, attempts have been made over the years by scholars to extend differential association theory and to make it more comprehensive by combining it

with certain principles of behaviouristic psychology and operant reinforcement theory, such effort have served to specify the mechanism by which deviant attitude and actions are learned and sustained.

Cressey (1994) defines what sort of association favours violation of laws.

- a. Most criminal acts are committed in the company of other people i.e. youth or children.
- b. Young people living in a high delinquency area or attending delinquency school are more likely to become criminal than other youth living in the less delinquent area.
- c. Youth who take criminal as friend are more likely to admit crime than youth who do not take criminal as friend.
- d. The probability of a youth committing a special criminal act has been found to be significantly dependent upon the commission of similar act, by other members of his group.
- e. The numbers of criminal acts committed by a person's friend and acquaintance are predictive of his own future convictions.

One of the basic premise for the differential association and theoretical modification is that individual will continue to engage in deviant act. If in the past such act has resulted in more positive re-enforcement than his continual behaviour.

3.4 Rational Choice Theory

Through Rational Choice Theory, Cornish and Clarke (1986) describe crime as an event that occurs when an offender decides to risk breaking the law after considering his or her own need for money, personal values or learning experiences and how well a target is protected, how affluent the neighborhood is or how efficient the local police are. Before committing a crime, the criminal weighs the chances of getting caught; the severity of the expected penalty; the value to be gained by committing the act and his or her immediate needs for that value.

Sutton describes how Clark links Crime Prevention Theory to Rational Choice Theory by his proposed set of opportunity reduction techniques. The intention is to increase the perceived effort necessary to commit a crime, or increase the perceived risks of apprehension, or reduce the anticipated rewards of a crime, or remove the excuses to compliance with the law (Clarke, 1997: 15-25).

The intention would be to design out crime, i.e. to make the disincentives to the commission of crime consistently outweigh the potential benefits. This would involve concerted efforts by the manufacturers of standard equipment prone to theft, to design in-built security systems so that stolen goods cannot be used without a PIN or can be tracked. It also involves the adoption of surveillance technology to tag goods in stores electronically, install camera systems to monitor behavior, improve street lighting, have more police officers on patrol, assist householders to improve their home security, etc.

A co-ordinated strategy would potentially prevent more crime and so be more cost-effective than imprisoning the few offenders that are currently apprehended. This theory is predicated on the assumption that humans have sets of hierarchically ordered preferences, or utilities. By reducing the opportunities for the commission of crimes and "target hardening", i.e. making it more difficult to break into houses or to steal from shops, and encouraging more authority figures to assume responsibility, potential offenders will be deterred.

There is some criticism that better protecting one area will simply displace crime into a less well protected area but the evidence is as yet equivocal on whether displacement does occur. However, the main problem is in re-ordering political priorities away from a penal-orientated strategy towards a crime prevention strategy. At present, many states have invested heavily in the former and see no immediate need to change their policies,

3.5 Routine Activity Theory

Routine activity theory is a sub-field of rational choice criminology, developed by Marcus Felson. Routine activity theory says that crime is normal and depends on the opportunities available. If a target is not protected enough, and if the reward is worth it, crime will

happen. Crime does not need hardened offenders, super-predators, convicted felons or wicked people.

Crime just needs an opportunity. The basic premise of routine activity theory is that most crimes are petty theft and unreported to the police. Crime is not spectacular nor dramatic. It is mundane and happens all the time.

Another premise is that crime is relatively unaffected by social causes such as poverty, inequality, unemployment. For instance, after World War II, the economy of Western countries was booming and the Welfare states were expanding. During that time, crime rose significantly. According to Felson and Cohen, this is because the prosperity of contemporary society offers so much opportunities of crime: there is much more to steal.

Routine activity theory is controversial among sociologists who believe in the social causes of crime. But several types of crime are very well explained by routine activity theory:- copyright infringement related to peer-to-peer file sharing-employee theft-corporate crime.

Self- Assessment exercise (SAE) 2

Briefly discuss Differential Association Theory

4.0 CONCLUSION

Theories are indispensable aspect needed for a clearer understanding of crime in the society. The development of theories of crime cannot be divorced from the theories of delinquency. It should be noted they are basically similar. We have been able to explain different theories of crime and applied them to crime in Nigeria context. Having knowledge of theories of crime makes for a better understanding on the occurrence of crime in human society.

5.0 SUMMARY

In this unit, we examined theories explaining criminal behaviour in a simplistic form.

6.0 TUTOR- MARKED ASSIGNMENT

1. Differentiate between Anomie and Differential association theories of crime.
2. Write short notes on five theoretical explanations for crime.
3. Chose a theory and apply it to crime in Nigeria.

7.0 REFERENCE/FURTHER READINGS

Bandura, A. (1965), Influence of Models Reinforcement Contingencies on The acquisition of Imitative response, *Journal of Personality and Social psychology* 1,589-595.

Cornish, Derek & Clarke, Ronald V. (1986). "Introduction" in *The Reasoning Criminal*. Cornish, Derek and Ronald Clarke (eds.). New York: Springer-Verlag. pp 1-16.

Felson, M. (1998). *Crime and Everyday Life*, Second Edition. Thousand Oaks, CA: Pine Forge Press.

Felson, M.& Clarke, R. V. (1998). "Opportunity Makes the Thief." *Police Research Series, Paper 98. Policing and Reducing Crime Unit, Research, Development and Statistics Directorate.. London: Home Office.*

Merton, R.K. (1957) *Social Theory and Social Structure*. Glencoe: Free Press.

Sutherland, E.H. (1947) *Principles of Criminology*. Philadelphia: J.B. Lippincott.

UNIT 4 CLASSIFICATION OF CRIME

CONTENTS

1.0 Introduction

2.0 Objectives

3.0 Main Content

3.1 Type of Crime

3.2 International Crimes

3.3 Racial Crimes

4.0 Conclusion

5.0 Summary

6.0 Tutor-Marked Assignments

7.0 Reference/further readings

1.0 INTRODUCTION

Crime occurs in various forms and can be exhibited in a variety of ways. In law, there are major and minor crimes. In this unit, students will know the different types of crimes in the society.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- i. Identify the types of crime in human society
- ii. Explain what the crime against humanity means
- iii. Recognize the basis of racial crimes.

3.0 MAIN CONTENT.

3.1 Types of Crime

Nigeria has a hydra headed crime problem. Crimes come in different shades and forms. The types of crime are categorized and explained below:

Conventional Crime: This type refers to crime such as robbery, burglary and stealing or larceny.

Corporate Crime: This crime is committed by persons in a corporate organization. It includes all forms of fraud, extortion and other computer fraud.

Occasional Property Crime: This category includes acts against society's properties. Examples include arson, vandalism, and theft among others.

Occupational Crime: This is also referred to as white collar crime. Examples include; embezzlement, forgery, fraud, extortion etc.

Organized Crime: This involves crimes such as drug trafficking, illegal gambling operation. These crimes are organized by members who collide and collaborate in illegal deals that involve millions of monies.

Political Crime: This category includes those crimes such as addiction, treason, sabotage and military draft violation. They are called political crimes because people who commit or engage in them have no conscience, they are egoistic, selfish and they are not committed to collective goals. Political goals motivate political criminals.

Professional Crime: Crime of this group is committed with some technical know-how or skills e.g. save cracking, pick pocketing, shoplifting, professional larceny.

Public Order Crimes: These are crimes sometimes referred to as victimless crime. It includes; drunkenness, drug addiction, commercial vices, prostitution and gambling.

Victimless crime: Consensual acts and violations I wish only the perpetrator is hurt, such as the personal use of illegal drugs.

Violent Personal Crime: This includes the criminal act directed to a person and against a person's physical, emotional or psychological well being. Such crime includes; murder, child molestation, assault, forcible rape among others.

White-collar crime: These are offences that persons commit while acting in their legitimate jobs or professions. Victims of this crime include the employers, consumers and the environment.

It deserves to be noted that some of the criminal behaviours perpetrated in Nigeria are not exclusive of the aforementioned criminal behaviours.

Self Assessment Exercise (SAE) 1

Write short notes on five types of crime.

3.2 Crime against Humanity

Crime against humanity according to international law is an act of persecution or any large-scale atrocities against a body of persons, and is regarded as the highest level of criminal act against humanity. The Rome Statute Explanatory Memorandum states that crimes against humanity "are particularly odious offences in that they constitute a serious attack on human dignity or grave humiliation or a degradation of one or more human beings. They are not isolated or sporadic events, but are part either of a government policy (although the perpetrators need not identify themselves with this policy) or of a wide practice of atrocities tolerated or condoned by a government or a de facto authority.

Crimes against humanity consist of various acts—murder, extermination, enslavement, torture, forcible transfers of populations, imprisonment, rape, persecution and enforced disappearance, among others—when, according to the ICC, those are “committed as part of

a widespread or systematic attack directed against any civilian population.” The term also has a broader use in condemning other acts that, in a phrase often used, “shock the conscience of mankind.” World poverty, human-made environmental disasters, and terrorist attacks have thus been described as crimes against humanity. The broader use of the term may be intended only to register the highest possible level of moral outrage, or the intention may be to suggest that such offenses be recognized, formally, as legal offenses.

Unlike war crimes, crimes against humanity can be committed during peace or war. Genocide is an example of a crime against humanity. The Holocaust that took place during World War II was a crime against humanity. Crimes against humanity are typically motivated by the target group’s religion, ethnicity, or some other trait that is not the direct result of anything one individual did in particular.

Historically, the origin of crime against humanity can be traced to American Civil War soldier, politician, and writer, George Washington Williams in 1890. He used it to describe the practices of the Belgian King, Leopold II.

In modern practice, while history looks back to Nazi Germany for its example of crimes against humanity, the truth is, many modern conflicts see some combination of displacement, torture, sexual violence, and death against civilians. In fact, the number of civilian deaths in modern conflicts far exceeds that of armed combatants.

The cruelty of violence committed against civilians sickens the rest of the world, as women are forced into sexual slavery, children are abducted and used as slaves or child soldiers; political rebels or dissenters are killed or imprisoned, tortured, and murdered. All this because the targeted people occur to be members of the “wrong” group. This may be due to their religious beliefs, ethnicity, social class, or political beliefs.

Perhaps some of the most well-known examples of crimes against humanity are those that were investigated during the Nuremberg Trials, which took place from 1945 to 1949. The very purpose of these 13 trials was to try Nazi Party officials, as well as the German lawyers, doctors, and businessmen who were connected with them, for the crimes they had committed against humanity during WWII. The trials became famous for establishing

standard in how international courts should deal with issues like genocide and other examples of crimes against humanity.

Self Assessment Exercise (SAE) 2

Briefly explain what you understand by crime against humanity. Give examples.

3.3 Racial Crimes

The systematic persecution of one racial group by another, such as the South African apartheid, which was recognized as crime against humanity by the United Nations General Assembly in 1976. Apartheid was a system of institutionalized racial segregation that existed in South Africa and South West Africa from 1948 until the early 1990s.

The Charter of the United Nations (Article 13, 14, 15) makes actions of the General Assembly advisory to the Security Council. In regard to apartheid, the UN General Assembly has not made any findings, nor have apartheid-related trials for crimes against humanity been conducted.

United Nations

The United Nations has been primarily responsible for the prosecution of crimes against humanity since it was chartered in 1948. The UN has been where all modern prosecutions for crimes against humanity have occurred. The International Criminal Court (ICC) was recently organised by the Rome Statute and the UN has delegated several crimes against humanity cases to the ICC. Because these cases were referred to the ICC by the UN, the ICC has broad authority and jurisdiction for these cases.

The ICC acting without a UN referral lacks the broad jurisdiction to prosecute crimes against humanity, and cannot prosecute many cases, particularly if they occur outside of ICC-member nations. The most recent 2005 UN referral to the ICC of Darfur has not progressed well, according to many commentators. The first person to be handed over to the ICC was Thomas Lubanga. His trial has still not been completed. The ICC still is seeking

Joseph Kony. When the ICC President reported to the UN regarding its progress handling this crime against humanity case, Judge Phillipe Kirsch said:

"The Court does not have the power to arrest these persons. That is the responsibility of States and other actors. Without arrests, there can be no trials. The UN has not referred any further crimes against humanity cases to the ICC since March 2005. UN Security Council responsibility Security Council Resolution 1674, adopted by the United Nations Security Council on 28 April 2006, "reaffirms the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity".

The resolution commits the Council to action to protect civilians in armed conflict. In 2002, the International Criminal Court (ICC) was established in The Hague (Netherlands) and the Rome Statute provides for the ICC to have jurisdiction over genocide, crimes against humanity and war crimes.

The definition of what is a "crime against humanity" for ICC proceedings has significantly broadened from its original legal definition or that used by the UN, and Article 7 of the treaty stated that: For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;

- (f) Torture;
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- (i) Enforced disappearance of persons;
- (j) The crime of apartheid; (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

The Rome Statute Explanatory Memorandum states that crimes against humanity are particularly odious offences in that they constitute a serious attack on human dignity or grave humiliation or a degradation of one or more human beings. They are not isolated or sporadic events, but are part either of a government policy (although the perpetrators need not identify themselves with this policy) or of a wide practice of atrocities tolerated or condoned by a government or a de facto authority.

However, murder, extermination, torture, rape, political, racial, or religious persecution and other inhumane acts reach the threshold of crimes against humanity only if they are part of a widespread or systematic practice. Isolated inhumane acts of this nature may constitute grave infringements of human rights, or depending on the circumstances, war crimes, but may fall short of meriting the stigma attaching to the category of crimes under discussion.

On the other hand, an individual may be guilty of crimes against humanity even if he perpetrates one or two of the offences mentioned above, or engages in one such offence against only a few civilians, provided those offences are part of a consistent pattern of misbehavior by a number of persons linked to that offender (for example, because they

engage in armed action on the same side or because they are parties to a common plan or for any similar reason).

Consequently when one or more individuals are not accused of planning or carrying out a policy of inhumanity, but simply of perpetrating specific atrocities or vicious acts, in order to determine whether the necessary threshold is met one should use the following test: one ought to look at these atrocities or acts in their context and verify whether they may be regarded as part of an overall policy or a consistent pattern of an inhumanity, or whether they instead constitute isolated or sporadic acts of cruelty and wickedness.

Council of Europe

The Committee of Ministers of the Council of Europe 30 April 2002 issued a recommendation to the member states, on the protection of women against violence. In the section "Additional measures concerning violence in conflict and post-conflict situations", states in paragraph 69 that member states should: "penalise rape, sexual slavery, forced pregnancy, enforced sterilisation or any other form of sexual violence of comparable gravity as an intolerable violation of human rights, as crimes against humanity and, when committed in the context of an armed conflict, as war crimes;"

In the Explanatory Memorandum on this recommendation when considering paragraph 69: Reference should be made to the Statute of the International Criminal Tribunal adopted in Rome in July 1998. Article 7 of the Statute defines rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation or any other form of sexual violence of comparable gravity, as crimes against humanity.

Furthermore, Article 8 of the Statute defines rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation or any other form of sexual violence as a serious breach of the Geneva Conventions and as war crimes. To fall under the Rome Statute, a crime against humanity which is defined in Article 7.1 must be "part of a widespread or systematic attack directed against any civilian population".

Article 7.2.a states "For the purpose of paragraph 1: "Attack directed against any civilian population means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or Organisational policy to commit such attack." This means that an individual crime on its own, or even a number of such crimes, would not fall under the Rome Statute unless they were the result of a State policy or an Organisational policy.

This was confirmed by Luis Moreno-Ocampoin an open letter publishing his conclusions about allegations of crimes committed during the invasion of Iraq in March 2003 which might fall under the ICC. In a section entitled "Allegations concerning Genocide and Crimes against Humanity" he states that "the available information provided no reasonable indicia of the required elements for a crime against humanity, i.e. 'a widespread or systematic attack directed against any civilian population'".

Self-Assessment exercise (SAE) 3

Why is apartheid a crime against humanity?

4.0 CONCLUSION

Crime is expressed in several ways. These expressions of crime spans time and space. It is necessary to have an idea of various types of crime and how they are applicable in human society.

5.0 SUMMARY

In this unit, we have been able to explain various types of crime. The typology of crime

6.0 TUTOR- MARKED ASSIGNMENT

1. Categorize crime in a simplistic manner.
2. Write explanatory notes on two examples of crime against humanity.
3. What is apartheid and how does it represent a racial crime?

7.0 REFERENCE/FURTHER READINGS

Schaefer, R.T. (2005) *Sociology* 8th ed. New York: Mc Graw Hill Company Inc.

Schabas, William A. (2000) *Genocide in International Law: The Crimes of Crimes*. New York: Cambridge University Press.

MODULE 3 CRIMINAL JUSTICE SYSTEM AND RESTORATIVE JUSTICE

Unit 1 Criminal Justice System

Unit 2 Restorative Justice within Criminal Justice System

Unit 3 Restorative Justice outside the Criminal Justice System

Unit 4 Advantages and Criticisms of Restorative Justice

UNIT 1 CRIMINAL JUSTICE SYSTEM

CONTENTS

1.0 Introduction

2.0 Objectives

3.0 Main Content

3.1 Definition of Criminal Justice System

3.2 Components of Criminal Justice System

4.0 Conclusion

5.0 Summary

6.0 Tutor-Marked Assignments

7.0 Reference/further readings

1.0 INTRODUCTION

Governments respond to crime through the criminal justice system. Throughout history, criminal justice has taken on many different forms which often reflect the cultural norms of society. In this unit, we will describe the arms of criminal justice system and the application of restorative justice within and outside the criminal justice.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- i. define criminal justice system

- ii. classify criminal justice institutions

3.0 MAIN CONTENT

3.1 Definition of Criminal Justice System

A proper understanding of criminal justice system must be preceded with the concept of criminal law. Criminal law is that body of substantive law that deals with conducts considered harmful to society as a whole which is prohibited by statute, prosecuted and punished by the government. Criminal law therefore defines those conducts which are forbidden by the state and prescribes punishment for the breaches.

The principal aims of criminal law is to preserve public order and decency and to protect the citizens from what is offensive and injurious as well as to provide sufficient safeguards against the exploitation and corruption of the more vulnerable members of the society. Acts like attempted murder, rape, stealing, murder, manslaughter, attempted suicide, kidnapping, corruption, bribery, obtaining money under false pretenses, forgery, bigamy, perjury, armed robbery, robbery, arson, examination malpractices, cultism and so on are classified as crimes (Alobo, 2016).

Criminal justice system refers to the collective institutions through which the accused offender passes until the accusations have been disposed of or the assessed punishment concluded (Garner, 2001). It is also seen as loose federation of agencies separate wells and each a professional unto itself (New, 1978).

Criminal justice system also connotes the system of practices and organizations used by governments, directed at maintaining social control, deter and controlling crime and sanctioning those who violate laws with criminal penalties.

The primary agencies charged with these responsibilities are law enforcement (police and prosecutors), courts, defence attorneys, local jails and prisons which administer the procedures for arrest, charging, adjudication and punishment of those found guilty. When

processing the accused through the criminal justice system, government must keep within the framework of laws that protect individual rights.

The pursuit of criminal justice is like all forms of "justice," "fairness" or "process," essentially the pursuit of an ideal. Throughout history, criminal justice has taken on many different forms which often reflect the cultural norms of society.

Criminal justice system is the means for society to enforce the standards of conduct necessary to protect individuals and the community from the activities of undesirable members of the society."

Criminal justice system comprises the entire collection of criminal law and procedure ranging from the moment when a criminal complaint is laid before a police officer or any law enforcement agent and continues through arrest, arraignment, trial, conviction and sentence of the person who is guilty of the crime. It also extends to any possible appeal flowing there from.

The criminal justice system in Nigeria, as in any nation of the world begins with a process and with three components comprising the enactment of law criminalizing an act and/or omission, the police, the courts, and corrections prisons, with each component impacting the overall process of the system. The criminal justice system therefore defines every phase of procedure once an offence has been committed, from the investigation, through the trial, to the type and length of punishment if there is a conviction (Nwosu, 2011).

The criminal justice system envisages at least 3 components, viz: the law enforcement, judicial process and reformatory institutions. It is defined as the collective institutions through which the accused offender passes until the accusations have been disposed of or the assessed punishment concluded (Garner, 2001).

Self Assessment Exercise (SAE) 1

What is criminal justice system?

3.2 Components of the Criminal Justice System

The criminal justice system consists of law enforcement (police), courts, prosecutors, defense attorneys and corrections. Criminal justice agencies are intended to operate within the rule of law.

Criminal justice system envisages at least three components, viz: the law enforcement, judicial process and reformatory institutions.

Law Enforcement or Police Force

Police is usually the first point of contact of an offender or criminal with the criminal justice system. This stems from the fact that police investigate and make the arrest. Police or law enforcement agencies are empowered to use force and other forms of legal coercion or means to effect public and social order.

Police or law enforcement agencies and officers are empowered to use force and other forms of legal coercion or means to effect public and social order. The term is most commonly associated with police departments of a state that are authorized to exercise the police power of that state within a defined legal or territorial area of responsibility. The word comes from the Latin word *politia* (civil administration), which itself is derived from the Ancient Greek, for *polis* ("city") (Alastair, 2003). The first police force comparable to the present-day police was established in 1667 under King Louis XIV in France, although modern police usually trace their origins to the 1800 establishment of the Marine Police in London, the Glasgow Police, and the Napoleonic police of Paris (Walker, 1977).

The notion that police are primarily concerned with enforcing criminal law was popularized in the 1930s with the rise of the Federal Bureau of Investigation as the pre-eminent "law enforcement agency" in the United States; this, however, has constituted only a small portion of policing activity (Brodeur et al, 1992). Policing has included an array of activities in different contexts, but the predominant ones are concerned with order maintenance and the provision of services (Neocleous, 2004).

Within the Nigerian milieu we have the Police Force. This body engages in arresting criminals and providing security for Nigerians. The Civil Defense Corp has also been empowered by the Nigerian government to engage in policing activities in order to maintain societal order.

Courts of Law

In the criminal justice system, the court is usually the second point of contact after the arrest and prosecution of offenders by law enforcement agents or officers. The courts serve as the venue where disputes are settled and justice is administered.

With regard to criminal justice, there are a number of critical people in any court setting. These include the judge, prosecutor, and the defense attorney. The judge, or magistrate, is a person who should be knowledgeable in the law, and whose function is to objectively administer the legal proceedings and offer a final decision to dispose of a case (Garland, 2002).

In America and a growing number of nations, guilt or innocence is decided through the adversarial system. In this system, two parties will both offer their version of events and argue their case before the court (sometimes before a judge or panel of judges, or a jury). The case is decided in favor of the party that offers the most sound and compelling argument based on the law as applied to the facts of the case.

The prosecutor is the lawyer who brings charges against an individual or corporation. It is the prosecutor's duty to explain to the court what crime was committed and the detail what evidence has been found which incriminates the accused. The prosecutor should not be confused with a plaintiff or plaintiff's counsel.

Although both serve the function of bringing a complaint before the court, the prosecutor is a servant of the state who makes accusations on behalf of the state in criminal proceedings, while the plaintiff is the complaining party in civil proceedings. A defense attorney counsels the accused on the legal process, likely outcomes for the accused and suggests strategies. The accused, not the lawyer, has the right to make final decisions regarding a number of

fundamental points, including whether to testify, and to accept a plea offered or demand a jury trial in appropriate cases. It is the defense attorney's duty to represent the interests of the client, raise procedural and evidentiary issues, and hold the prosecution to its burden of proving guilt beyond a reasonable doubt.

Defense counsel may challenge evidence presented by the prosecution or present exculpatory evidence and argue on behalf of their client. At trial, the defense attorney may attempt to offer a rebuttal to the prosecutor's accusations. In modern America, an accused person is entitled to a government-paid defense attorney if he or she is in jeopardy of losing his/her liberty. Those who cannot afford a private attorney may be provided one by the state.

Historically, however, the right to a defense attorney has not always been universal. For example, in Tudor, England criminals accused of treason were not permitted to offer arguments in their defense. In many jurisdictions, there is no right to an appointed attorney, if the accused is not in jeopardy of losing his or her liberty.

The final determination of guilt or innocence is typically made by a third party, who is supposed to be disinterested. This function may be performed by a judge, a panel of judges, or a jury panel composed of unbiased citizens. This process varies depending on the laws of the specific jurisdiction. In some places the panel (be it judges or a jury) is required to issue a unanimous decision, while in others only a majority vote is required.

In America, this process depends on the state, level of court, and even agreements between the prosecuting and defending parties. Other nations do not use juries at all, or rely on theological or military authorities to issue verdicts. Some cases can be disposed of without the need for a trial. In fact, the vast majority are. If the accused confesses their guilt, a shorter process may be employed and a judgment may be rendered more quickly. Some nations, such as America, allow plea bargaining in which the accused pleads guilty, *nolo contendere* or not guilty, and may accept a diversion program or reduced punishment, where the prosecution's case is weak or in exchange for the cooperation of the accused against other people. This reduced sentence is sometimes a reward for sparing the state the expense of a formal trial.

Many nations do not permit the use of plea bargaining, believing that it coerces innocent people to plead guilty in an attempt to avoid a harsh punishment. The entire trial process, whatever the country, is fraught with problems and subject to criticism. Bias and discrimination form an ever-present threat to an objective decision. Any prejudice on the part of the lawyers, the judge, or jury members threatens to destroy the court's credibility. Some people argue that the often Byzantine rules governing courtroom conduct and processes restrict a layman's ability to participate, essentially reducing the legal process to a battle between the lawyers.

In this case, the criticism is that the decision is based less on sound justice and more on the lawyer's eloquence and charisma. This is a particular problem when the lawyer performs in a substandard manner. The jury process is another area of frequent criticism, as there are few mechanisms to guard against poor judgment or incompetence on the part of the layman jurors.

Within the Nigerian context, courts of law exist at different levels ranging from the Supreme Court, Courts of Appeal, Federal High Courts, High Courts, Magistrate Courts etc to process criminal elements. These courts try their best to sort the innocent from the guilty under the auspices of the law.

Correctional Institutions (Prisons and Remand Homes)

This is the final stage in the criminal justice system. Offenders are then turned over to the correctional institutions, from the court after the accused has been found guilty. Correctional institutions serve as detention centres for prisoners after trial.

Like all other aspects of criminal justice, the administration of punishment has taken many different forms throughout history. Early on, when civilizations lacked the resources necessary to construct and maintain prisons, exile and execution were the primary forms of punishment.

Historically shame punishments and dismemberment have also been used as forms of censure (Wolfgang, 1990). The most publicly visible form of punishment in the modern era

is the prison. Prisons may serve as detention centers for prisoners after trial. For containment of the accused jails are used. Early prisons were used primarily to sequester criminals and little thought was given to living conditions within their walls. In America, the Quaker movement is commonly credited with establishing the idea that prisons should be used to reform criminals. This can also be seen as a critical moment in the debate regarding the purpose of punishment.

Punishment (in the form of prison time) may serve a variety of purposes. First, and most obviously, the incarceration of criminals removes them from the general population and inhibits their ability to perpetrate further crimes. Many societies also view prison terms as a form of revenge or retribution, and any harm or discomfort the prisoner suffers is "payback" for the harm he/she caused his/her victims.

A new goal of prison punishments is to offer criminals a chance to be rehabilitated. Many modern prisons offer schooling or job training to prisoners as a chance to learn a vocation and thereby earn a legitimate living when they are returned to society. Religious institutions also have a presence in many prisons, with the goal of teaching ethics and instilling a sense of morality in the prisoners. There are numerous other forms of punishment which are commonly used in conjunction or in place of prison terms. Monetary fines are one of the oldest forms of punishment still used today. These fines may be paid to the state or to the victims as a form of reparation.

Probation and house arrest are also sanctions which seek to limit a person's mobility and their opportunities to commit crimes without actually placing them in a prison setting. Many jurisdictions may require some form of public service as a form of reparations for lesser offences. Execution or capital punishments still used around the world. Its use is one of the most heavily debated aspects of the criminal justice system. Some societies are willing to use executions as a form of political control, or for relatively minor misdeeds. Other societies reserve execution for only the most sinister and brutal offenses. Others still have outlawed the practice entirely, believing the use of execution to be excessively cruel or hypocritical.

In Nigeria, correctional institutions can be found at Federal and State levels and are dichotomized into prison and remand homes. More often than not, one finds adolescents in some Nigerian correctional centres than in remand homes.

Self Assessment Exercise (SAE) 2

Write short notes on the arms of the criminal justice system.

Discuss why Restorative Justice is better than criminal justice.

4.0 CONCLUSION

The understanding of the criminal justice system is indispensable for deterring and controlling crime in the society. The knowledge derived will go a long way in assisting security and crime control institutions in performing their duties with a level of proficiency.

5.0 SUMMARY:

In this unit we have been able to discuss the criminal justice system and its components within the Nigerian context.

6.0 TUTOR- MARKED ASSIGNMENT

1. Define the criminal justice system.
2. Write short notes on the components of the criminal justice system.

7.0 REFERENCE/FURTHER READINGS

Alobo, E. (2016). Criminal Law and Sexual Offences. Princeton & Associate Publishing Co. Ltd, Lagos.

Garner B.A. (2001) Blacks Law Dictionary, 7 Edition, London; Sweet and Maxwell Ltd.

New D.J. (1978) Introduction to Criminal Justice, New York, Leppircott.

UNIT 2 RESTORATIVE JUSTICE WITHIN THE CRIMINAL JUSTICE SYSTEM

CONTENTS

1.0 Introduction

2.0 Objectives

3.0 Main Content

3.1 Criminal codes

3.2 Law Enforcement

3.3 Courts

3.4 Correctional institutions (Prisons)

4.0 Conclusion

5.0 Summary

6.0 Tutor-Marked Assignments

7.0 Reference/further readings

1.0 INTRODUCTION

Restorative justice is much more than a programme, it is a philosophy of justice that can guide public policy in a number of ways.

In this unit, we will describe restorative justice within the criminal justice system. It addresses some of the public policy dimensions of restorative justice. These range from questions of whether there is a legal basis in different jurisdiction for using restorative processes and programmes to how the entire criminal justice system might be reoriented to reflect restorative principles and values.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- i. explain law enforcement within restorative justice
- ii. know the role of courts within restorative justice
- iii. explain restorative justice within the context of criminal justice

3.0 MAIN CONTENT

3.1 Criminal Codes

A number of jurisdictions have adopted legislation concerning restorative justice. Intergovernmental organizations, such as the United Nations and Council of Europe have adopted recommendations, handbooks and other resources to guide their member states in effective use of restorative justice.

Self Assessment Exercise (SAE) 1

Briefly explain restorative justice within the legislation

3.2 Law Enforcement

Some of the early justice system involvement with restorative justice came in police stations, particularly where cautioning is used as a response to crime and juvenile offending. It has the potential not only of responding more efficiently to victims and offenders, but also of helping address chronic system problems such as overcrowding.

Restorative justice has been blended with similar movements toward community justice and community or neighbourhood policing. Some have questioned whether a branch of the justice system that is authorized to use deadly force in appropriate situations can be actively involved with restorative justice programmes, which are supposed to be non-coercive.

Self Assessment Exercise (SAE) 2

Explain restorative justice within the context of law enforcement

3.3 Courts

Restorative justice is increasingly visible in courtrooms around the world. Prosecutors, judges and defense attorneys make use of it. Probation officers are often involved in its implementation or monitoring.

Human rights questions about restorative justice become most obvious at this stage of the process. The rules about fairness in court are quite clear, many of them emphasizing the need for transparency. Restorative meetings, on the other hand, usually take place in private settings. How can judges and lawyers reassure themselves that the parties' legal interests are honoured? A courtroom process might employ pre-trial diversion, dismissing charges after restitution. In serious cases, a sentence may precede other restitution.

Self Assessment Exercise (SAE) 3

Explain restorative justice within the context of courts

3.4 Correctional institutions (Prisons)

Prisons may possibly not materialize to be a normal venue for restorative justice programme because they are crammed with offenders who have been sentenced, usually without having been invited to partake in any restorative processes. The popular view of prisoners is that they are dangerous people whose victims are unlikely to want contact, restorative or otherwise. However, there are a number of restorative initiatives taking place in prisons. Some relate to the victim-offender relationship; others to conflict resolution among prisoners and the operation of prisons themselves.

Restorative processes can also be used within correctional institutions to ease the more negative attributes of life inside correctional institutions, including providing forums for inmates to resolve their differences peacefully and to create an alternative means of conflict resolution. Besides serving as an alternative to civil or criminal trial, restorative justice is also thought to be applicable to offenders who are being incarcerated.

The purpose of restorative justice in prisons is to assist with the prisoner's rehabilitation, and eventual reintegration into society. By repairing the harm to the relationships between offenders and victims, and offenders and the community that resulted from the crime, restorative justice seeks to understand and address the circumstances which contributed to the crime. This is thought to prevent recidivism (that is, that the offender repeats the undesirable behaviour) once the offender is released.

Self Assessment Exercise (SAE) 4

Briefly explain the purpose of restorative justice in correctional institutions.

What are the interests and needs of prosecutors, defense attorneys, judges and probation officers?

4.0 CONCLUSION

The understanding of restorative justice within the criminal justice system is indispensable for repairing harms done to the victims of crime and community. The knowledge derived will go a long way in assisting stakeholders performing their duties with a level of proficiency.

5.0 SUMMARY

In this unit we have been able to discuss the application of restorative justice within the criminal justice system.

6.0 TUTOR- MARKED ASSIGNMENT

1. Explain the rationale for restorative justice in law enforcement
2. Why do you think restorative justice is relevant in courts?
3. Write short notes on restorative justice in prisons.

7.0 REFERENCE/FURTHER READINGS

Toews, B. (2006) *The Little Book of Restorative Justice for People in Prison—Rebuilding the Web of Relationships*.

UNIT 3 RESTORATIVE JUSTICE OUTSIDE THE CRIMINAL JUSTICE SYSTEM

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Neighbourhood
 - 3.2 Community members
 - 3.3 Faith communities
 - 3.4 Peace Commissions
 - 3.5 Schools
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignments
- 7.0 Reference/further readings

1.0 INTRODUCTION

Restorative justice outside the criminal justice system is conducted within the families, communities, schools, workplaces and faith communities. They also have formed an important part of post-conflict transition for countries addressing former oppressive governmental actions or the results of civil war.

In this unit, we will describe restorative justice outside the criminal justice system.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- i. explain the purpose of restorative justice in the neighbourhood
- ii. know the role of Faith communities in the use of restorative justice
- iii. explain restorative justice within the schools.

3.0 MAIN CONTENT

3.1 Neighbourhood

Restorative processes provide an opportunity for neighbours to develop their own solutions to their conflicts while building more appreciative and stronger interaction.

Self Assessment Exercise (SAE) 1

Briefly explain restorative justice in the neighbourhood

3.2 Community members

Many restorative justice methods provide for an expanded role for community members in the resolution of conflict and in constructing agreements to be adhered to by offenders and sometimes also by other parties.

In the community, concerned individuals meet with all parties to assess the experience and impact of the crime. Offenders listen to victims' experiences, preferably until they are able to empathize with the experience. Then they speak to their own experience: how they decided to commit the offense. A plan is made for prevention of future occurrences, and for the offender to address the damage to the injured parties. All agreed community members hold the offender(s) accountable for adherence to the plan.

Self Assessment Exercise (SAE) 2

Describe the role of community members in restorative justice

3.3 Faith communities

Faith communities use restorative processes to resolve their own conflicts. Their members may be victims, offenders and/or family members of both. They may seek to influence their

communities to support restorative initiatives. They may sponsor, or their members may participate in those initiatives.

Self Assessment Exercise (SAE) 3

Explain restorative justice within the faith communities

3.4 Peace Commissions

Restorative processes have been employed to deal with conflict between governments and their citizens as well as between ethnic groups within a country. The South African Truth and Reconciliation Commission is one example and the Gacaca hearings in Rwanda.

Self Assessment Exercise (SAE) 4

Briefly explain the place of peace commission in restorative justice with example.

3.5 Schools

Schools also employ restorative justice to enforce discipline. Restorative justice uses a related model to programmes used by the criminal justice system (Jeanne; Gordon and Nancy, 2006). Restorative practices can "also include preventive measures designed to build skills and capacity in students as well as adults" (Smith, 2015). Some examples of preventative measures in restorative practices might include teachers and students devising classroom expectations together or setting up community building in the classroom ((Smith, 2015).

Restorative justice also focuses on justice as needs and obligations, expands justice as conversations between the offender, victim and school, and recognizes accountability as understanding the impact of actions and repairing the harm (Alvis, 2015). In this approach, teachers, students and the community can reach agreements to meet all stakeholders' needs (Alvis, 2015). Collectivity is emphasized as the group must create an action plan to heal the harm and find a way to bring the offender back into the community (Robbins, 2014).

4.0 CONCLUSION

The understanding of restorative justice outside the criminal justice system is necessary for repairing harms done to the victims of crime and community. The knowledge derived will go a long way in assisting stakeholders in performing their duties with a level of expertise.

5.0 SUMMARY

In this unit we have been able to discuss the application of restorative justice outside the criminal justice system.

6.0 TUTOR- MARKED ASSIGNMENT

1. Explain the rationale for restorative justice in different communities
2. Why restorative justice necessary in Peace Commission?
3. Write short notes on the role of restorative justice in schools.

7.0 REFERENCE/FURTHER READINGS

Alvis, M. (2015) "Teachers' perceptions about using restorative practices based on programs in school". The College at Brockport: State of University of New York.

Jeanne, S. Gordon, B. and Nancy, R. (2006) "Beyond Zero Tolerance: Restoring Justice in Secondary Schools". Youth Violence and Juvenile Justice 4(2).

Robbins, B. (2014) "A study of the implementation of restorative justice at a public high school in southern California". Claremont College: 1–60.

Smith, D. (2015) Punitive or Restorative: The Choice Is Yours.

UNIT 4 ADVANTAGES AND CRITICISMS OF RESTORATIVE JUSTICE

CONTENTS

1.0 Introduction

2.0 Objectives

3.0 Main Content

3.1 Advantages of Restorative Justice

3.2 Criticisms of Restorative Justice

4.0 Conclusion

5.0 Summary

6.0 Tutor-Marked Assignments

7.0 Reference/further readings

1.0 INTRODUCTION

Restorative justice addresses the impact of crime on victims and communities more than criminal justice system. In this unit, we will describe the various advantages of restorative justice over the prevailing criminal justice.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- i. explain the impact of restorative justice on the victims of crime and communities.
- ii. clarify the importance of restorative justice on the victims of crime.

3.0 MAIN CONTENT

3.1 Advantages of Restorative Justice

Participation of Victim

The huge resources in traditional criminal justice systems are focused on the criminal. This is not surprising in one sense given the apparent need in the first place to identify offenders. Once an offender is identified, substantial resources are exhausted to make sure that the rights of the accused are protected and not abridged in any way. Police and prosecutors, for example, spend significant time and effort investigating a matter so that the fact of the crime can be proved beyond a logical conclusion.

As part of the process, the accused is permitted to have a lawyer or, if monetarily needed, a lawyer is appointed to stand for the accused in the criminal case. The right to counsel protects all of the due process rights of the accused. The accused has access to the courts with the ability to file motions with the courts to stifle or destroy evidence. The state bears the entire cost of the jury trial.

By contrast, valuable few resources are spent by the state on the victim of a criminal offence (Donald, 2002). Up until a few years ago, victims were simply sources of information for the police and prosecutors investigating offending conduct. Once a case was filed against an accused, victims became potential witnesses at preliminary court hearings, criminal trials, and sentencing hearings.

In short, what happens with traditional criminal justice processes is that the victim is virtually forgotten (Nicholl, 1999). Judges, probation officers, and defense lawyers focus on the offender as the victim because of the criminal process that the offender has endured and the criminal punishment that the person is about to endure.

Contrarily, restorative justice practices have considerable potential to increase the resources spent on the care and healing of victims. This is because the participation of victims is at the heart of most restorative justice schemes. In fact, some would argue that a scheme is not

actually part of the restorative justice "umbrella" unless victims are part and parcel of the process.

Better Satisfaction

One remarkable difficulty with criminal justice system is the low levels of satisfaction experienced by those participating in it. Contrarily, participants in restorative justice processes experience reasonably high levels of satisfaction.

Admittance of Responsibility

Not only do offenders refuse to plead guilty even when they have committed the offence with which they are charged but even those offenders who choose to plead guilty are most often not fully held accountable.

Restorative justice conferences along with other restorative methods can encourage offenders to admit responsibility more often and more fully in several ways. Because restorative justice processes can move the primary importance from sentence to accountability, restoration and healing, offenders will be able to see that the significant pace in their own healing and reintegration is accepting responsibility for what they have done (Judge, 1995).

Self Assessment Exercise (SAE) 1

Explain the reason why victim participation is advantageous in restorative justice.

Reduction of Recidivism

Research over the past several years point to important possibility for restorative justice programme to reduce recidivism, i.e. decrease the likelihood of offenders to commit further offence.

Restorative justice processes emphasize reintegrative as opposed to disparaging shaming. This is because condemning the criminal act while acknowledging the basic worth of the offender is much more effective in reducing the chance for recidivism than shaming the offender because he has engaged in criminal behaviour.

Problem-solving Approach to Crime

It is a truism that restorative justice is problem-solving approach to crime. For example, restorative justice conferences are in the first instance concerned with dealing with the outcome of criminal behaviour mainly from the perspectives of the victim and the offender.

Spirituality

Tom Marshall, has emphasized that true healing and forgiveness cannot be achieved without the intervention of God.¹⁸³ Canadian Judge Barry Stuart has written that people experience conflict in four dimensions: mental, emotional, physical and spiritual (Stuart, 2001).

Restorative justice processes and definitely conferences in particular are flexible and dynamic enough to create a space for the spirituality that strengthens or in some people's view enables healing and restoration.

Increased Perceptions of Police

In many areas and among many groups, perceptions about police have reduced considerably. Whatever the cause, restorative justice has the potential to change and improve on the public's perception of the police, possibly even significantly so.

One basis for the enhanced perceptions in police performance from restorative justice processes is that police almost unavoidably get deeper and truer understandings of their community through their involvement in restorative justice processes. It is true that restorative justice conferences allow for honest relations between the police, offenders, offenders' families, and victims that offer the police with bigger insights into why and how

crimes have been committed. Police can in turn use this information to respond more suitably in their communities.

Self Assessment Exercise (SAE) 2

Discuss why restorative justice improves perceptions of police.

3.2 Criticisms of Restorative Justice

Restorative justice has been criticized for the following reasons:

1. Lenient on Offenders

There has been a feeling that restorative justice approaches are too compassionate or "soft" on offenders. But this concern has been solved with the fact that restorative justice processes and outcome are not simple or lenient as an initial matter.

2. Net-Widening

Another criticism against restorative justice processes is that they increase the types and numbers of offenders who are involved in the justice process and thereby expand the incursion of governmental authority. However, the common reaction to the net-widening criticism is that restorative justice does not result in net-widening as discovered in many studies.

3. Outcome Disparity

Another criticism levelled on restorative justice is that it may lead to outcome disparity, that is, offenders involved in like offending end up with different sanctions.

4. Potential Re-victimization

Because of the central role played by victims at restorative justice conferencing and other restorative justice programmes, an apparent worry is that victims may be further harmed by participating in restorative justice processes. This concern has also been condemned.

5. Infringement on the Rights of Offenders

There has also been concern that an offender's fundamental rights of due process are prone to be infringed through restorative justice practices. The fear is fundamentally that, because lawyers are not always present and do not manage the process, an offender's basic rights may be ignored or otherwise forfeited. This criticism has equally been countered that offenders' rights are not likely to be infringed through restorative justice.

Self Assessment Exercise (SAE) 3

Explain some concerns about restorative justice processes

4.0 CONCLUSION

The conclusion to be drawn from this discourse is that restorative justice processes have the advantages of victim participation, increase satisfaction among the participants, acceptance of responsibility by the offenders, decrease recidivism and enhance perceptions of police etc. Restorative justice is not a solution, nor can it replace entirely conventional criminal court processes. But in some countries, it is a tool that has continually confirmed to be effective.

5.0 SUMMARY

In this unit we have been able to discuss the advantages of restorative justice over the criminal justice system. There is real potential for restorative justice programs to exist alongside court-based criminal justice systems.

6.0 TUTOR- MARKED ASSIGNMENT

1. Explain some advantages of restorative justice
2. In your own words, explain the reasons why you prefer restorative justice to criminal justice
3. Explain the reason why victim participation is advantageous in restorative justice.

4. Why do you think restorative justice is soft on the offenders?

7.0 REFERENCE/FURTHER READINGS

Donald, J. Schmid (2002) Restorative Justice: A New Paradigm for Criminal Justice Policy. 34 VUWLR.

Judge FWH McElrea (1995) "Accountability in the Community: Taking Responsibility for Offending" in Re-Thinking Criminal Justice Vol I (Legal Research Foundation, Auckland, 64.

Nicholl, C. G. (1999) Community Policing, Community Justice, and Restorative Justice. 75:

Stuart, B. (2001) "Guiding Principles for Peacemaking Circles" in Gordon Bazemore and Mara Schiff (eds) Restorative Community Justice, 233.

MODULE 4 VICTIMIZATION

Unit 1 Victim

Unit 2 Classification of Victims of Crime

Unit 3 Victimization

Unit 4 Victimology

UNIT 1 VICTIM

CONTENTS

1.0 Introduction

2.0 Objectives

3.0 Main Content

3.1 Victim

3.1.1 The word Victim

3.1.2 Victims of Crime

3.2 Victims of Crime and Criminal Justice Administration

4.0 Conclusion

5.0 Summary

6.0 Tutor-Marked Assignments

7.0 Reference/further readings

1.0 INTRODUCTION

The role of victims of crime in prosecuting the offender cannot be overprized. This stems from the fact that it is the victim who had suffered emotional, psychological torture during the criminal incident, so the victim would be in a better position to relate precisely what transpired at the time of the crime. So the various issues that will be examined in this unit are the nuances surrounding victims of crime and the role of victims in criminal justice administration.

2.0 OBJECTIVES

By the end of the unit, you should be able to:

- i. understand the etymology of the word victim;
- ii. define the term victim of crime;
- iii. classify victims of crime, and
- iv. Identify the role of victims of crime.

3.0 MAIN CONTENT

3.1 Victim

3.1.1 The word Victim

Victim comes from the Latin word *victima*, which referred to a living creature sacrificed to a deity as part of a religious rite. The first recorded use of victim in English occurred in 1497; by 1781, the word had begun to refer to “one who suffers some injury, hardship, or loss, is badly treated or taken advantage of” (Oxford Dictionary 1989). According to Van Dijk (2009), the ancient connotation of scapegoat – someone sacrificed for the greater good of the group – underlies our treatment of victims today.

Society tends to devalue someone identified as a victim because of the associated negative connotations of suffering and sacrifice. Some people, especially victims of sexual assault, prefer instead the term survivor, which is widely considered to be a more positive label (Dunn, 2010). To become a survivor, however, one must first suffer victimization (Wemmers, 2017). Being a victim is not a permanent state, however, and it is only after recognition of the victimization that recovery begins.

Research shows that persons who give the impression of being shy, weak and vulnerable are more likely to be considered victims than persons who seem aggressive, strong or powerful. Someone who does not exhibit the behaviour expected of a victim – such as advocating loudly for change – is not readily accepted as a victim (Doe 2003; Strobl 2004). When this happens, society’s response often changes from sympathy to antipathy, and the person’s

status as a victim may be rejected (Holstein and Miller 1990; Shichor 2007; Van Dijk 2009).

Underlying the word victim is the assumption that another person is responsible for what happened. Another common assumption is that the perpetrator is bigger and stronger than the victim and a stranger to the victim (Holstein and Miller 1990).

Self Assessment Exercise (SAE) 1

Explain the etymological meaning of victim.

3.1.2 Victims of Crime

Victims of crime pertinently form an integral part of the subject matter of victimology or criminology. Nevertheless, they have really never been accorded that due recognition. A victim is a person who suffers direct or threatened physical, emotional or financial harm as a result of an act by someone else, which is a crime.

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” (Fattah, 1986). 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.

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 a 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).

Self Assessment Exercise (SAE) 2

Who is a victim of crime, and what should the society do in order to help them overcome their trauma.

3.2 Victims of Crime 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 line with this that there is plethora of studies in the world, especially in the developed societies, considering the victims experience, his views and his attitudes. 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).

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). 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.

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).

These contributions are fundamental inputs into the criminal justice process, and they 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) opined 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 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 (Usman & Sarkinnoma, 2014).

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.

Self Assessment Exercise (SAE) 3

Discuss in brief the role of the victim in criminal justice administration.

4.0 CONCLUSION

Victim comes from the Latin word *victima*, which referred to a living creature sacrificed to a deity as part of a religious rite. Victims of crime pertinently form an integral part of the subject matter of victimology or criminology. 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. 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 line with this that there is plethora of studies considering the victims experience, his views and his attitudes.

5.0 SUMMARY

In this unit we have been able to discuss topics concerning the issues of victims of crime vis-a-vis their position in the criminal justice administration. In the next unit, we shall examine the classification and attributes of victims.

6.0 TUTOR- MARKED ASSIGNMENT

1. Explain the etymological meaning of victim.
2. Who is a victim of crime, and what should the society do in order to help them overcome their trauma.
3. What is the connection of victim in criminal justice administration?

7.0 REFERENCE/FURTHER READINGS

Dambazau, A. B. (1999) *Criminology and Criminal Justice* Kaduna: Nigerian Defense Academy Press.

Doe, Jane. 2003. *The Story of Jane Doe*. Toronto: Random House Canada.

Dunn, Jennifer L. (2010). *Judging Victims: Why we stigmatize survivors, and how they reclaim respect*. Boulder, CO: Lynne Rienner Publishers.

Fattah, E. A. (ed)(1986) *From Crime Policy to Victim Policy: Reorienting the Justice System*. London: Macmillan Press Ltd.

Holstein, James A. and Miller, Gale (1990). Rethinking Victimization: An interactional approach to victimology. *Symbolic Interaction*, 13 (1), 103-122.

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.
- Oxford Dictionary. (1989). *The Concise Oxford Dictionary*. Oxford: Oxford University Press.
- 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.
- Strobl, Rainer. 2004. Constructing the Victim: Theoretical reflections and empirical examples. *International Review of Victimology*, 11, 295-311.
- United Nations (2006) *Handbook on Restorative Justice Programmes*. Criminal Justice Handbook Series. New York: United Nations Office on Drugs and Crime.
- Usman, A. Y. & Sarkinnoma, S. Y. (2014) Crime Victims and Criminal Justice Administration in Nigeria. *G.J.I.S.S.*, Vol.3(5):48-52 (September-October).
- Van Dijk, Jan J.M. (2009). Free the Victim: A critique of the western conception of victimhood, *International Review of Victimology*, 16, 1-33.
- Wemmers, Jo-Anne. (2017). *Victimology: A Canadian Perspective*. Toronto: University of Toronto Press.

UNIT 2 CLASSIFICATION AND ATTRIBUTES OF VICTIMS OF CRIME

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Classification of Victims of Crime
 - 3.2 Attributes of Victims of Crime
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignments
- 7.0 Reference/further readings

1.0 INTRODUCTION

Crime victim has been classified based on the degree of harms resulting from criminal conduct.

2.0 OBJECTIVES:

By the end of the unit, you should be able to: classify victims of crime and understand the attributes of victims of crime.

3.0 MAIN CONTENT

3.1 Classification of victims of Crime

Fundamentally, 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.

Self Assessment Exercise (SAE) 1

Classify the types of crime victims

3.2 Attributes of Victims of Crime

Fattah (1986) identified the following attributes of victim of crime:

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.

Self Assessment Exercise (SAE) 2

Highlight the attributes of crime victims.

4.0 CONCLUSION

In this unit, we highlighted the classification of victims of crime and their attributes.

5.0 SUMMARY

Victim of crime has been classified into three namely, primary, secondary and tertiary crime victims. The major attribute of victims of crime is that 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.

6.0 TUTOR- MARKED ASSIGNMENT

1. Mention the characteristics of victims of crime.
2. Discuss the attributes of crime victims

7.0 REFERENCE/FURTHER READINGS

Fattah, E. A. (1986) From Crime Policy to Victim Policy: Reorienting the Justice System.
London: Macmillan Press Ltd.

UNIT 3 VICTIMIZATION

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Definition of Victimization
 - 3.1.1 Re-victimization
 - 3.2 Typology of Victimization
 - 3.3 Victimization Surveys
 - 3.4 Victimization Rate
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignments
- 7.0 Reference/further readings

1.0 INTRODUCTION

Many words have evolved from the word victim. A victim study is called victimization. Of course, victimization remains one of the most controversial sub-topics within the broader topic.

2.0 OBJECTIVES

It is believed that by the end of this unit, you will come to know:

- i. what victimization is.
- ii. the meaning of re-victimization
- iii. the typology of victimization, and
- iv. global rate of victimization and surveys.

3.0 MAIN CONTENT

3.1 Definition of Victimization

Victimization is a derivative of the word victim. Victimization is the upshot of an imbalance between forces applied against an individual, and forces used in defense of that individual, such that the individual is overcome, cannot survive and is harmed or killed. Victimization is the process of being victimized or becoming a victim.

3.1.1 Re-victimization

The term re-victimization refers to a pattern wherein the victim of abuse and/or crime has a statistically higher tendency to be victimized again, either shortly thereafter (Finkelhor, Ormrod, Turner, 2007) or much later in adulthood in the case of abuse as a child.

Self Assessment Exercise (SAE) 1

Explain the differences between victimization and re-victimization

3.2 Typology of Victimization

i. Primary or Peer victimisation

Primary victimization refers to the first experience of crime by victim. Hawker and Boulton (2000) however referred to peer victimization as the experience among children of being a target of the aggressive behaviour of other children, who are not siblings and not necessarily age-mates.

ii. Secondary victimization

Secondary victimization also called post crime victimization (Comprehensive Criminal Justice Terminology, 2013) or double victimization (Doerner, 2012) refers to further victim-blaming from criminal justice authorities following a report of an original victimization. When institutions or criminal justice system personnel fail to support the victimized individual, victims are vulnerable to secondary victimization.

While the appropriate and legal way to respond to primary victimization is to report the event (Campbell & Raja, 1999; Campbell & Raja, 2005). In turn, up to 90% of victims report experiencing negative social reaction and attribute the incident as a “second rape” or “second assault” (Filipas & Ullman, 2001).

Victims of crime often have to deal not only with victimization, but also with the insensitive reactions of others. Known as secondary victimization, insensitive, unsupportive and judgmental reactions can augment the victim’s suffering. When victims react to their victimization in ways that do not meet society’s expectations, they risk disapproval. This includes when victims of sexual violence choose restorative justice rather than conventional criminal justice.

Furthermore, secondary victimization has been defined as negative social or societal reaction in consequence of the primary victimization and is experienced as further violation of legitimate rights or entitlements by the victim.

Unfavorable outcomes may violate several important expectations of crime victims, such as retaliation, security, and recognition of their victim status. The victim’s evaluation of the criminal proceedings has to be taken into account as potential causes of secondary victimization as well.

Secondary victimization was measured by assessing effects of criminal proceedings, as perceived by the victims, on coping with victimization, self-esteem, faith in the future, trust in the legal system, and faith in a just world. Negative effects on trust in the legal system and faith in a just world were considerably stronger than effects on coping with victimization, self-esteem and faith in the future. Powerful predictors of secondary victimization were outcome satisfaction and subjective procedural justice.

Self Assessment Exercise (SAE) 2

Briefly explain the types of victimization

3.3 Victimization Surveys

Victimization survey provides useful information for understanding the level, trend and pattern of crime victimization in a community or nation. It also provides data on the nature and perception of crime and disorder problems. Victimization surveys provide the government with information on citizens' perception of the quality and problems of security, policing and governance.

The types of victimization surveys include:

- i. National Survey: This is a survey of a whole country in which people are asked to provide information on crimes which have been perpetrated against them. Examples are the United States National Crime Victimization Survey and British Crime Survey.
- ii. Area or Neighbourhood Survey: In this, a specific (usually inner city) neighbourhood is targeted and criminologists or sociologists engage in a more detailed study of the same issues. Example abound, in 2005, Alemika and Chukwuma carried out a victimization study in Lagos, Nigeria.
- iii. Self-Report Crime Survey involves the study of a sample of the population as regards the types and number of crimes, which they committed during a particular period, usually during the past year - whether or not detected or reported by or to the police. The method uses questionnaire to collect relevant information. The survey is characterized by many weaknesses: First, the questionnaire tends to contain more questions on minor crimes with which the respondents are more comfortable while questions on more serious and sensitive crimes are avoided. Second, respondents may not accurately recall their criminal activities, and third, respondents also tend to underreport serious crimes that they may have committed. Notwithstanding the deficiencies, self report crime surveys have provided broader view of the extent and pattern of crimes and social characteristic of offenders. In addition, self report crime survey provides public perceptions of crime; feeling of safety and perception of criminal law enforcement in society.

- v. Victim Survey is used to acquire data on the extent of criminal victimization. Unlike crime survey, which is used to obtain data on the extent and patterns of crimes committed by members of society, victim survey is used to measure the extent and pattern of victimization in a community or nation. Questionnaires are designed and administered to gather information on respondents' experience of criminal victimization; their household members' victimization experience, and public perception of crime and disorder as well as criminal justice administration.

The method also suffers several deficiencies, including inability of the respondents to accurately report events during the period covered by the survey. However, several advantages have been attributed to victim survey. Principally, it provides rich data for understanding the distribution of criminal victimization and the socio-demographic characteristics of victims and criminals; offers better information for building theories on criminality and victimization. It also promotes understanding of the consequences of victimization and the extent of fear of crime among different groups in different locations (Gottfredson & Hindelang, 1981 and Cantor & Lynch, 2000).

3.4 Victimization Rate

Criminal victimization may inflict economic costs, physical injuries, and psychological harm. Many countries have established national crime victimization surveys to get information or data on the rate of victimization. Such surveys give a much better account for the volume of crimes but are less accurate for crimes that occur with a (relatively) low frequency such as homicide, or victimless crimes such as drug abuse.

Victimisation rate in United States: The National Crime Victimization Survey (NCVS) is a tool to measure the existence of actual, rather than reported crimes (the victimisation rate). The NCVS is the United States': "primary source of information on crime victimisation. Each year, data are obtained from a nationally represented sample of 77,200 households comprising nearly 134,000 persons on the frequency, characteristics and consequences of criminal victimisation in the United States.

This survey enables the government to estimate the likelihood of victimisation by rape, sexual assault, robbery, assault, theft, household burglary, and motor vehicle theft for the population as a whole or segments of the population such as women, the elderly, members of various racial groups, city dwellers, or other groups.

According to the Bureau of Justice Statistics (BJS), and the NCVS, from 1994 to 2005, violent crime rates have declined, reaching the lowest levels ever recorded though property crimes continue to decline. Many countries have such victimisation surveys. They give a much better account for the volume of crimes but are less accurate for crimes that occur with a (relatively) low frequency such as homicide, or victimless crimes such as drug abuse. Attempts to use the data from these national surveys for international comparison have failed.

Self Assessment Exercise (SAE) 3

Describe the types of victimization surveys with examples.

4.0 CONCLUSION

In this unit, victimization has been seen as the process of being victimized or becoming a victim. It has been classified into primary and secondary victimization. Victimization is determined through the national and area surveys. These surveys provide data on the rate of victimization.

5.0 SUMMARY

This unit has brought to the fore the definitions of victimization and re-victimization. It also examined the typology of victimization, victimization surveys and victimization rate. In the next unit, we shall examine the nature and focus of victimology.

6.0 TUTOR- MARKED ASSIGNMENT

- i. Explain the terms victimization and re-victimization.
- ii. Describe the meaning of area neighbourhood survey with example from Nigeria.
- ii. In your own word, explain the primary and secondary victimization.

7.0 REFERENCE/FURTHER READINGS

Cantor, D. and Lynch, J. P. (2000) "Self-Report Surveys as Measures of Crime and Criminal Victimization" *Criminal Justice*, 2000, vol. 4: 87-138.

Comprehensive Criminal Justice Terminology (2013) "post-crime victimization or secondary victimization". Prentice Hall.

Doerner, William (2012) *Victimology*. Burlington, MA: Elseiver, Inc.

Finkelhor, D.; Ormrod, RK.; Turner, HA. (2007) "Re-victimization patterns in a national longitudinal sample of children and youth". *Child Abuse Negl.* 31 (5): 479–502.

Gottfredson, M.R and Hindelang, M.J. (1981) "Sociological Aspects of Criminal Victimization"; *Annual Review of Sociology*, Vol. 7: 107-128.

Hawker D.S.J.; Boulton M.J. (2000) "Twenty years' research on peer victimisation and psychosocial maladjustment: a meta-analytic review of cross-sectional studies". *Journal of Child Psychology and Psychiatry.* 41 (4): 441–455.

UNIT 4 VICTIMOLOGY

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Definition and Theories of Victimology
 - 3.2 Nature and Scope Victimology
 - 3.3 Focus of Victimology
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignments
- 7.0 Reference/further readings

1.0 INTRODUCTION

The field that studies the process, rates, incidence, effects and prevalence of victimisation is known as victimology.

2.0 OBJECTIVES:

At the end of this unit, you will be able to:

- i. Define the term victimology.
- ii. Understand the focus of victimology.

3.0 MAIN CONTENT

3.1 Definition of Victimology

Criminology is the science that studies the social phenomenon of crime, its causes and the measures which society directs against it (Howard, 1969). This definition, proposed by

Howard Jones, is a fairly complete and simple definition of criminology. Thus criminology comprises the science of facts and causes, in addition, to the science of responses. The study of crime is one aspect of criminology which is incomplete without the study of criminal. The criminologists look at the crime-criminal situation as a unit. Those related to the crime-criminal situation are the criminals, the first parties and the victims, the second parties. The study of victims as a sub-field of criminology is called victimology.

Victimology is a branch of criminology that scientifically studies the connection between an injured party and an offender by examining the causes and the nature of the consequent suffering. The scientific study of the physical, emotional and financial harm people suffer because of criminal activities (Karmen, 2019). However, victimology is not restricted to the study of victims alone but may cater to other forms of human rights violations that are not necessarily crime.

Victimology is the scientific study of victimisation, including the relationships between victims and offenders, the interactions between victims and the criminal justice system (the police, courts and correctional officials) and the connections between victims and other social groups and institutions, such as the media, businesses and social movements (Karmen, 2003).

The field of victimology may also include the “culture of victimhood”, wherein the victim of a crime revels in his status, proclaiming that self-created victimhood throughout a community by winning the sympathy of professionals and peers.

Schafer (1977) defines victimology as "the study of criminal-victim relationship. The study of criminal-victim relationship emphasizes the need, to recognize the role and responsibility of the victim, who is not simply the cause of and reason for the criminal procedure, but has a major part to play in the search for an objective criminal justice system and functional solution to the crime problem. The criminal justice system should consider the dynamics of crime and treat criminals as members of their total group which includes the victim. According to Schafer, victimology also claims that the offender has responsibility for the reparation of any harm, injury or other disadvantages caused to his victim.

Thus, victimology is the study of victims of crime in general - their personal and social characteristics, their relationship with the criminals and their degree of responsibility for criminal behaviour. Victimology also claims that the offender has responsibility for the reparation of any harm, injury or other disadvantages caused to his victim. The contribution of the victim to the genesis of crime and the responsibility of the criminal to the reparation of his offence are the central problems of victimology.

3.2 Nature and Scope of Victimology

It is a truism that an enormous volume of information has been accumulated about crime, but little is known about the criminal and much less about the victim and his connection to the crime and criminal. One of the most neglected subjects in the study of crime is its victims.

The subject matter of victimology can broadly be classified into two parts: first, is victim's participation in crime, and second is compensation to victims of crime. Earlier victimology focused its attention on the role of the victim in the study of criminal behaviour. Victim is a major contributor to a crime.

Three areas of study within victimology include the following:

Victim Precipitation Theory

The victim precipitation theory suggests that the characteristics of the victim precipitate the crime. That is, a criminal could single out a victim because the victim is of a certain ethnicity, race, sexual orientation, gender or gender identity.

This theory does not only involve hate crimes directed at specific groups of people. It might also involve occupations or activities. For example, someone who is opposed to his or her views may target a political activist. An employee may target a recently promoted employee if he or she believes they deserved the promotion.

Lifestyle Theory

Lifestyle theory suggests that certain people may become the victims of crimes because of their lifestyles and choices. For example, someone with a gambling or substance addiction could be as an “easy victim” by a con artist. Walking alone at night in a dangerous area, conspicuously wearing expensive jewelry, leaving doors unlocked and associating with known criminals are other lifestyle characteristics that may lead to victimization.

Deviant Place Theory

There is some overlap between the lifestyle theory and the deviant place theory. The deviant place theory states that an individual is more likely to become the victim of a crime when exposed to dangerous areas. In other words, an assaulter is more likely to target a person walking alone after dark in a dreadful neighborhood. The more frequently a person ventures into bad neighborhoods where violent crime is common, the greater the risk of victimization.

There is also some overlap between the deviant place theory and socio-economic approaches to victimization. Low-income households are more likely to be located in or near dangerous areas of town, and individuals from poor socio-economic backgrounds are less capable of moving away from these dangerous areas.

Self Assessment Exercise (SAE) 1

What do you understand by the term victimology?

3.2 Focus of Victimology

The focus of victimology has centred on identifying and measuring the frequency (both annual incidence and lifetime prevalence rates) of various types of victimizations, such as stalking, date rape and carjacking.

Some research has focused on the related challenge of explaining why the risks of violent victimization vary so dramatically from group to group, especially by age, gender, social class, race, ethnicity and area of residence (mostly as a result of exposure to dangerous persons because of routine activities as well as lifestyle choices).

Specifically, victimology focuses on whether the perpetrators were complete strangers, mere acquaintances, friends, family members, or even intimates and why a particular person or place was targeted.

Another area of concern to victimologists is how the legal system (e.g., detectives in specialized squads, victim-witness assistance programs administered by the offices of prosecutors, and state-administered financial compensation programs) deals with victims in their capacity as witnesses for the government.

The study of victimology also seeks to understand why criminals target specific victims. Victimology can be regarded as a more holistic approach than criminology, acknowledging the systemic injustices that may lead former victims to become perpetrators themselves. It also helps reduce the likelihood that perpetrators will commit additional offenses, because it can help them reframe how they think about the individuals they might otherwise victimize.

Self Assessment Exercise (SAE) 2

Explain the importance of victimology

4.0 CONCLUSION

Victimology is a branch of criminology that scientifically studies the connection between victim and offender. It goes beyond the victims but covers other human rights violations that are not necessarily crime. It also includes culture of victimhood.

5.0 SUMMARY

In this unit we have come to know that victimology focused on the related challenge of explaining why the risks of violent victimization and seeks to understand why criminals target specific victims. Victimology can be regarded as a more holistic approach than criminology, acknowledging the systemic injustices that may lead former victims to become perpetrators themselves.

6.0 TUTOR- MARKED ASSIGNMENT

1. What do you understand by the term victimology? Is it present in Nigeria?
2. Explain the focus of victimology.
3. Why the need for victimology?

7.0 REFERENCE/FURTHER READINGS

Howard, J. (1969) *Crime and the Penal System*. (London, 1965) cited in G.Peter Hoefnagels, *The Other Side of Criminology*. Holland.

Karmen, A. (2003) *Crime Victims: An Introduction to Victimology*. Wadsworth Publishing.

Schafer, S. (1977) *Victimology: The Victim and His criminal*. Virginia: Reston Publishing Company.

MODULE 5 ROLE, TREATMENT AND RIGHTS OF VICTIMS OF CRIME

Unit 1 The Role of Victims of Crime

Unit 2 Psychological Impact of Victimization

Unit 3 Treatment of Victims in the Criminal Justice System

Unit 4 Provisions, construction and enforcement of compensation to victims of crime

UNIT 1: THE ROLE AND CHARACTERISTICS OF VICTIMS OF CRIME

1.0 Introduction

2.0 Objectives

3.0 Main Content

3.1 Justice in a criminal case

3.2 Problems of Identification by victims

3.3 Problem of Delay in Trial and Restitutions: Effects on victims

3.4 Compensation for Victims

4.0 Conclusion

5.0 Summary

6.0 Tutor-Marked Assignments

7.0 Reference/Further Readings

1.0 INTRODUCTION

The role of victims of crime in prosecuting the offender cannot be overemphasized. This is because it is the victim who had suffered emotional, psychological torture during the criminal incident, so the victim would be in a better position to relate exactly what transpired at the time of the crime. So the various issues that will be examined in this unit are the role and characteristics of victim of crime, who a victim of crime is, justice in a

criminal case, problems of identification of offenders by victims, delays in trials and of course, compensation for victims of crime.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- i. Identify the role of victims of crime
- ii. Know how victims are compensated
- iii. Appreciate the problems of victims identifying offenders,
- iv. Know the delays in prosecuting the offenders

3.0 MAIN CONTENT

3.1 Justice in a Criminal Case

The administration of justice demands parity of treatment. In a criminal case, it begins right from the investigation of the crime upon the police requiring or inviting a suspect or offenders upon being taken into custody to make a statement. Parity of treatment in the administration of justice demands the maintenance of complete balance in the scale of justice. The law recognizes the right of every person, victims and offenders alike, in the trial of cases. The courts have been established to protect the right of people. It has been established in respect of criminal cases to protect the right of the accused, the right of the victim of crime and the right of the society. It is implicit in the concept of fair hearing as an aspect of natural justice that the court should give equal opportunities to both sides to the conflict, and in a criminal trial under our adversary system, to presume the innocence of the accused until he is proved guilty.

In the case of **Sunday Okoduwa vs The State**, the court stated that “there are certain fundamental norms in the system of administration of justice we operate. The system is the adversary system, in contradistinction to the inquisitorial system. In that adversary system, parties, with their counsel, and the judge have their respective roles to play. Basically, it is

the role of the judge to hold the balance between the contending parties and to decide the case on the evidence brought by both sides and in accordance with the rules of the particular court and the procedure and practice chosen by the parties in accordance with those rules. Under no circumstances must a judge under the system do anything which can give the impression that he descended into the arena of conflict, as obviously his sense of justice will be absurd...”.

The above observations make it clear that a criminal trial conducted in the context of our adversary system of administration of criminal justice does not authorize a trial judge to take sides in the conflict by usurping the function of either the prosecutor or the defense or to turn an investigator or an inquisitor or to protect the interests of the victim beyond the role permissible in that system.

The differences between an inquisitorial method of trying an accused person and the accusatorial method is that in the later system of criminal trial which we operate in Nigeria, the judge as umpire is not expected to descend into the arena of conflict. It is both the Constitutional duty imposed on the court and the right conferred on the accused by the constitution to ensure the purity of our criminal justice administration that the presumption of innocence of the accused is maintained inviolate.

There is that possibility and it has happened in a number of cases, where the victim is not only wrongly arrested but prosecuted and convicted. One of the problems of a victim could be that of identifying the criminal and this at times could involve an identification parade, in which the victim is required to identify the person who attacked him or who otherwise committed the offence in question. But because of the secrecy with which criminals perpetrate their crimes, this has in many cases deprived the prosecution of eye witnesses who could identify the criminals.

This has also in many cases, resulted in the non-detection of the crime or the criminal to the annoyance or dissatisfaction of the victim who in such occasions considers that our administration of criminal justice is unsatisfactory or that the police have not carried out their investigation thoroughly. In other cases, where the accused is arrested and tried, but he is discharged or acquitted by the court because the prosecution has failed to prove the case

beyond reasonable doubt, or because the charge is dismissed by the court on a technical ground, the victim in many cases considers that justice has not been done to him. In this regard, it has been said that:

“Prosecuting counsel should look on themselves not as advocates but as ministers of justice and their task is not to secure convictions but to help in the administration of justice”

This must be so because there is a presumption in law in favour of the liberty and innocence of the subject until he is proved guilty and the right to silence. Cases do occur when one person sees another in the very act of committing a crime or who is the victim on whom or against whom a crime have been committed, is accused of having committed a crime, and arrested and charged.

In such a case the normally expected re-action of the person so wrongly arrested, is not to keep silent but to open his mouth at the earliest opportunity and explain that he was mistakenly accused and identified. It will be wrong and dangerous that he, the victim so arrested and charged in those circumstances, should through the exercise of arrest, police investigation and charge and arraignment before the court remain silent without speaking, or giving an indication that he was wrongly identified, and for him not to name the true criminal if he can.

Nonetheless, the courts should therefore always see that justice is never defeated by technical rules of procedure. If justice is defeated, this could create problems for the victim. Those rules should be seen as subservient hand maids to justice not as omnipotent masters at war with justice.

In order that many victims of crime could be made to find great satisfaction with criminal administration of justice, and not suffer from maladministration thereof, few example, where an accused rests his case on a no case submission, the prosecution's case calls for some explanations which only the accused person can give, and the accused decides to rest on a no case submission, the trial court must not be deterred by the incompleteness of the

tale resulting from the unwillingness of the accused to testify and from his exercising his right of silence, from drawing the inferences that properly flow from the evidence it has got, not dissuaded from reaching a firm conclusion by speculation on what the accused might have said had he testified (Edewor, 2017).

Self Assessment Exercise (SAE) 1

Briefly explain the role of court in criminal cases.

3.2 Problems of Identification by Victims

One of the major issues in criminal cases is the problem of identification of the criminal by the victim. It is settled law that since the burden of proving the guilt of an accused person beyond reasonable doubt lies on the prosecution, and does not shift once the defense sets up an alibi, it is for the prosecution to lead evidence to disprove it.

A court of trial faced with evidence tending to show that the accused person was somewhere else at the time of the commission of the crime is under a duty to test such evidence against the evidence led by the prosecution in rebuttal; and if on the whole the court is in doubt as to the guilt of the accused, such accused must enjoy the benefit of such doubt and be acquitted.

In the case of **Samuel vs. The State**, where the victims of a robbery had not mentioned the names of the persons who robbed them to the police when they first made their statements and a bogus identification parade was conducted by the police, Oputa JSC, as he then was, in castigating the police that they were not entitled to assist the identification of suspected person already under arrest observed as follows:

“... Here, the appellant was under arrest after being beaten up by members of the Civil Defense as an armed robber. The prosecution witnesses were then brought to the police station and asked is this the man” what will be the natural answer but Yes’ – another case of *res ipsa loquitor* (the facts speak for itself) but now in the criminal

law. The impropriety of the method used in the identification of the appellant was reduced into a farce when he considers the evidence of the 2nd P. W. William Emeurude about what happened on the night of the robbery; “Policeman... came in a beetle car and asked if we know Samuel Bozin and we replied Yes? They asked if we could identify him if we saw him. We replied “Yes”.

What was it that was being identified: The Robber or Samuel Bozin?

“The identification of suspected persons must be very carefully conducted and it is very wrong to point out the suspected person and ask “is that the man?” The usual and proper way is to place the suspected person with a sufficient number of others and to have the identifying witness pick out the accused without any assistance... This is what is called identification parade. I simply cannot put into any legal compartment what was done in this case. A parade with only the appellant on parade is definitely not an identification parade known to the law... Also it is highly improper to invite witnesses to identify the appellant not mixed up with other people.”

Dealing with the failure of the victims to name the appellant to the police at the earliest opportunity, **Obaseki JSC** as he then was said:

“It is therefore a surprise that in the light of the evidence that the robbers were not marked and that the appellant played an active part in the robbery... not one of the prosecution witnesses 1-6 mentioned his name to the police at the earliest opportunity. Not even the 1st batch of policemen came to the scene of the robbery and asked whether they know Samuel Bozin and any of them jump up and say ‘Ah! He was one of the four persons who came to rob us? It was not even until they saw him in the police custody before the P. Ws 1-6 identified him and accused him of being one of the robbers. The logical deduction or inference from such identification

in the circumstances described is that the identification is faulty and unsatisfactory. Its evidential value is reduced to nil”.

There are occasions where a failure by the police to check an alibi may cast doubt on the reliability of the case for the prosecution. But in a case where the accused is identified by an eye witness who has an opportunity of knowing him thereby, and who points the accused out in an identification parade and also testifies at the trial, there will be a straight issue of credibility and the judge will consider both the evidence of alibi and the prosecution’s evidence in rebuttal, and determine whether or not the prosecution has proved its case beyond reasonable doubt. In some cases, where a witness sees a suspected person and calls the police to arrest him, identification is not only unnecessary but a superfluous formality (Edewor, 2017).

Self Assessment Exercise (SAE) 2

Briefly explain the legal and proper procedure to follow before, during and after identification parade.

3.3 Problems of Delay in Trial and Restitution: Effect on Victims

The delay in the trial of criminal cases arising in the administration of justice in our courts creates enormous problems for victims of crimes. Such delay could affect the return or delivery to him upon conclusion of the trial and upon an order of the court or tribunal, of any moveable property or document produced before the court or tribunal to which a victim is entitled (Edewor, 2017).

By virtue of the provisions of section 357(1) of the Criminal Procedure Code, the court has power when an enquiry or trial in any criminal case is concluded to make such order as it thinks fit for the disposal by destruction, confiscation or delivery to any person appearing to be entitled to possession thereof of any moveable property or document before it or in its custody or regarding which an offence appears to have been committed or which has been used in the commission of any offence.

The effect of the provision is that if some monies or goods of the victim are recovered by the police during investigation and are produced or tendered in evidence at the trial or are otherwise in the custody of the court, it is only when the criminal case is concluded that an order for its return or delivery to any person appearing to be entitled thereto could be made by the court or tribunal. In some cases even when there had been delay in the trial, and the trial is at long last concluded, the court fails to make an order for such return or delivery of the monies or properties to the victim who it finds entitled thereto, or makes inappropriate order in that behalf.

Self Assessment Exercise (SAE) 3

Explain the effects of delay in trial and restitution on victims.

3.4 Compensation for Victims

Up till now, our laws have not made any 'adequate' provisions for the compensations of victims of crimes, as distinct from 'restitution'. Justice, it has always been said, has not got two weights and measures, one for the accused and another for the victims, who in a criminal case are represented by the state, i.e. the Prosecution. The question however, is this: Has the state provided adequate social justice to the victims of crimes by merely providing for the trial and punishment of the suspect and the restoration of the recovered property of the victims of crime? The answer is "No" (Edewor, 2017).

Our society has not done so. It has failed to provide adequate or satisfactory social justice to the victims of crimes, in so far as a scheme for the compensation of victims has not been established. A beginning ought to be made. There is need for criminal injuries compensations under which victims of crime who sustain injuries could be awarded ex-gratia award of public bounty from public funds at the discretion of the Board establishment to manage and control the scheme. More and more crimes are committed every day in our country and injuries are caused to innocent citizens.

In England, the Criminal Inquires Compensation Scheme was established in 1964 under the royal prerogative to make compensation to the victims of crime of violence. The compensation is made ex-gratia out of public purse, and the scheme is administered under the Criminal Inquiries Compensation Board.

The Board is charged by the crown, with the duty of distributing the bounty of the crown to those who sustain injury directly attributable to a crime of violence or to assisting in apprehending an offender or preventing an offence. The Board has discretion in making or refusing to make an award, when a victim applies for such award. But its decision is subject to judicial review by the courts. The time is ripe, in fact, now, we think, for such a scheme to be established in this country and we recommend that a Board be set up by the Federal and State Government to study the Scheme as it operates in other jurisdictions, especially in the U.K, and make recommendations. There should be a Criminal Inquires Compensation Board in each State of the Federation and in Abuja the Federal Capital Territory (Edewor, 2017).

In making the recommendation for the establishment of such a Board, we must emphasize that the character, way of life and other circumstances of a victim, apart from the injuries received from the crime, will be taken into account. This is to ensure that the scheme, intended to provide compensation for criminals. In the case of R vs. Criminal Inquires Compensation Board *ex parte* Thomp-stone and *ex parte* Crowe, the applicants who applied for compensation under the scheme were found to be victims of unprovoked attacks on separate and unconnected occasions. Both of them had a long list of previous convictions which they disclosed in their applications to the Board when looking for ex-gratia compensation.

The Board found that there was no connection between the attacks in question and the applicant's previous criminal way of life, but it rejected their claims, on the ground that by virtue of provision in the scheme, it was inappropriate to award compensation from public funds to them, having regard to the "character, conduct and way of life of the applicants".

The applicant applied for judicial review of the Board's decision contending that the Board had no jurisdiction on those grounds to reject the claim in so far as there was no connection

between the injury complained of and the victim's character, conduct and way of life. The judge dismissed their application. On appeal to the court of Appeal; the decision of the judge was up held. Sir John Donald M. R. (Master of the Roll), after reviewing each applicant's record of convictions for dishonesty before and since the injury (which he said is a bad one) observed thus in concluding his judgment; to wit:

“In each case, although different categories of circumstances can be taken into account, the issue is the same. Is the applicant an appropriate recipient of an ex-gratia compensatory payment made at public expense? As with all discretionary decision, there will be cases where the answer is clear one way or the other and cases which are on the border line and in which different people might reach different decisions. The court has left the decisions to the Board and the court can and should only intervene if the Board has misconstrued its mandate or its decision is plainly wrong. Neither can in my judgment be said in the present appeals”.

4.0 CONCLUSION

The victims of crimes have been revealed in this unit are faced with various problems in the administration of justice, problems of identification of suspects, restitution of goods, delays in trial in particular. But those among them who sustain injuries directly attributable to a crime or to assisting in apprehending an offender or preventing an offence, deserve compensation from government.

5.0 SUMMARY

We have explained justice in criminal case, the problems of identifying a particular suspect by the victim of crime, delays in the criminal justice administration and the possible compensations for the victims. We also suggested that at the Federal and State levels there

should be an established Criminal Injuries Compensation Board to compensate victims of crime.

6.0 TUTOR-MARKED ASSIGNMENTS

- i. Briefly explain the role of court in criminal cases.
- ii. Discuss the factors that are responsible for delay in the trial of criminal cases in Nigeria.
- iii. Explain the effects of delay in trial and restitution on victims.

7.0 REFERENCES/ FURTHER READINGS

Adetiba, S. (1990) Compensation and Remedies for Victims of Crimes. Federal Ministry of Justice.

Edewor, D.O. (2017) CSS 352: Theory of Crime and Crime Control. Abuja: National Open University of Nigeria (NOUN).

Edewor, D.O. et. al (2013) CSS 242: Measurements and Patterns of Crime and Delinquency. Abuja: National Open University of Nigeria (NOUN).

Samuel Bozin vs. The State (1985), 2, N.W.L.R, 465

UNIT 2 PSYCHOLOGICAL IMPACT OF VICTIMIZATION

1.0 Introduction

2.0 Objectives

3.0 Main Content

3.1 Victims of Loss or Damage to Property

3.2 Voluntary Organizations

3.3 Compensating victims of crimes

4.0 Conclusion

5.0 Summary

6.0 Tutor-Marked Assignments

7.0 Reference/Further Readings

1.0 INTRODUCTION

Victims of crime include not only persons but also institutions and organizations, but when we talk of psychological problems, we are limited to inter-personal offences, as we know more about psychology of human beings; and both victims and offenders can be more readily identified. This is necessary and relevant especially in the context of restitution.

2.0 OBJECTIVES

At the end of this unit, you should be able to know:

- i. The psychological trauma victims of crime go through;
- ii. Victims of loss or damage to property;
- iii. What voluntary organization can do in preventing crime;
- iv. How victims of organized crimes are compensated.

3.0 MAIN CONTENT

3.1 Victims of Loss or Damage to Property

The psychological sense of loss differs in extent depending on how much the property is an extension of the person in the victim's perception. Damage to a fence or loss of money may not carry the same impact as loss of a wedding ring or heirloom –which may be less in terms of monetary value. Breaking into a bedroom will be regarded more psychologically traumatic than breaking into a sitting room as a bedroom connotes more privacy, security and intimacy than a sitting room.

Therefore in addition to what material loss that may be sustained, the psychological shock will be more severe in the case of breaking into a bedroom. Where the self esteem of a person depends on his material wealth, as it indeed contributes significantly to self esteem, and standing in the community, the loss or appreciable reduction of such material wealth through criminal act of someone else like robbery, constitute serious psychological trauma and diminished material security.

Another dimension is added to this if it is a case of armed robbery – as this may lead to violation of the person and threat to life, which constitutes the second category of victims. This category ranges from physical harm to sexual assault and murder. Sex is the most intimate of human physical and emotional inter-personal relationship. To be sexually raped by a strange person is the most severe psychological trauma of all –apart from the physical pain of forced coitus which may involve bruises all over the body and laceration of the introitus (Edewor, 2017).

There are different points in time at which psychological problems of victims can be considered, and this relates particularly to inter-personal offences especially rape. The offence itself, what happens immediately after and what happens during the court proceedings. The offence itself makes the victims fearful, angry, shocked and helpless. The episode as indicated above will involve physical pain as well as psychological trauma.

Immediately after, there is the feeling of loss of virtue, feeling of being defiled, anger, depression, anxiety, and shame. This state of emotional anguish can linger for varying period depending on what support the victim receives from sympathizers. Where the victim lives alone, she suffers from insomnia and severe anxiety both of which may be reduced by appropriate medication and social network support. There will be the fear and shame of going out because one may be identified as the victim of rape; there is at the same time fear of being alone in the house, lest the offenders came again.

It is not only the victim who suffers. For instance, neighbours of a house-hold which has been the victim of armed robbery also suffer. They are afraid lest it is their turn next. They suffer from insomnia, such that every little noise at night sets them agog. Because of this mental state and insomnia, their performance at work is adversely affected. There are those who are indirectly victimized by the violent death of family members who are direct victims of crime. They suffer from intense emotional trauma of sudden bereavement, and they go through the process of mourning and grieving in addition to the physical and material loss.

The direct victims of crime are also secondarily victimized by the process of the criminal justice system both materially and emotionally. The operators of the system often appear to be insensitive to the suffering and needs of the victims especially the defence counsel in cases of sexual assault and rape. It is painful enough to have to recall the tragic incident, but to suggest that the victim is a prostitute-which is the usual play of the defence counsel, is adding insult to injury. Few victims understand their role in court.

The whole setting and procedure are intimidating to those who are not familiar with them, especially victims of crime. Some victims feel not only that they have been denied a service, but also that they have been challenged when they are most vulnerable. I was a victim of road accident on one occasion when the defence counsel took advantages of his personal knowledge of me to suggest that I was careless. This is the type of experience of secondary victimization which does not encourage most victims of crime to report to the police. This is why we have focused on the psychological problems of victims in this unit. This is not to play down the material loss including time loss which is involved in the criminal justice process.

Self Assessment Exercise (SAE) 1

Narrate the experience of a victim of crime known to you and how you were affected by the incident.

3.2 Voluntary Organizations

The role of voluntary organizations in other parts of the world in providing for the needs of the victims of crime and in constituting pressure groups on the government is remarkable. Their advocacy role has been most effective. The formation of such organizations needs to be encouraged and such organization like the Nigerian Society of Criminology which can play even a much wider role can be resuscitated and revitalized. This is pertinent at this point of economic meltdown when we are being constantly reminded that government efforts no matter how great cannot suffice for the enormous needs and demands in this and other sectors, and there is need to supplement this with voluntary support.

Self Assessment Exercise (SAE) 2

Explain the role of voluntary organizations in assisting the victims of crime.

3.3 Compensating Victims of Crimes

In compensating victims of crime, the following suggestions based on law enforcement perspective should be considered:

1. The state should give substantial financial assistance to victims generally and special aid to some categories of victims such as those involved in rape, family abuse and armed robbery. The special aid should be through the provision of victims and witnesses' services e.g. rape crisis centre and battered wives or husbands centre. These services could also be provided by non-criminal justice agencies like State or Local Departments of Health or other Private Organizations;

2. If a victim dies, monetary compensation to cover burial and related expenses should be available to his dependants;
3. Our laws should be reviewed so that they can provide some measures of personal relief to victims from payments derived from fines in criminal cases;
4. Criminal investigations when interviewing emotionally disturbed victims should be able to provide some support during the victims' emotional crisis through guidance;
5. Victims must be notified of case progress, key decisions taken during the trial and the sentencing of the offenders;
6. The victims should be notified of the release or escape of the offender;
7. Victims of crime will be more willing to contribute to the apprehensive and conviction of criminals when the costs to them are negligible or borne by the state; and
8. Police/public relations must improve so as to bring about confidence and trust for one another.

Self Assessment Exercise (SAE) 3

Suggest ways of compensating victims of crime.

4.0 CONCLUSION

We have been able to explain several terms in this unit, from victims of loss or damage to property, voluntary organization, and compensation for victims of crime.

5.0 SUMMARY

In this unit, we examined the psychological impact of crime on victims, voluntary organizations providing for the needs of the victims of crime and the law enforcement perspective on crime victim compensation.

6.0 TUTOR- MARKED ASSIGNMENTS

1. Narrate the experience of a victim of crime known to you and how you were affected by the incident.
2. How can voluntary organizations assist the victims of crime?
3. Suggest ways of compensating victims of crime.

7.0 REFERENCES/ FURTHER READINGS

Edewor, D.O. (2017) CSS 352: Theory of Crime and Crime Control. Abuja: National Open University of Nigeria (NOUN).

Edewor, D.O. et. al (2013) CSS 242: Measurements and Patterns of Crime and Delinquency. Abuja: National Open University of Nigeria (NOUN).

UNIT 3: TREATMENT OF VICTIMS IN THE CRIMINAL JUSTICE SYSTEM

1.0 Introduction

2.0 Objectives

3.0 Main Content

3.1 Victims Right before Trial

3.2 Victims Right during Trial

3.3 Victims Rights at Sentencing

3.4 The Constitutionalisation of Victim's Rights

3.5 International Standards Regarding Victims

4.0 Conclusion

5.0 Summary

6.0 Tutor- Marked Assignments

7.0 Reference/Further Readings

1.0 INTRODUCTION

The present global attention in improving the condition of victims of crime is often credited to the efforts of Margery Fry, a British social reformer. Fry started a movement for the establishment of a special programme of compensation of crime victims by the state. In this unit, we want to consider how victims of crime are treated in our criminal justice system, before, during and after trial, and how adequate compensations are made for them by the state, if any.

2.0 OBJECTIVES

The major objectives of this unit are to:

- i. Examine the treatment of victims of crime from the beginning of trial of the accused until sentence is pronounced by a court of competent jurisdiction.

- ii. Find out how Nigeria can join the League of Nations in establishing programmes as means of caring for victims of crime.

3.0 CONTENTS

3.1 Victims Rights before Trial

Charges in the criminal justice process on behalf of the victim at the pretrial stage include the establishment of requirements that victims receive protection and assistance; that they be informed of their rights; that they have alternatives to the criminal justice system; and that any necessary participation in it be less onerous and more meaningful.

To this end, the protection of the victim, it is expected that bystanders at the scene of an emergency give reasonable assistance to persons exposed to or who have suffered grave physical harm, or at least report serious crimes e.g. rapes, murder, or armed robbery to the police as soon as is reasonably practicable.

Moreover, in as much as meaningful participation of victims in the criminal justice process requires that they be safe and free from intimidation, several states give them a statutory right of reasonable efforts at police protection. Although threats and injuries to victims are punishable as general assault crimes, most states punish the intimidation of retaliation against victims and witnesses as a separate offence with an enhanced penalty.

This concern for the safety of victims is accompanied by sensitivity toward their needs in recovering from the victimization and in coping with the criminal justice process. In some jurisdictions, e.g. the United States of America, some states require that Police Officers or prosecutors provide victims with information about state compensation program and social services. This first encounter with the police may also be the last involvement of many victims with the traditional criminal justice system, for many communities have established as an alternative a citizen dispute or mediation centre, like Lagos State.

Victims who remain involved in the traditional criminal justice system are the intended beneficiaries of various victim/witness assistance programs that are sponsored by the state.

These programs offer assistance in seeking the prompt return of recovered stolen property, witness fees, and the cooperation of employers and creditors transportation to the court, orientation to court procedures, preparation for testimony, escorts through the court house, and notification of court appearances and cancellations in order to minimize waiting and unnecessary travels. Equally important, victims and witnesses are informed of the progress of the case.

Self Assessment Exercise (SAE) 1

Explain the rights of victims before trial.

3.2 Victims Rights during the Trial

Another set of changes in the criminal justice process affects the victim during the trial. For example, in Alabama, the statute changes the law that allowed the exclusion of the victim from the trial of the accused, granting the victim the right not only to be present throughout the trial but also to sit at the prosecutor's table.

Some laws give victims the right to a prompt disposition of the case in which they are involved. In California for instance, a citizen-initiated "Victims Bills of Rights" abolished the exclusionary rule and the defense of diminished capacity. Some other laws promote the prompt return of recovered stolen property to the victim by authorizing the prosecution to use a photograph of it as evidence in the trial regarding its theft.

Self Assessment Exercise (SAE) 2

Explain the rights of victims during trial.

3.3 Victims Rights at Sentencing

Another change in the criminal justice process affects victims during the sentencing of the convicted offender. There is the need to inform victims of any contemplated plea

agreement, so that they can inform the prosecutor of their views and be present and hear when the judge considers the prosecutor's recommendation. Some courts voluntarily consider the recommendations of advisory sentencing panels, which at times include the victims of the crimes.

It is advisable that the sentencing judge receive and consider a "victim impact statement" that is, a summary of an interview with the victim or a written statement submitted by him to the prosecuting attorney, who has the obligation of soliciting the victim's views. The victim's statement should include inter alia in the pre-sentence report "an assessment of the financial, social, psychological, and medical impact upon, and cost to, any individual against whom the offence has been committed.

The requirement of consideration of the victim's injuries, however, is not the most important issue in the law of sentencing that affects victims. Rather, it is the law and practices regarding restitution by the offender that should be of utmost importance to the victim. Although, restitution as a condition of probation has long been a sentencing option in some jurisdictions.

Until recently, it has been little used, perhaps because of the failure of many probation laws to specify it as a choice, the difficulties of determining appropriate terms, the indigence of most offenders and the problems of enforcement; perhaps because of judicial insensitivity to the needs of victims. Publicity about restitution prompted some states in the U.S.A. to make administrative and legislative changes, including the express authorization of restitution as a condition of probation, parole or work release.

In order to ensure judicial awareness of sentencing options, a law in the U.S. A. requires that the pre-sentence report set forth "any compensatory benefit that various sentencing alternatives would confer on "the victim. Many states in the U.S. and the Federal government even require that the sentencing judge who grants probation order restitution as a condition thereof or state the reasons for not doing so, the California Constitution mandating restitution in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss, unless compelling and extra-ordinary reasons exist to the contrary.

In other instances, many new restitution programs emphasize service to the victim or the community by offenders without means to make monetary restitution. These programs sometimes involve the victim in the process of determining the amount and nature of the restitution, even to the extent of negotiation with the offender.

In rendering assistance to crime victims in the restitution programs, it should be a requirement of the law that persons convicted of crime be assessed a fee, in addition to any time or term of imprisonment, for the support of state crime compensation. Though, this fee may have small adverse consequences for each offender but it will be used for the benefit of all victims who are eligible for compensation or assistance. It differs from restitution in that, usually it is merely a nominal amount, either a flat fee or a percentage of any fine; as assessed on all offenders, without regard to the amount of any damage inflicted.

Self Assessment Exercise (SAE) 3

Do you think that courts should seek the opinions of victims of crime before imposing the appropriate sentence on the offender?

3.4 The Constitutionalization of Victim's Rights

The Victims bills of right which appear to grant extensive rights to victims in the criminal justice process in the U.S. look deceptive. This is so because the bill virtually nullifies those apparent "right" by the vagueness of language in the bill, by extending them only to the extent reasonably possible and subject to available resources; by providing no enforcement mechanisms or by specifying that no cause of action arises for violations thereof.

The unenforceability of the victim's bills of rights and a desire to give the victim the same symbolic standing as the accused led to a movement to amend the U.S. Constitution on behalf of the victims. As a result of this amendment in the Constitution, it was said and included that "Likewise, the victim, in every criminal prosecution shall have the right to be present and heard at all critical stages of judicial proceedings". Constitutional amendments on behalf of the victim have been adopted in California, Florida, Michigan and Rhode

Island. It will certainly not be a bad idea if Nigeria adopts constitutional amendments on behalf of victims of crime.

Self Assessment Exercise (SAE) 4

Constitutionalization of Victims' Right in the 1999 Constitution of the Federal Republic of Nigeria is in the right direction. Discuss.

3.5 International Standards Regarding Victim

Although the discussion above has been on the developments in the U.S.A., the movement for improvement of the situation of the victim of crime has made important advances in many Countries, Nigeria is not an exception. For example, regional and international standards have been established on behalf of the victim. For instance, the committee of Ministers of the Council of Europe has issued recommendations of the "position of the victim in the framework of Criminal law and procedure".

These recommendations concern legislation and practices at the police level, and in respect of prosecution, questioning the victim, court proceedings at the enforcement stage, the protection of privacy, and special protection of the victim.

The Council of Europe has also issued recommendations regarding assistance to victims and prevention of victimization. Furthermore, the United Nations has adopted the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. This Declaration establishes Standards concerning the prevention of victimization, access of the victim to justice and fair treatment, restitution from the offender, compensation from the state, and social assistance toward recovery.

Moreover, the Declaration provides standards regarding the victims of abuse of power. To this end, any country desiring to improve the situation of victims can consider not only the experience with such efforts in a variety of individual lands, but also standards that have been developed through the cooperation of many states. Nigeria has to wake up to these international standards as far as victims of crime rights are concerned.

4.0 CONCLUSION

We have been able to take a look at the rights of the victim before, during and at sentencing levels at the time of trial of the offender.

5.0 SUMMARY

In this unit, we dealt with the issues of victims rights at the various levels of trial of the offender. The treatment of the victim of crime is very crucial before, during and after trial, otherwise a court may be alleged of prejudice.

6.0 TUTOR-MARKED ASSIGNMENTS

- i. Briefly explain the rights of victims before trial.
- ii. With relevant example, what are the rights of victims during trial?
- iii. Do you think that courts should seek the opinions of victims of crime before imposing the appropriate sentence on the offender?

7.0 REFERENCES/ FURTHER READINGS

McGillis, D. & Smith, P. (1983) *Compensating Victims of Crime: An Analysis of American Programs*. Washington, D. C: National Institute of Justice.

Imiera, P. Anwo, J. Adegoke, A.T. and Akeusola, O. (2018) *CSS 452: Victims of Crime and Human Rights Violations*. Abuja: National Open University of Nigeria (NOUN).

UNIT 4: PROVISIONS, CONSTRUCTION AND ENFORCEMENT OF COMPENSATION TO VICTIMS OF CRIME

CONTENTS

1.0 Introduction

2.0 Objectives

3.0 Main Content

3.1 Compensation

3.2 Provisions Relating to Compensation to victims of crime

3.3 Construction of the compensation provisions

3.4 Enforcement of the Payment of Compensation

3.5 Compensation to Victims of Crime at Customary Law

3.6 Rationale basis for the Payment of Compensation to Victims of Crime

4.0 Conclusion

5.0 Summary

6.0 Tutor-marked Assignments

7.0 References/Further Readings

1.0 INTRODUCTION

Justice is not a one-way-traffic. It is not justice for the appellant only. Justice is not even a two-way traffic. It is really a three-way traffic: Justice for the appellant accused of a heinous crimes of murder, justice for the victim, the murdered man, the deceased, “whose blood is crying to heaven for vengeance” and finally justice for the society at large- the society whose social norms and values had been desecrated and broken by the criminal act complained of.

2.0 OBJECTIVES

At the end of this unit, you would able to find out how:

- i. Justice becomes a three-way-traffic;

- ii. The various codes make provision for compensations to victims of crimes.
- iii. Judgment for compensation is entered;
- iv. Customary law provides for compensation to victims of crime, and
- v. Rationale, basis for the payment of compensation to victims of crime comes about.

3.0 MAIN CONTENT

3.1 Compensation

Compensation enables the victim to be adequately assuaged by money or in any other manner the injury done to him can be ameliorated. Thus the object of compensation is to heal the injury inflicted by crime in so far as this can be done either by restitution in integrum by money or by apology. Compensation is an extension of the sentencing apology of the criminal law whose principal objective is to express the society's disapproval of the crime committed by the offender, and the sympathy for the injury suffered by the victim.

It is the most eloquent endorsement of the support for the victim. We have attempted a definition or explanation of the terms which will recur in this unit to facilitate understanding of the subject matter. It may be necessary in the course of the discourse to expatiate on the terms to enable a composite treatment of the word, "policy", "compensation", "victim" and "crime". It is now appropriate to discuss whether there is a National Policy for Compensation of Victims of Crime, and if there is none whether it is desirable to have any.

Self Assessment Exercise (SAE) 1

Would you agree that policies for compensation in Nigeria are adequate?

3.2 Provisions Relating to Compensation to Victims of Crime

The punishment prescribed in our Criminal and Penal Codes for culpability and liability for criminal offences are listed in section 17 of the Criminal Code, and Section 68 of the Penal Code. The Criminal Code lists them as death, imprisonment, whipping, fine and forfeiture.

The Penal Code adds detention in a reformatory, and for offenders who are of the Islamic faith Haddi lashing as prescribed by Islamic Law in offense prescribed.

Accordingly, although forfeiture is regarded as a punishment, none of the prescribed punishments listed above has the interest of the victim as its primary objective.

However, there are general provisions in both the Penal Code and Criminal Procedure Act which empower the court on conviction of an offender, or in respect of the Criminal Procedure Act even in lieu of conviction to award compensation to persons injured by the criminal acts of such offender.

Section 78 of the Penal Code provides as follows:

“Any person who is convicted of an offence under this Penal Code may be adjudged to make compensation to any person injured by his offence and such compensation may be either in addition to or in substitution for any other punishment”.

In accordance with these provisions compensation may be awarded in situations where the offender has been convicted of an offence and the award to the victim, can be made in addition to any penalty imposed on conviction. This is not the case with the exercise of powers vested in the Court under Section 299 of the Criminal Procedure Act. The section provides as follows:

“299. Upon the conclusion of the hearing the court shall either at the same or at an adjourned sitting give its decision on the case either by dismissing or convicting the accused and may make such other order as may seem just”.

The words of this provision which are discretionary empower the court to make any order in relation to the victim of the offence prosecuted even where the charge in respect of which the offender is prosecuted has been dismissed, i.e. where he has not been found guilty. However, it would appear this is different from the general provisions cited and reproduced where the award of compensation to victims is firmly based on the principles of culpability

of the offender for the criminal conduct resulting in the injury to the victim. It is therefore based on the fault theory. This is clearly brought out in Section 435 (1) of the Criminal Procedure Act which provides as follows:

435(1). “Where any person is charged before a court with an offence punishable by such court, and the court thinks that the charge is proved but is of opinion that having regard to the character, antecedents, age, health or mental condition of the person charged, or to the trivial nature of the offence or to the extenuating circumstances under which the offence was committed, it is inexpedient to inflict any punishment or any other than a nominal punishment, or that it is expedient to release the offender on probation the court may without proceeding to conviction make an order either:

- a) Dismissing the charge; or
- b) Discharging the offender conditionally on his entering into a recognizance, with or without sureties, to be of good behaviour and to appear at anytime during such period not exceeding three years as may be specified in the order”.

Sub-section 2 empowers the court in addition to “order the offender to pay damages for injury or compensation for loss, not exceeding ten pounds or if a higher limit is fixed by an enactment relating to an offence that higher limit...” and also to pay costs of the proceedings as the court thinks reasonable. Where the offender is below the age of seventeen years and it is found that his or her parent has conducted to the commission of the offence, they will be liable in respect of the damages and costs.

Self Assessment Exercise (SAE) 2

Examine the various provisions of the Penal Code & CPA on compensation

3.3 Construction of Compensation Provision

A construction of the provisions of Section 78 of the Penal Code, Section 365 of the Criminal Procedure Code and Section 255 (1) of the Criminal Procedure Act, discloses a divergence, in the policy adopted in each criminal jurisdiction for the award of compensation to victims of crime. First to the Penal Code and Criminal Procedure Code.

The Penal Code and Criminal Procedure Code specifically use the words “compensation” in the appropriate sections, and also provide that such compensation is to be made to “any person injured by his offence”. This enlarges the categories of the victims of the offence and enables the award of compensation not only to the victim who has suffered directly from the conduct of the offender, but such other persons who are also directly adversely affected by the injury through the victim from earning is living compensation should contemplate those others. Such as his dependants, affected directly by the incapacitation.

Compensation is to be awarded either in addition to or in substitution for any other punishment, such as fines or imprisonment which are the prescribed punishments. Thus compensation simpliciter is not punishment and cannot be regarded as the punishments. It is to be awarded entirely in the interest of the victim.

Section 365 of the Criminal Procedure Code brings out the policy clearly by providing that in addition to the imposition of a fine, the court may on conviction order the convicted person to pay costs in defraying expenses properly incurred in the prosecution, compensation for the injury caused by the person convicted, where substantial compensation is in the opinion of the court recoverable by civil suit, or medical expenses incurred by any victim of the offence, or compensation to any person who has suffered financial loss as a result of the offence.

The Criminal Procedure Code provides for the payment of compensation to persons who are subjected to arrest and prosecution without valid reasons. Section 255 (1), although supplemented by Section 260 of the Criminal Procedure Act is fairly difficult to reconcile. As we pointed out above, the word “compensation” is not used in the former section, although it is used in the latter. The costs which the court is empowered to award as it may

seem fit in Section 255 (1) is to the prosecutor and not to the victim. The payment of compensation in the Criminal Procedure Act is in favour of the discharged offender and in relation to false and vexatious charges. This can be enforced by the court with imprisonment in default.

Although Section 260 (1) speaks of where the offender, having been ordered to make compensation, suffers imprisonment for non-payment thereof,”

There is no Section of the Criminal Procedure Act requiring a convicted offender to pay compensation, Section 257, which speaks of compensation provides that “Any sum so awarded as compensation shall be specified in the order of discharge or acquittal, as the case may be...” cannot be referring to a convicted offender. However, Section 260 (1) also cannot be construed as referring to costs in Section 255 (1) but to compensation in sections 256 and 257 which refers to acquittals or discharged persons. Thus the Criminal Procedure Act contemplates payments of costs to the prosecutor. It does not seem to me that any compensation is envisaged in favour of the victim of a criminal offence.

And this is so even where it is widely assumed that the court can rely on the provisions of Section 255(1) in relation to costs and 435(2) in relation to damages for injury or compensation for loss. The Criminal Procedure Act provides for the award of compensation of not more than one hundred naira, or fifty Naira, by a judge or Magistrates as the case may be against a private prosecutor, where the court considers that the private prosecutor had no reasonable grounds for bringing the prosecution.

Where compensation is awarded on the ground that the charge brought against a discharged or acquitted offender is false, malicious, frivolous and vexatious, compensation of not more than twenty naira is to be paid to the accused by the person upon whose complaint the accused was charged.

Self Assessment Exercise (SAE) 3

How has the Courts interpreted the provisions on compensations?

3.4 Enforcement of the payment of compensation

Compensations awarded to victims of crime are recoverable as fines imposed on conviction or by means of civil action. However, where injuries are sustained as a result of crime, where the victim has cause to resort to civil action to recover payment of the compensation awarded, this will be taken into consideration in such civil suit. There is provision for appeal against costs awarded in favour of the victim.

The Criminal Procedure Act provides that the victim of the offence may reject the compensation awarded and resort to his remedy by civil action. But the Criminal Procedure Act provides that acceptance of compensation awarded on conviction, constitutes a bar to recovery of compensation by civil process in respect of the same matter. It seems to me also that serving of a term of imprisonment in default of the payment of compensation awarded constitutes bar to any action for the same injury.

There appears to be different policy in the recovery of compensation between the Penal Code and Criminal Procedure Code and the Criminal Code and Criminal Procedure Act. In both laws, compensation awarded is recoverable as fines. The Criminal Procedure Code goes further to permit those who have received compensation to bring further civil suit relating to the same matter, but empowers the court to take into consideration any sum paid or recovered as compensation in the criminal action.

The Criminal Procedure Act also envisages civil proceeding for the recovery of damages resulting from injury committed for an offence. But this is only where the victim has rejected the compensation awarded by the court on conviction of the offender.

It appears that where the victim has accepted the compensation awarded by the court, he loses his right of action by civil proceeding for damages in respect of the same matter. It is curious to observe that the victim also loses his right of action even where the convicted offender suffers imprisonment in default of the payment of compensation – a circumstance to which the victim has made no contribution.

It is obvious that the compensation provisions are clearly unsatisfactory in several respects.

Firstly, the conditions for the award of compensation which are based on the guilt of the offender, have not taken into account the contribution to the commission of the offence by the victim.

Secondly, the absence of any procedure for the quantification of damage and the amount to be awarded is a serious defect.

Thirdly, the consideration of the award entirely by the trial court and regarding the award of compensation as part of the fine on conviction as a criminal punishment also detracts from the real purpose of the compensation.

Fourthly, the policy of constituting an award of compensation it accepted as a bar to civil remedy is an entirely erroneous policy which defeats its real purpose.

Finally, the amount prescribed in the current provisions is completely out of step with current economic realities.

Self Assessment Exercise (SAE) 4

What is the role of the state in enforcing payment compensation to a victim of crime?

3.5 Compensation to Victims of Crime at Customary Law

The fundamental objective of sanctions in customary criminal law is the restoration of the equilibrium in the society. Thus whether the offence is one against the society in respect of which the group is the victim, or it is against an individual who is the victim, the sanction imposed is an attempt at restoring peace among the inhabitants of the community.

At customary law punishment was employed to express group solidarity and to uphold veneration of the sacred institutions of the community. This is the rationale for demanding a replacement in specie or restitution in many customary laws. For instance, although death

penalty is the punishment for murder, where the offender is of the same family as his victim, the sentence was not usually carried out.

However, where the offender is of the same group as his victim, a substitute was accepted instead of the execution of the offender. Among the Kalabari/Ijaw, if a slave killed a freeman, the victim's family was entitled to demand from the family of the accused, not merely his surrender but a person of equivalent status to the victim. Punishments for adultery were in certain societies graduated to reflect the status of the victim.

There are also societies where the suicide of the offender was the only approved punishment for homicide. This is because homicide was forbidden and no one could commit the act even against the wrongdoer. His self-execution is the only compensation to the community whose vital and fundamental interest has been violated and to the victim who had no way of being satisfied.

The element of compensation was the rationale behind subjecting an offender to be slave of the family of his victim. Largely because of the size of the many communities which were small, and their political organizations which were less organized, the attraction to come to compromises even in respect of violations of their prohibitions was dictated by their desire to preserve their unity and cohesiveness.

However, the large and more politically organized societies manifested authoritarian sanctions. It would seem that compensation and restitution to the victim of crime were prominent features in the administration of criminal law at customary law. Hence, Lugard was prompted to advise political officers early in this century to impose deterrent sentences in order to suppress crime, and that "Native Courts must be instructed that the restitution of stolen property, or of an abducted person is not of itself a sufficient penalty..." As recent as 1953 Brooke J. observed that compensation was more often used in resolving criminal disputes in native courts than in professional courts.

It is a truism that restitution and compensation to victims of crime were the important features of criminal justice administration in customary law which were swept away by the abolition of customary criminal law in 1960. We have endeavoured to outline the existing

compensation provisions and their general effect on the victims of crime. These are the provisions expected to replace the accepted general notion that compensation was a dominant feature of criminal justice administration.

Criminal justice administration at customary law was victim-initiated, and the offending party or his group “repaired” the loss or injury according to a prescribed schedule. Modern criminal justice administration relegates the victim to the position of a complainant to the society, which concentrates on social defence, rehabilitation, deterrence and incapacitation as its remedy. Society which claims to be a victim, exacts the remedy.

Thus the victim is doubly victimized, first by the wrongdoer, and second by the criminal process to which he is subjected. The general effect of the criminal process is that the victim suffers financial loss from the injury, caused by the offender, further financial losses due to attendance at the trial. The conviction and sentence of the offender resulting in his imprisonment may render compensation remote. The fines paid on conviction or imprisonment constitutes no benefit to the victim. The general view among the ordinary Nigerian is that only the Government will benefit from the fines or imprisonment, there is no benefit to his wife or children.

As a result of this disadvantage, and the problems generally encountered in persuading the Police to initiate the prosecution of the offender, many victims opt not to initiate the criminal process to prosecute the offender by not informing the Police about the commission of an offence. The net effect of this general mistrust in the capacity of the State to protect the citizen and recompense him for injury resulting from violation of prohibited conduct is the feeling, somehow justified, that the victims of crime do not receive appropriate justice in the courts.

Self Assessment Exercise (SAE) 5

Has the customary law been helpful in compensating victims of crimes?

3.6 Rationale basis for the Payment of Compensation to Victims of Crime

It is a cardinal purpose of criminal policy that anti-social conduct injurious to the society and the citizens must be prohibited on pains of punishment. The State has undertaken this duty of protection of the law abiding citizen, who on his part as a correlative enjoys the right to be protected by the State.

Thus the State has a duty to prevent crime by the formulation of appropriate effective criminal policy and the breach of his duty confers on the citizen, victim of crime, the right to demand proper assistance. This duty of the State has been recognized by the European Convention on the Compensation of Victims of Violent Crimes (1984) which establishes in a limited scope, the duty of the State to provide compensation to the victims of violent crimes.

The recent adoption by the United Nations General Assembly of the Declaration on the Basic Principles of Justice for Victims of Crime and Abuse of Power, specifically enjoins member States to “review their practices, regulations and laws to consider restitution as an available sentencing option, in criminal cases, in addition to other criminal sanctions. This is an invitation to countries where provisions for compensation to victims of crime are as inadequate as ours to make better provision. Again the United Nations Declaration provides “When compensation is not fully available from the offender, States should endeavour to provide financial compensation to:

- (a) Victims who have sustained significant bodily injury or impairment or physical or mental health as a result of serious crime.
- (b) The family, particularly dependents of persons who have died or become physically or mentally incapacitated as a result of such victimization.

The argument in favour of State obligation towards the victim and its responsibility to him for injury resulting from the breach of that obligation is not significantly different from the policy in indigenous law of redressing the injury of the victim and restoring the social equilibrium by awarding compensation to the victim. The modern State having taken over

completely the protection of the citizen must also take over the remedies hitherto available to him. This is why Dr. Nsereko has expressed it clearly when he suggested that:

“Probably the sounder premise for state compensation is social solidarity, and the need to relieve victims from the consequences of crime by spreading the risk of crime to all members of the community. Unless victims are so relieved they may decide to vindicate themselves by taking the law in their own hands. The consequences of such private vindications cannot conduce to public good.” Although limited to unlawful arrest and detention, Section 35(6) of the Constitution 1999 provides: “Any person who is unlawfully arrested or detained shall be entitled to compensation and public apology from the appropriate authority or person...”

This is constitutional support, for the award of compensation to the victim of crime. The confidence of the citizen in the criminal justice process will be restored and enhanced if he is assured that the injury inflicted on him by the offender will be reasonably compensated. It is therefore eminently desirable to have a national policy on compensation to victims of crime.

4.0 CONCLUSION

Traditional African judicial systems relied on payment of compensation to victims as a principal remedy in the administration of criminal justice. The existing provisions of the law which are intended to provide the same remedy have failed in many important respects. This is essentially because the nature of modern judicial process coupled with the inadequacy of the provisions made in respect of the compensation to victims of crime. The differences in the Criminal Procedure Act and the Criminal Procedure Code accentuate the differences in the criminal policies. The CPA has not provided for compensation to victims of crime. The costs to be awarded against the accused in certain cases are intended to be paid to the prosecutor.

5.0 SUMMARY

In this unit we took a look at various issues relating to compensation of victims of crime. We also found out that the dominant role played by the victim in the prosecution of the offender may be consistent with the prevailing concept of the criminal process and that will enable the State to satisfy its avowed constitutional function of protection for all persons within its territorial jurisdiction.

6.0 TUTOR-MARKED ASSIGNMENTS

- i. Would you agree that policies for compensation in Nigeria are adequate?
- ii. Examine the various provisions of the Penal Code & CPA on compensation
- iii. What is the role of the state in enforcing payment compensation to a victim of crime?

7.0 REFERENCES/FURTHER READINGS

Godwin Josiah vs. the State (1985)¹, NW LR 125

Elias, T. O. (1963) "Government and Politics in Africa, in compensation and remedies for victims of crime in Nigeria. Federal Ministry of Justice.

Dunkel, F. (1986) "Reparation and victim-offender conciliation", Federal Ministry of Justice, Nigeria.

Imiera, P. Anwo, J. Adegoke, A.T. and Akeusola, O. (2018) CSS 452: Victims of Crime and Human Rights Violations. Abuja: National Open University of Nigeria (NOUN).

MODULE 6 VICTIM ASSISTANCE AND NEEDS

Unit 1 Victim Assistance

Unit 2 International Rights of Victims

Unit 3 Restitution and Crime Victims

Unit 4 Victim Report Method

UNIT 1: VICTIM ASSISTANCE

1.0 Introduction

2.0 Objectives

3.0 Main Content

3.1 Victim Assistance

3.2 Purposes of Victim Assistance

4.0 Conclusion

5.0 Summary

6.0 Tutor-Marked Assignments

7.0 Reference/Further Readings

1.0 INTRODUCTION

The crime victim assistance field has undergone rapid growth in the past 30 years. Policies and services for crime victims have emerged as an important and growing field of human services practice.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- i. Identify victim assistance
- ii. Appreciate the victim needs

3.0 MAIN CONTENT

3.1 Victim Assistance

Victim assistance implies programmes designed to offer services to victims as they recover from the crime and continue through the criminal justice process. Attempts to meet victims' needs have been forged on two fronts: victims' rights advocates lobby for and assert the rights of victims to have a primary role in the administration of justice, while community support groups attempt to address the personal crises that may follow from victimization.

Crime victim assistance programmes are being developed to respond to the criminal justice system's notable lack of concern for victims. The criminal justice system began to recognize that by addressing victims' problems resulting from the crime, victims were more likely to work with police. This partnership hopes to increase the quality of evidence and lead to more convictions.

In 1984, Congress passed the Victims of Crime Act (P.L. 98-473), which established strong federal leadership in victim assistance. The Act provided funding to qualified victim assistance and state compensation programmes in all 50 states. Passed in 1994 and reauthorized in 2000, the Violence against Women Act (P.L. 103-322) provides federal funding for shelters for battered women, sexual assault programs, and a variety of other measures to combat violence against women.

All states have passed a "Victims' Bill of Rights," and 32 have enacted constitutional amendments requiring certain services for crime victims. The rights of crime victims vary from state to state. For example, elderly people may be compensated as a result of crimes that do not result in physical injury.

Self Assessment Exercise (SAE) 1

What is your understanding of victim assistance?

3.2 Purposes of Victim Assistance

A number of purposes of victim assistance have been suggested:

- i. To provide legal representation to victims of crime, so that victims are not revictimized by the system's neglect of them;
- ii. To meet victims' physical and psychological needs; and eventually
- iii. To give victims an opportunity to successfully reintegrate into society as restored individuals.

Self Assessment Exercise (SAE) 2

Explain the purposes of victim assistance?

3.3 Victim Needs

According to Wemmers (2002), the following are some of the needed assistance for the victims of crime and conflict:

Need for Information

Victims want to know what they can expect and what their role is in the criminal justice process. After reporting a crime to the police, victims usually want to remain informed of any developments in their case. Victims' informational needs are the most common need found in the research literature (Maguire, 1991).

Emotional Needs

Victimization can be an upsetting, frightening, infuriating, depressing, and anxiety-provoking experience, and it is well known that victims may experience a host of different emotions. While we tend to think of violent crimes as generally more serious than property crimes, the gravity of the offence according to the criminal code is not necessarily a good indication of its emotional impact (Baril, 1984). It is well known that moderately serious

crimes like burglary can have a profound effect on the victim (Maguire, 1980). Studies on victims of attempted or less-serious crime suggest that the impact of these crimes is often trivial (Lurigio, 1987).

Another well-known reaction is what Maguire (1991) refers to as the 'why-me syndrome'. This is a coping strategy for many victims and survivors of crime: they look for information to better understand the victimization in an effort to come to terms with the event. Recognition of victims' emotional needs has led to the development of victim support initiatives in most western countries. Programs typically address the emotional impact of victimization and provide victims with support throughout the criminal justice process.

A Lack of Participation

Several studies have shown that victims generally feel left out of the criminal justice process and that they want to participate in it. What is not clear is whether victims seek an active or passive participation (UNODCCP, 1999). Active participation implies that they want to be able to make demands and have decision-making power. Passive participation implies that they want to be consulted throughout the process but they do not want to make demands and be responsible for decisions.

A Need for Protection

Victimization can leave a person feeling vulnerable and insecure and victims often need to recover their sense of security (Baril, 1984; Lurigio, 1987). Not only do they feel vulnerable, but research on repeat victimization shows that victims of crime are indeed at risk of being revictimized (Pease, 1998). Victims may fear intimidation and retaliation by the offender (Baril, 1984; Reeves, 1989). They may worry about reactions from others and favour their privacy. They may be more anxious about crime in general and worry about the ability of the criminal justice system to protect citizens and control crime (Lurigio, 1987).

Practical Needs

Often, immediately following victimization, victims need practical help. Examples are: help with the repair of a door or window broken by the offender during the offence; help with filling in insurance forms or replacing stolen documents; help with babysitting small children so that the parent can go to the police station *et cetera*. Some of these immediate needs involve expenditure in respect of which victims with little money may find it difficult to meet.

Compensation

Although the United Nations recommends that governments re-examine their legislation and practices to include the compensation of victims by offenders within the criminal justice process. Victims rarely receive restitution in this way. Compensation is, however, one of many reasons given by victims for participating in restorative justice programmes.

Self Assessment Exercise (SAE) 2

Discuss the various needs of crime victims.

4.0 CONCLUSION

We have explained victim assistance as programmes designed to offer services to victims as they recover from the crime and continue through the criminal justice process. Crime victim assistance programmes are being developed to respond to the criminal justice system's notable lack of concern for victims.

5.0 SUMMARY

In this unit, the nuances and dynamics surrounding victim assistance have been discussed. This was discussed in relation to the needs of victims of crime. In the next unit, we shall discuss international rights of victims.

6.0 TUTOR-MARKED ASSIGNMENTS

- i. What is your understanding of victim assistance?
- ii. Explain the purposes of victim assistance.
- iii. Discuss the various needs of crime victims.

7.0 REFERENCES/FURTHER READINGS

Baril, M. (1984) *L'envers du crime*. Cahier No.2, CICC, Universite de Montreal; Montreal.

Lurigio, AJ. (1987) Are All Victims Alike? The Adverse, Generalized and Differential Impact of Crime. *Crime and Delinquency*, 33, (4), 452-467.

Maguire, M. (1980) The Impact of Burglary upon Victims. *British Journal of Criminology*. 20(3), 261-275.

Maguire, M. (1991) The Needs and Rights of Victims. In *Crime and Justice. A Review of the Research* (M. Tonry, ed.) pp. 363-387.

UNODCCP (1999). *Handbook on Justice for Victims*. United Nations Office for Drug Control and Crime Prevention. New York.

Wemmers, J. (2002) Restorative Justice for Victims of Crime: A Victim-oriented Approach to Restorative Justice. *International Review of Victimology*. Vol. 19.

UNIT 2 INTERNATIONAL RIGHTS OF VICTIM

1.0 Introduction

2.0 Objectives

3.0 Main Content

 3.1 International Rights of Victim

 3.2 Voluntary organizations on Victim Rights

4.0 Conclusion

5.0 Summary

6.0 Tutor-Marked Assignments

7.0 Reference/Further Readings

1.0 INTRODUCTION

In 1995, the United Nations General Assembly adopted the Declaration on the basic principles of justice for victim of crime and abuse of power. Also, the International Victimology Institute (INTERVICT) and the World Society of Victimology developed a draft UN Convention for Victims of Crime and Abuse of Power.

2.0 OBJECTIVES

At the end of this unit, you should be able to know:

- i. The UN stance on rights of victims.
- ii. The international rights of victims
- iii. Voluntary organizations on victim rights.

3.0 MAIN CONTENT

3.1 Rights of Victim

In general crime victims' rights include the following:

- i. The right to notification about the stages and proceedings in the criminal justice process, other legal remedies, parole proceedings, and the
- ii. The right to be heard through a victim impact statement and to provide information to the probation department conducting an investigation on the impact of the crime.
- iii. The right to attend and participate in the criminal justice proceedings
- iv. The right to protection from intimidation and harassment, consideration of the safety of the victims and their families when bail is being set, and a safe waiting area before and during court proceedings
- v. The right to confidentiality of records and a speedy trial
- vi. The right to general compensation and restitution for the crime, including prompt return of personal property seized as evidence
- vii. The right to the offenders' profits from the sale of stories of their crimes
- viii. The right to have expenses for a sexual assault forensic examination and
- ix. Counseling about AIDS and HIV infection and testing paid for by a law enforcement agency.

Self Assessment Exercise (SAE) 1

Highlight the general rights belonging to victims of crime.

3.2 Voluntary Organizations on Victim Rights

Apart from the UN and state actors, there are many voluntary organizations established to promote the needs and rights of victims of crimes.

The role of voluntary organizations in other parts of the world in providing for the needs of the victims of crime and in constituting pressure groups on the government is remarkable. Their advocacy role has been most effective. The formation of such organizations needs to be encouraged and such organization like the Nigerian Society of Criminology which can play even a much wider role can be resuscitated and revitalized. This is pertinent at this point of economic meltdown when we are being constantly reminded that government efforts no matter how great cannot suffice for the enormous needs and demands in this and other sectors, and there is need to supplement this with voluntary support.

As stated above, the International Victimology Institute (INTERVICT) and the World Society of Victimology developed a draft UN Convention for Victims of Crime and Abuse of Power (Edewor, et. al 2013).

Self Assessment Exercise (SAE) 2

Explain the role of voluntary organizations on victim rights.

4.0 CONCLUSION

We have been able to explain several terms in this unit, from victims of loss or damage to property, voluntary organization, and compensation for victims of crime.

5.0 SUMMARY

In this unit, we examined the psychological impact of crime on victims, voluntary organizations providing for the needs of the victims of crime and the law enforcement perspective on crime victim compensation.

6.0 TUTOR-MARKED ASSIGNMENTS

1. Discuss the general rights of victims of crime.
2. Conduct a research on the role of voluntary organizations in promoting victim rights.

7.0 REFERENCE/ FURTHER READINGS

Edewor, D.O. et. al (2013) CSS 242: Measurements and Patterns of Crime and Delinquency. Abuja: National Open University of Nigeria (NOUN).

UNIT 3: RESTITUTION AND CRIME VICTIMS

1.0 Introduction

2.0 Objectives

3.0 Main Content

3.1 Restitution

3.2 Role of Restitution on Crime Victims

4.0 Conclusion

5.0 Summary

6.0 Tutor-Marked Assignments

7.0 Reference/Further Readings

1.0 INTRODUCTION

Restoration of the victim by the offender through restitution is one of the vital parts of restorative justice. Because the harm to victims and their families is a central attribute of justice, it is regular that restitution is addressed in victim support. In this unit, we shall discuss victims' needs and the types of support available to victims, followed by restitution programmes to victims.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- i. define the term restitution
- ii. identify the types of victims' support
- iii. explain the role of restitutions on victims

3.0 MAIN CONTENT

3.1 Restitution

Restitution is compensation paid by the offender to the victim for any quantifiable loss suffered as a direct result of the crime (Ruback & Bergstrom, 2006).

Victims of crime undergo genuine harms in terms of property loss and damage, physical injury, and emotional distress that are usually not sufficiently addressed by the criminal justice system, despite reforms provoked by the victims' rights movement. Specifically, victims of crime do not regularly be given reparations for the financial costs of their victimization.

Financial costs of victimization include both direct costs, such as lost or damaged property, medical expenses, lost wages, mental health counselling and drug/alcohol treatment, and indirect costs, such as increased insurance costs, moving, buying protection devices, and avoiding certain neighbourhoods (Kilpatrick, Beatty, & Howley, 1998). Victims of non-violent crime also suffer considerable economic loss.

Of the three types of support, victims' tangible needs are important in their own right, but also because they affect intangible harms, including psychological outcomes. Some types of tangible support, like financial compensation, may be particularly important because they realize multiple goals.

Informational support is also important because many victims do not know that compensation exists and therefore are unlikely to receive tangible support (Smith & Hillenbrand, 1997).

Self Assessment Exercise (SAE) 1

What is your understanding of restitution?

3.2 Role of Restitution on Victims

In specific term, restitution addresses victims' tangible and emotional needs. Victims' tangible needs are met by reimbursing them for any tangible costs suffered as a result of the crime. The hope is that by meeting victims' needs in this way, they will be more pleased and therefore more likely to have confidence in the criminal justice system in the future with the greater motivation of crime victims to report potential crimes to the police.

Restitution also addresses victims' emotional needs by legitimizing, in an official and public manner that what happened to the victim was wrong and should be rectified. This acknowledgment may improve victims' psychological well-being by assisting to repair their sense of justice and self-esteem. Besides, restitution may solve victims' emotional needs because it holds offenders directly accountable for the harm they inflicted (Cares, Haynes and Ruback, 2015).

Self Assessment Exercise (SAE) 2

Explain the functions of restitution.

4.0 CONCLUSION

It is a truism that restitution addresses victims' tangible and emotional needs. Victims' tangible needs are met by reimbursing them for any tangible costs suffered as a result of the crime. The rationale behind this is that, crime victims will be more satisfied and have trust in the criminal justice system with the greater enthusiasm to report future crimes to the police.

5.0 SUMMARY

In this unit, the definition, types and roles of restitution on crime victims have been discussed. This was discussed in relation to the support of victims of crime. In the next unit, we shall discuss victim report method.

6.0 TUTOR-MARKED ASSIGNMENTS

- i. Define the term restitution.
- ii. Explain the types of victim support.
- iii. What are the roles of restitution on victims of crime?

7.0 REFERENCES/FURTHER READINGS

Cares, A.C. Haynes, S.H. and Ruback, R.B. (2015) Reducing the Harm of Criminal Victimization: The Role of Restitution. *Violence and Victims* 30(3): 450-469.

Kilpatrick, D. G., Beatty, D., & Howley, S. S. (1998) *The Rights of Crime Victims: Does Legal Protection makes a Difference?* Washington, D.C.: National Institute of Justice.

Ruback, R. B., & Bergstrom, M. H. (2006). Economic Sanctions in Criminal Justice: Purposes, Effects and Implications. *Criminal Justice and Behaviour*, 33(2), 242-273.

Smith, B. E., & Hillenbrand, S. W. (1997) Making Victims Whole Again: Restitution, Victim-Offender Reconciliation Programs, and Compensation. In A. J. Lurigio & W. G. Skogan (eds.), *Victims of Crime* (2nd ed.) Thousand Oaks, CA: Sage.

UNIT 4: VICTIMS REPORT METHOD

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
- 3.1 Victim Report Method
- 3.2 Victim Facilitation
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-marked Assignments
- 7.0 References/Further Readings

1.0 INTRODUCTION

Crime is a disruptive issue in human affairs. Measurement of crime is usually statistical in nature. One key method for measuring crime is the report given by victims of crime.

2.0 OBJECTIVES

At the end of this unit, you would be able to understand:

- i. What victim report method is;
- ii. Importance of victim report of crimes.
- iii. Various methods of victim report.

3.0 MAIN CONTENT

3.1 Victim Report Method

Official crime statistics created by the police, prisons and the courts are the indicators of criminality and victimization usually obtainable in most countries. However, such figures

are inaccurate due to dark figures (unreported crimes), grey figures (reported but unrecorded crimes) and manipulation of records to satisfy political and/or institutional interests (as when reported increase or decrease may be advantageous to regime in power of the police force).

Across the world, official statistics are known to suffer several weaknesses. Such weaknesses led criminologists to develop two methods of obtaining information on criminality, victimization, criminal justice administration and public attitudes to crime and criminal administration in society (Imiera, Anwo, Adegoke and Akeusola, 2018). These are the self-report measures-crime survey (self reported criminal behaviour) survey and victim survey (self reported victimization). They complement official crime statistics produced by the police, judiciary and the correctional service.

Crime survey involves the study of a sample of the population as regards the types and number of crimes that they committed during a particular period, usually during the past year whether or not detected or reported to the police. The method uses questionnaire to collect relevant information.

Victim survey is used to obtain data on the extent of criminal victimization. Unlike crime survey, which is used to obtain data on extent and patterns of crimes omitted by members of the society, victim survey is used to measure the extent and pattern of victimization in a community, among members of groups and in nations. Questionnaires were designed to gather information on respondents' experience of criminal victimization.

Victims' report method or victimization method involves measuring the numbers of discreet victims and offenders as well as repeat victimization rates and recidivism. Repeat victimization involves measuring how often the same victim is subjected to a repeat occurrence of an offence, often by the same offender. Repetition rate measures are often used to assess the effectiveness of interventions.

Self Assessment Exercise (SAE) 1

Give detailed explanation regarding victim report method.

3.2 Victim Facilitation

Victim facilitation is another controversial sub-topic but more accepted than victim blaming. The choice to use victim facilitation as opposed to “victim blaming” or some other term is that victim facilitation is not blaming the victim, but rather the interactions of the victims that makes he/she vulnerable to crime.

The idea behind victim facilitation is to study the elements that make a victim more accessible or vulnerable to an attack. Schneider (2001) expresses victim facilitation as a model that ultimately describes only the misinterpretation of victim behaviour of the offender. It is based upon the theory of a symbolic interaction and does not alleviate the offender of his/her exclusive responsibility.

Symbolic interaction theory was derived from the work of George Herbert Mead. Herbert coined the term Symbolic Interactionism and put forward an influential summary of the perspective: people act toward things based on the meaning those things have for them, and these meanings are derived from social interaction and modified through interpretation. Herbert Mead argued that people’s selves are social products, but that these selves are also purposive and creative and believed that the true test of any theory was that it was useful in solving complex social problems.

Deriving from the above perspective, it is apt to conclude that interaction between victims and offenders usually facilitate crime commission.

Self Assessment Exercise (SAE) 2

Explain the term victim facilitation

3.3 Purposes of Victim Facilitation

It is important to study and understand victim facilitation, because such effort increases public awareness, leads to more research on victim-offender relationship and advances theoretical etiologies of violent crime.

One of the ultimate purposes of victim facilitation is to inform the public and increase awareness so that less people become victims (Miethe, 1985).

Another goal of studying victim facilitation, as stated by Godwin (1988), is to aid in investigations. Godwin discusses the theory of victim social networks as a concept in which one looks at the areas of highest risk for victimization from a serial killer. This can be connected to victim facilitation because the victim social networks are the locations in which the victim is most vulnerable to the serial killer. Using this process, investigations can create a profile of places where the serial killer and victim both frequent.

Self Assessment Exercise (SAE)

Discuss the factors that contribute to victim facilitation

4.0 CONCLUSION

Victim report method is one of the techniques for measuring crime in the society. The appealing thing is that victim reports make crime statistics more comprehensive.

5.0 SUMMARY

In this unit, we have succeeded in discussing topics regarding the victim report method. We described the victim report method. We equally explained victim facilitation with relevant theory.

6.0 TUTOR-MARKED ASSIGNMENTS

- i. Explain the term victim facilitation
- ii. Give detailed explanation regarding victim report method.
- iii. Apply the theory that is related to victim facilitation.

7.0 REFERENCES/FURTHER READINGS

Godwin, M. (1998) Victim Target Networks as Solvability Factors in Serial Murder. *Social Behavioural and Personality*, 26 (1), 75-84.

Imiera, P. Anwo, J. Adegoke, A.T. and Akeusola, O. (2018) CSS 452: Victims of Crime and Human Rights Violations. Abuja: National Open University of Nigeria (NOUN).

Miethe, T.D. (1985) The Myth or Reality of Victim involvement in Crime: A Review and Comment on Victim Precipitation Research. *Sociological Focus*, 18 (3), 209-220.

Schneider, H.J. (2001) Victimological Development in the World during the Past Three Decades (1): A Study of Comparative Victimology. *International Journal of Offender Therapy and Comparative Criminology*, 45.