# RECENT RESEARCH ON VICTIMS AND THE POLICE

*Wesley G. Skogan[1]*

Understanding the relationship between police and victims is of particular interest not only because they are first responders. It is also the case that, compared to the complex social, economic, political and environmental factors that shape victimisation and society's response, what police do when they interact with victims is squarely in the hands of their organisation. Through recruitment, training, supervision, and developing model practices, police agencies can hope to ensure a high standard of effectiveness and professionalism in their dealings with victims.

However, research on the effects of contact with the police on victims has not been a source of optimism. Smith and Hawkins (1973) conducted one of the earliest surveys probing the relationship between the quality of service rendered to victims and their global satisfaction with the police. They noted that almost any form of contact with the police resulted in attitudinal consequences that were quite negative. Victims were likely to feel more frustrated, not less, following encounters with police. Others drew similar conclusions. Parks (1976) found that victims who were satisfied with the treatment that they received were likely to hold attitudes toward the police similar to those held by non-victims, but most were dissatisfied about how they were treated. Many victims felt that they were not taken seriously by the police and complained about the lack of information and support that they receive from police. Research on citizen-initiated contacts with police has found that, of all types of contacts, those who encounter the police because they have been victimised are least satisfied with their experience.

Decades of ensuing research on victims and the police identified a host of specific concerns, so many that some described the police-victim encounter as inflicting a 'second wound'. The evidence base for this research is broad, for the topic has drawn the attention of research-oriented clinicians, nurses, psychologists, social workers, and service providers, in addition to academics focusing on crime and the police. New specialised journals were founded that provide outlets for their work, including *Victimology, Violence and Victims, Violence Against Women, Child Abuse and Neglect, Sexual Abuse,* and *Journal of Interpersonal Violence,* as did closely related journals such as the *Journal*

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[1]    Wesley G. Skogan is Professor and Faculty Fellow at the Institute for Policy Research, Northwestern University, Evanston IL USA.

*of Traumatic Stress.* In the United States, soaring crime rates and the politics of crime that it sparked, drew new attention to policies for victims and some under-funded programs for research on victimisation.

But other, parallel social and political forces were at work shaping criminological research, and they brought to the forefront interest in *other* types of encounters between police and the public. The political concern was the implications of differences in the rate at which citizens of varying classes and colours were being stopped, and perhaps searched, by the police. The issue emerged on the American national agenda in 1995, when Louis Henry Gates, Jr. of Harvard University famously described in *The New Yorker* magazine the anguish expressed by law-abiding, middle-class black Americans who nevertheless were frequently stopped by police and subjected on occasion to humiliating treatment. He concluded that, "there is a moving violation that many blacks know as 'DWB – Driving While Black'" (Gates, 1995: 59). The broader label for this quickly became 'racial profiling'. The ensuing political explosion sparked renewed interest in research on police-citizen encounters. Once these studies moved past the descriptive stage, during which they documented the magnitude of the disparities and pointed to them with alarm, researchers began to develop more systematic theoretical explanations for the behaviour of police and the reactions of the public (and vice-versa) during these encounters.

The key point of this essay is that, by the mid-2000s, these two strands of empirical, policy-relevant, and academically well-received research had merged. The most important current research places crime victims, African-American physicians driving BMWs, and others experiencing many different kinds of contacts with police, in the *same* theoretical and measurement framework. And, examining the content of that framework, my judgement is that victim research has won a key place in it. That is, decades of victim research has contributed mightily to thinking about the theoretical constructs that now guide research on encounters between police and the public generally. That framework is, of course, 'procedural justice'.

The core concepts of procedural justice theory are well known. While many researchers have contributed to this body of research, it is most closely associated with psychologist Tom Tyler, whose name in June 2012 generated more than 53,000 references in Google Scholar. How procedural justice is described and measured flexes a bit from study to study, but the general idea does not usually need much elaboration. However, looking at it from the vantage point of victim research, one is tempted to conclude, "so, what's new?" It is apparent that many of the conclusions of research on victims map easily into this framework. The core procedural justice constructs include judgements of the extent to which authorities (in our case, the police) are seen as delivering:

(a)     Quality treatment (they are seen as respectful, courteous and polite, and granting dignity).

(b)  Participation (they are seen as considering people's views, exchanging information, and involving them in decision-making).

(c)  Neutrality (they are seen as unbiased in decision-making and offering acceptable explanations of why particular decisions were made).

(d)  Motive-based trust (they are seen as trying to do the right thing, caring about people's needs and concerns, and apparently believing in them).

As I noted, each of these aspects of procedural justice – together they constitute 'fairness' in procedural justice theory – links directly to research on crime victims. Many victims report feeling that they are not taken seriously by the police (no trust) and complain about the lack of information and eventual feedback that they receive from police (no participation). They feel that police do not pay enough attention to their story (no participation). Shapland (1984: 133) reported that "caring and supportive attitudes [on the part of police] were the main subject for victim praise," and " the major factor...was the attitude of the police officers and the concern they expressed, rather than what they actually did with the case" (all evidence of motive-based trust). By their questioning police may make the victim feel guilty, or that they are suspected of being somehow at fault for their plight. They may minimise the seriousness of the crime. For example, Campbell (2006) found rape victims recalling that police did not want to take their report, told them their cases were not serious enough to pursue, and asked about their sexual history (low quality, lacks neutrality, bad motive). Among London victims, reporting that police "took the matter seriously" (good motive) had by far the largest effect and most persistent effect on their general attitudes, in a large multivariate model (Bradford, Jackson & Stanko, 2009). However, the 'professional' (or perhaps 'jaded') police response to a victim's plight can be to appear impersonal and stick to issues at which they are technically proficient (not much treatment quality). Their desire to finish quickly so that they can get back "in service" (the curious term that American police use to describe driving around) may lead police to shortchange their efforts at everything, 'a' through 'd' on the above list.

In most ways, the merger of police-victim research into the procedural justice framework has been a good thing. In truth, research on the victim component of police-public encounters needed the systematic theoretical thinking that procedural justice provides. This branch of victim research was a hodgepodge of empirical findings about this and that. It generated a long list of specific findings that made general sense only vaguely. For example, in the 1980s I concluded that research highlighted "the importance of the rituals of police work – listening to the victim's story, questioning, neighbours, searching for physical evidence and fingerprints, and filling out forms" (Skogan, 1989: 71). These are important practical points, but they are bits of facts, not findings that accumulate and will travel well in social science.

However, the procedural justice model of how the authorities treat people is not as important as it is just because it explains why victims and others like the police. Instead, it is important because it underlies a grand theoretical vision of the roots of social order. In the procedural justice model, the extent to which encounters with authorities reflect key relational criteria shapes the degree of *legitimacy* that people ascribe to the authorities they are encountering. With legitimacy we are in deeper theoretical waters, evoking Max Weber, Émile Durkheim, and other Greats. Legitimacy in turn encourages adherence to law and cooperation and compliance with the police and other authorities. In statistical competition, the effects of legitimacy outweigh those of fear of punishment, beliefs about traditional police effectiveness at controlling crime, and even the value of a personally positive outcome. Those who perceive the authorities to be legitimate also are more likely to accept their decisions even when they go against them (this is called 'decision acceptance'). So, even society's underdogs and life's losers will go along, and the state will remain unthreatened, if they are handled carefully. This is why a committee of the U. S. National Academy of Science that I chaired described legitimacy as the most socially and politically important outcome of policing, and we extolled procedural justice as the way to build it (Skogan & Frydl, 2004). It works cross-nationally with police and other elements of the legal system, and research on procedural justice has extended into prisons, school settings, the professions, and even private companies – personnel managers understood exactly how to use it.

Here are a few examples of how multiple strands of procedural justice research have merged, studies of victims among them. First, a staple finding of victim research is that victims are less confident in the police than are non-victims, and the more experience victims have with them, the less satisfied with the quality of police service they become. For example, Shapland's (1983) longitudinal study of violence victims found that initial satisfaction with the quality of police service was relatively high, but that it deteriorated as the same people progressed though the criminal justice system. Not surprisingly, this is also true of other forms of encounters with the police, including among people who are repeatedly stopped. Most recently, Bradford, Jackson and Stanko (2009: 38) concluded that "*any* type of contact, self- or police-initiated, satisfactory or unsatisfactory, is associated with significantly worse views of their effectiveness." It turns out that the same is true of contacts with other elements of the criminal justice system. Further, accumulating dissatisfaction with service experiences proves to be generic to contacts with government agencies generally. Americans who deal both with 'supportive' public programs such as its social security system and 'regulative' agencies such as the tax authorities report increasing dissatisfaction as they have more experience with them. Victim researchers sometimes refer to this as a 'second injury' inflicted on victims by police responders. But this raises the question of whether the entire justice system, and even government in

general, is in the business of routinely wounding its taxpayers and voters. I doubt this, and suspect that research has actually not yet conceptualised, got the right research design, and fully understands the public's relationship with agencies and institutions that, in the 21$^{st}$ century, play a significant role in shaping the quality of their daily lives. 'Bureaucratic encounters', including contacts with the street kind of bureaucrat, may be the most useful way of thinking about all of this.

Another example. The impact of dealing with the police is 'asymmetrical'. That is, the impact of good and bad experiences with the police on popular confidence in them is not the same; their effects do not balance out. At its worst, the police may get no credit for delivering professional service, while bad experiences can deeply influence peoples' views of their performance and even police legitimacy. Asymmetry in the relative impact of positive and negative contacts is manifested in both police-initiated contacts with the public (including traffic enforcement and investigative work) and in citizen-initiated contacts with police. It is robust across time and across countries. Estimates of its magnitude do not vary systematically with how the measures are operationalised (Skogan, 2006). Detailed work in the UK has demonstrated that asymmetry is the dominant pattern among victims, in particular. Myhill and Bradford (2011: 11-12) concluded that, in London, "the effect of victim contact on opinion was asymmetrical. Unsatisfactory contact had a strongly significant and substantive large negative statistical effect on opinions, while satisfactory victim contact had a much smaller association with confidence." However, this is again not a phenomenon confined to people's relationships with the police or the justice system. Asymmetry dominates the relationship between Americans and agencies of their federal government, when ratings of the promptness, fairness and consideration that citizens report receiving are linked to their general confidence in government. Thirty years ago, Katz et al. (1975: 129) concluded from their study of encounters with bureaucracies: "It is almost as if agency people can do nothing to improve the general public image of government officers through consideration of clients and fairness of treatment, but they can do a great deal to impair it by unfair and inconsiderate handling of clients." Asymmetry in the impact of contact with authorities appears to be a generalised human experience.

A final example. Early victim research established the benchmark finding that victims are often less interested in whether someone was apprehended for their crime or if their property was recovered than they are in the manner in which responding officers treat them. That is, from a traditional criminal justice perspective their views are not driven by police effectiveness, or 'outcomes'. Instead, their views of the police are process driven. This is certainly handy for the criminal justice system, because victims' tendency to discount outcomes matches reality – mostly, the police will not catch anyone or recover their property anyway. Encouragingly, this finding is now described as the major implication of procedural justice theory and research.

People 'go along' with the rules laid down by society because they are fairly treated (a-d on the list above), even if they do not get what they want, and this is seen as the 'glue' that holds together the social order. This 'bottom-line' finding of procedural justice was anticipated decades earlier in research on victims and the police, but its significance for our understanding of the very fabric of society depended on later theoretical advances and the expansion of this body of research to encompass general questions about the relationship between citizens and their government.

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