

Is The Criminal Justice System Biased in Favor of the Defendant to the Detriment of Victims? 1

IS THE CRIMINAL JUSTICE SYSTEM BIASED IN FAVOR OF THE DEFENDANT TO  
THE DETRIMENT OF VICTIMS?

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The criminal justice process is complicated with regard to whom it favors. On one hand, people say that the court system favors defendants and the expense of the victims. They argue that there is a minimal support system for victims as opposed to offenders. Others say that the system should focus on the needs of the offenders with the aim of reducing recidivism rates. Other critics argue that both defendants and victims have a minimal role to play as the system works to express the positions and authority of the lawyers and judges. The United States established the criminal justice system to not only assert the power of the government but to also provide justice for victims who are motivated by the desire to seek vengeance. As a result, there are concerns as to whether there is justice in the system or whether it is an agent that propagates inequality.

Victimless crimes do not mean that courts should be one-sided and disregard the needs of the people offended by the lawbreaking. Crimes such as prostitution and drug abuse do not specifically affect another party (Joyce, 2017). People involved in victimless crimes are often participating adults who are not coerced to commit their wrongdoing. In such instances, the criminal justice system may be seen as pushing their own agenda since the role of both victims and offenders is absent. For example, when a drunk driver is presented before a judge, he will be the defendant trying to defend himself from being imprisoned. Even though there is no victim, prosecutors will argue that he endangered the lives of others, thereby being a crime against the state. In this case, the court system will be a display of the might between lawyers and judges and violators of the law.

Victims are also not represented since cases are often not in their names but under the Crown Prosecution Service. According to Barbot, Dodier, and Raillard (2014), the criminal trial

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system was formed to provide a more civilized approach in which victims could seek vengeance. Prosecutors would seek to prove that defendants are guilty and win cases instead of attending to the needs of victims. Victims would be grilled irrespective of whether they have been directly affected or not. The psychological aid services are mostly absent, and victims are left at the merciless process of grilling and interrogation (Barbot, Dodier, and Raillard, 2014). On one hand, Lack of the names from the cases is a representation of how prosecutors shift away from addressing the needs of the client to display their might and power in addressing societal issues. On the other hand, exposure to numerous court proceedings that may seem unconventional in the protection of the psychological state of victims demonstrates how the criminal justice system runs for the benefits of the court users alone.

Criminal courts should be more friendly and less formal to allow victims to express themselves in different dimensions. The current court system in American is rigid with regards to strict interrogations that leave little room for affected people to express themselves (Barbot, Dodier, and Raillard, 2014). For instance, questions asked by both prosecutors and defendants' lawyers are tailored to specific boundaries that suit their needs. If victims were granted access to freely express themselves in court, more insights and critical aspects would be provided in the development of the case. In other instances, victims are trained on how to answer questions, thereby limiting their power to express themselves freely. They are bounded by court proceedings, where the aim of the prosecution is to show the offense made and not how victims have been affected by the offense (Joyce, 2017). Therefore, criminal courts should be less formal and more friendly to support victims instead of exposing them to strict rules without psychological support and mentorship.

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Almost everyone who has survived an offense, such as sexual abuse will also be a victim of blaming due to the widespread perception that they provoked or encouraged the crime from taking place. Feldman (2018) posits that victim-blaming is more programmed in the mind of humans. Blaming victims may not necessarily be accusing individuals of directly causing the offense to happen. It may take the form of merely telling them that they should have been more careful. Implying that the occurrence of the offense was partially their fault suggests that the criminal justice system has not yet sealed loopholes that do not protect victims. The court system should make it clear the behavior of defendants to commit crimes is independent of the victims. Reducing victim-blaming eliminates the sense of superiority in the system to pass judgments on others (CPS, 2018). Rationality should instead be promoted by prompting the idea that criminal acts can occur to anyone irrespective of whether they applied safety measures or not. Therefore, people still blame victims to some extent, depending on the type of offense committed to them.

Social support and community intervention programs have been found to be the most effective forms of coping mechanisms that enable victims to recover. Victims may enroll in different programs such as group therapies, to help them heal their wounds. According to McCann and Pearlman (2015), group therapies offer support networks where victims could air out their pain and receive the necessary support from others. It identifies as a small community where people with almost similar trauma can encourage each other and work collectively to help non-members as well. Additionally, social groups provide advocacy and create some sense of belonging due to the stigma associated with being a victim. Social groups champion the rights of the members and others. Individual counseling is also essential and critical in supporting victims. Psychologists are better placed to identify changes in behavior and treat them accordingly. Health psychologists further link social and emotional factors to understand the clients. Primary

care helps to prevent illnesses such as PTSD that may arise while tertiary interventions reduce the occurrences of disabilities, such as severe mental illnesses that may completely render victims functionless (McCann and Pearlman, 2015). In the end, victims could either get medication or referrals to help them recover from trauma. Health psychologists also help in the advocacy process of championing for change to prevent similar crimes from happening in the future.

Interventions vary from individuals depending on the nature of the trauma they went through and the victims. School-based interventions protect victims of abuse and violence from facing stigma from other students. On the other hand, out-of-home replacement place children who are victims of domestic abuse in safe environments where they would be cared for and kept away from abusive parents (McCann and Pearlman, 2015). There are also shelters where battered women could stay and receive the necessary counseling. Additionally, abused elders are offered protective guardianship or placed under the care of nursing homes where their needs would be adequately met while being kept away from any form of violence.

Information provided by the victims should be kept confidential and not released to neither offenders nor the public. This is to enable them to stay away from any intentional harm that may arise due to their participation in the system. The Office of Victim Services was further established to serve as the primary contact between victims and the criminal justice system. Recent initiatives based on the process of restorative justice not only seek to reprimand offenders but also offer victims support to enhance their engagement in justice-related matters (Karp and Frank, 2016). However, both victims and advocates should be aware of the support systems. From reporting the crime to the entire court processes, criminal justice agencies and other professionals should provide the required services to their victims to ease their difficult

moments. This means that the criminal justice system has the power to minimize secondary victimization that may inflict the victims (Joyce, 2017). Police officers are trained on how to offer emergency crisis response and shelter to victims of crime. All policies and procedures came about due to increased concerns that offenders would retaliate and harm their victims again. For instance, paroling authorities are encouraged to support victims if requested, especially when an offender is released to their supervision.

Victims of crimes have been for years treated less adequately by the criminal justice system. While criminal justice tries to imprison offenders and rehabilitate offenders, they apply strict rules and procedures that may inflict secondary victimization. In some instances, the prosecution may be seen as solely focused on the idea of winning rather than protecting the wellbeing of the victims. Rigid practices of interrogations limit the possibilities of victims expressing themselves freely (Barbot, Dodier, and Raillard, 2014). At the same time, exposing them to unnecessary grilling makes them more vulnerable to mental health issues such as PTSD and stigmatization. Victims may also be blamed for the offense by either being accused of directly provoking the perpetrators or by not being careful to prevent the situation from occurring. In this regard, the criminal justice system has failed victims. Court-based intervention programs should be established in all courts to ensure that victims are provided with financial, psychological, and other aid services required during the entire process. Correctional institutions and paroling agencies should also safeguard victims' information and provide crucial information to relevant authorities that protect victims.

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