

EXPLORING VICTIMOLOGY

THE EFFECTS AND CONSEQUENCES
OF VICTIMIZATION

Written and edited by
Ellen G. Cohn, Ph.D.

FIRST EDITION



**SNEAK
PREVIEW**

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FIRST EDITION

WRITTEN AND EDITED BY

Ellen G. Cohn, PhD

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PREFACE

Crime is a constant concern in society and of course with crime comes criminal victimization. However, although attempts to understand and explain crime date back millennia, victimology is a much newer discipline. It was not until the 1940s that there was any significant recognition of the need for criminology to focus on victims as well as criminals. Today, though, the field is growing by leaps and bounds—not only academics, but also legislators, policy makers, and social activists are realizing the importance of studying crime victims and issues relating to them.

This book provides a brief overview of the field of victimology, with a special focus on the effects and consequences of victimization on various populations. It combines features of a traditional textbook with original articles to provide students with an overview of important issues in victimology. Each chapter includes an overview and discussion of the topic, followed by one or more previously published articles that provide greater insight and introduce students to current research.

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Lastly, I want to thank my husband, Jim, and my children, Eric and Emily, for their constant support and patience during this undertaking.



1

INTRODUCTION TO VICTIMOLOGY

WHAT IS VICTIMOLOGY?

The study of criminal victimization is a relatively new area. Hans von Hentig, a German criminologist, published an article on the interactions between offenders and victims in 1941 (von Hentig, 1941) and later published a criminology textbook, *The Criminal and His Victim*, which includes an entire chapter devoted to victims (von Hentig, 1948). In his book, von Hentig emphasizes the need for criminology to give equal emphasis to the victim as well as to the criminal and to consider the victim's involvement or participation in the crime.

The term **victimology** was first used by Benjamin Mendelsohn, a Romanian criminal lawyer and scholar, in a 1947 lecture to the Psychiatric Society of Bucharest (Mendelsohn, 1947). Mendelsohn used the term to mean *the scientific study of victims of crime*. The work of von Hentig and Mendelsohn, along with other scholars such as Stephen Schafer, Marvin Wolfgang, and Menachim Amir, contributed to the development of victimology as a separate and distinct field of study.

Today, victimology is often considered to be an area of specialization within the field of criminology. Criminology focuses on the study of crimes and criminals, while victimology is the study of victimization. Criminologists study the causes of crime, the effects of crime, and how the criminal justice system deals with crime. Victimologists consider the causes of victimization, the effects of victimization, and how the criminal justice system and society as a whole deal with victims of crime.

THEORIES OF VICTIMIZATION

Criminological theories focus on explaining why crimes occur or why certain individuals or groups are more likely to commit crimes. Theories of victimization, on the other hand, examine victim involvement in crime and why some individuals are more likely to be victimized. Most of the earliest theories were primarily typologies: attempts to classify victims based on various characteristics.

Victim Typologies

Hans von Hentig's Victim Typology

Von Hentig (1948) focuses on the relationship between the victim and the offender, which he terms the **criminal-victim dyad**. He considers the victim to be a participant in the crime and emphasizes the need to examine the interaction between the offender and the victim prior to and during the criminal act, suggesting that the victim's actions are often a contributing factor in his or her eventual victimization. Of course, he does not suggest that all victim contributions are deliberate; many result from personal traits or social characteristics that the victim could not even control.

Von Hentig developed a typology of victims based on biological, psychological, and social factors and identified 13 categories of victims. Some victims are at risk because of personal characteristics—the **young, females**, the **old**, the **mentally defective and derailed** (this category includes alcoholics and drug addicts as well as mentally impaired individuals), **immigrants, minorities** (both of whom are considered vulnerable due to their social status, poverty, and the social prejudice against them), and **dull normals** (persons whose low intelligence can be exploited). Others are at risk because of psychological factors that may lead them to become involved in dangerous situations without recognizing the risk. These include **depressed individuals** and those who are **lonesome and heartbroken** (such as widows, widowers, and persons in mourning). Finally, some victims contribute to their victimization through their own actions. These categories include **acquisitive** victims whose greed makes them vulnerable to swindlers and con artists, **wanton** or promiscuous individuals, **tormentors** whose violence toward others leads to their own victimization (as in the case of physically or sexually abusive parents or spouses whose victims eventually strike back violently), and the **blocked, exempted, and fighting** (for instance, victims of blackmail and extortion who are unable to go to the police for help).

Benjamin Mendelsohn's Victim Typology

Like von Hentig, Mendelsohn (1956; see also Schafer, 1968) also created a typology of victims. However, he bases his classification on the level of the victim's culpability or contribution to the crime. He classifies victims into six categories. The **completely innocent victim** did not engage in any behavior that may have provoked or facilitated the

crime and has no responsibility for the victimization (this category includes children, unconscious persons, and victims of mass violence). The **victim with minor guilt** is one who puts him- or herself in a dangerous situation inadvertently, due to ignorance rather than with any intent, but who could possibly have avoided the danger or at least minimized the risk (for example, someone walking alone down a dark street late at night). The **victim as guilty as the offender**, or voluntary victim, is one who is equally as responsible for the crime as the offender. This category includes individuals who are victimized while engaging in high-risk behavior, like someone who is robbed by or contracts a sexually transmitted disease from a prostitute; someone who plays “chicken” or “Russian roulette”; and someone who agrees to a suicide pact. The **more guilty victim** instigates his or her own victimization by provoking someone else to commit a crime, like an abusive individual who is killed by his abused child or battered spouse. The **most guilty victim** is considered to be primarily or completely responsible for his or her victimization; usually, this type of victim is injured while perpetrating a crime or is killed by another person in self-defense. Mendelsohn’s final category is that of **imaginary victim**, which includes individuals who are never actually victimized, but who fabricate events and falsely accuse another person of criminal behavior.

Stephen Schafer’s Typology of Functional Responsibility

In the 1960s, Stephen Schafer returned to the concept of victim typologies, classifying victims based on their responsibility for the crime. Schafer (1968) suggests that victims have a functional responsibility to avoid provoking others into victimizing them and to prevent their own victimization. His typology combines elements from both von Hentig and Mendelsohn, including both personal characteristics (von Hentig) and victim behavior (Mendelsohn). Schafer classifies victims into seven categories and identifies the level of responsibility of each category, arguing that a victim’s behavior, provocation, or negligence can contribute to the crime. **Unrelated victims** have no responsibility for their victimization, while **provocative victims** share some responsibility for the crime, as the offender is reacting to the victim’s behavior. **Precipitative victims** put themselves in dangerous situations, perhaps by saying the wrong thing or wearing inappropriate clothing, and therefore share some level of responsibility. **Biologically weak victims**—children or the elderly or infirm, for instance—and **socially weak victims**—such as minorities and immigrants—have no responsibility for their own victimization. **Self-victimizing victims** include victims who engage in various types of crimes that involve working with the offender (like prostitution or drug use) and are seen as being totally responsible for their own victimization. Finally, **political victims**, who are victimized by those in power, have no victim responsibility.

Victim Precipitation and Victim Blaming

The concept of **victim precipitation** suggests that victims may bear some responsibility for their own victimization. The typologies discussed above include a variety

of categories of victims who are seen as contributing in some way to their eventual victimization. However, many of these contributions are not considered to be due to any deliberate behavior by the victim, but may result from personal or social characteristics out of the victim's control or from actions on the part of the victim that were not intended to lead to crime and victimization.

Early research into victim precipitation was conducted by Marvin Wolfgang (1957, 1958), who studied 588 homicides committed in Philadelphia between 1948 and 1952. He found that 26 percent were victim precipitated, crimes in which the eventual victim was "the first in the homicide drama to use physical force directed against his subsequent slayer" (Wolfgang, 1957, p. 2). He suggests that in many cases, both of the individuals involved were potential offenders, and either could have become the eventual victim. Wolfgang also identifies a number of factors common to victim-precipitated homicides. The victim and offender generally know each other and often have a current or prior relationship (spouse, significant other, family member, close friend). Most victim-precipitated homicides result from a minor dispute that got out of control. Victim-precipitated homicides are more likely to involve male victims and offenders, alcohol consumption by both victims and offenders, and victims with prior arrest records, often for violent crimes.

One of Wolfgang's students, Menachim Amir, conducted a similar study of rapes in Philadelphia between 1958 and 1960 and reported that 19 percent were victim precipitated (Amir, 1971). One key risk factor identified by Amir is alcohol use by both the offender and victim. Others include victims who have a bad reputation, wear revealing clothing, behave seductively, and use risqué language. The key issue, according to Amir, is not how the victim *actually* behaves, but rather how the offender *interprets* the victim's behavior, and he argues that these types of victim behaviors could lead the offender on until he believes the victim desires the sexual encounter or that she deserves it because of her "bad" behavior.

Even though all these typologies include categories of victims who are seen as innocent or not responsible for their own victimization, the idea that victims may in some way cause their own victimization is extremely controversial because it can lead to a concept known as **victim blaming** (Ryan, 1976). Victim blaming involves holding victims personally responsible for their own victimization, while at the same time minimizing the offender's culpability for his or her actions toward the victim. Usually, victim blaming includes negative social reactions toward the victim by the criminal justice system, the media, and even the victim's friends and family.

For example, imagine a young adult has thrown various personal documents into the trash without first shredding them. An offender searches his trash, finds these documents, and uses them to commit identity theft. While the victim was clearly careless and his negligence contributed to his victimization, he did not intend to become a crime victim. However, the victim-blaming view focuses not on the offender's criminal behavior, but rather on the victim's careless actions. Instead of emphasizing the need

for the offender to refrain from future criminal activity, the victim-blaming mind-set suggests that it is the victim's fault he was victimized and that he should have known better than to put those types of documents in the trash. The focus is on requiring the victim to change his behavior to avoid being the victim of identity theft in the future, rather than on encouraging the offender to stop committing crimes.

Amir's research on victim-precipitated rape was extremely controversial and generated considerable criticism, particularly from feminists and women's activists who accused him of blaming women victims of rape for their own victimization, rather than placing the responsibility on the offender committing the rape. This is a problem that many victims of sexual assault still face today.

Lifestyle Theories

Lifestyle or interaction theories focus on the interaction between the offender, the victim, and the environment or situation. These theories attempt to explain why someone is (or is not) victimized by emphasizing how the victim's lifestyle creates opportunities for criminal victimization.

Routine Activities Theory

Routine activities theory (Cohen & Felson, 1979) focuses on situations where crime may occur. The theory states that for a crime to occur, three elements must converge: the presence of a motivated offender, a suitable target, and the absence of capable guardians. A **motivated offender** is someone who is both able and willing to commit a crime. A **suitable target** is anything that is desirable or attractive to the motivated offender—it could be an object, a person, or a place. The motivated offender and suitable target must come together in the absence of a **capable guardian**, someone whose presence would deter or prevent a potential offender from committing a crime. Capable guardians can be formal authorities (such as police or security personnel) or informal (such as friends and neighbors). According to routine activities theory, when all three elements are present at the same time and place, victimization is more likely to happen.

The likelihood that these three activities will co-occur varies over time because of the existence of routine activities. Cohen and Felson (1979, p. 593) define routine activities as “any recurrent and prevalent activities which provide for basic population and individual needs.” Essentially, people tend to develop and follow fairly strict daily, weekly, and even annual routines; these routines affect one's risk of being a victim by influencing the likelihood that the three key elements necessary for a crime to happen will converge. According to routine activities theory, the likelihood of the three key elements converging decreases during those times when people are engaged in more obligatory routine activities such as attending school or work. This affects opportunities for crime and reduces the risk of victimization. During “free time,” when activities are

shaped less by routine and more by individual free choice, people are more likely to come into contact with motivated offenders in settings that lack capable guardianship, increasing their risk of victimization (see, e.g., Brunsdon, Corcoran, Higgs, and Ware, 2009).

Lifestyle Theory

Closely related to routine activities theory is **lifestyle theory** (Hindelang, Gottfredson, & Garofalo, 1978), which suggests that an individual's risk of being victimized is affected by his or her personal characteristics and lifestyle. Some lifestyles or lifestyle activities increase the likelihood of victimization by putting individuals in risky situations where crime is more likely to happen. Individuals who work alone at night (such as gas station attendants), who frequent clubs and bars, who abuse substances, who associate with potential offenders, or who socialize extensively and indiscriminately are more at risk of victimization. Hindelang et al. (1978) do acknowledge that lifestyle is not completely a free choice. For example, someone who works the night shift in a gas station or convenience store is exposed to more opportunities for crime and victimization, but may not have the option of quitting such a high-risk job in favor of one that would reduce the possibility of victimization. Unlike routine activities theory, which focuses on situations (including both victims and offenders), lifestyle theory focuses specifically on victims and on how individuals' choices affect whether or not they are likely to become a victim.

Opportunity Theory

The **opportunity model** of victimization merges routine activities theory and lifestyle theory, suggesting that the likelihood of victimization is dependent upon exposure to potential motivated offenders, the proximity of victims to high-crime areas or areas where potential offenders live, the effectiveness of guardians in preventing crime, and the desirability or attractiveness of targets to potential offenders (Cohen, Kluegel, & Land, 1981). Essentially, an individual's lifestyle affects his or her routine activities and the probability that the key elements necessary for a crime to occur will come together.

Victim/Offender Overlap

It is well known that there is a lot of overlap between victimization and offending and many similarities between victims and offenders. Victims and offenders share many demographic characteristics: both groups tend to be disproportionately young, male, racial/ethnic minorities and live in socially disadvantaged urban areas (Cohen, Kluegel, & Land, 1981). Prior involvement in crime and delinquency is significantly related to victimization (Sampson & Lauritsen, 1990; Lauritsen, Sampson, & Laub, 1991). Victims and offenders tend to lead similar lifestyles and engage in similar risky behaviors that are associated with increased risk of both victimization and offending (Huizinga, Weiher, Espiritu, & Esbensen, 2003). Finally, both victims and offenders tend to live in or in close

proximity to high-crime areas, which increases both the risk of victimization and the likelihood of involvement in crime (Daday, Broidy, Crandall, & Sklar, 2005).

Research also shows that victimization may increase the likelihood of future involvement in crime and delinquency. This link is particularly strong for individuals who have been abused as children. Victims of child abuse and neglect are significantly more likely to be arrested for both juvenile and adult offenses and to be victims or perpetrators of intimate partner violence (Widom, 2000; Gomez, 2011). They are also more likely to engage in a variety of risky behaviors that are associated with offending and victimization such as substance abuse and risky sexual behavior (see, e.g., Rounds-Bryant, Kristiansen, Fairbank, and Hubbard, 1998; Johnson, Rew, and Sternglanz, 2006).

MEASURING THE EXTENT OF VICTIMIZATION

To study victims, victimologists must be able to determine the extent of criminal victimization in the United States. There are three major sources of data that provide information on the level of crime and victimization: police reports; victim surveys; and offender surveys. Each source has advantages and limitations and each yields unique information, but no single source provides a complete picture of the extent of crime and victimization in the United States today.

Police Reports

There are two main sources of police data, both of which are produced by the Federal Bureau of Investigation (FBI). The **Uniform Crime Reports (UCR)** is a national voluntary program that collects data on crimes reported to over 18,000 law enforcement agencies in the United States. In 2014, almost 99 percent of the total population of the United States was covered by the program (Federal Bureau of Investigation, 2015). The UCR program collects information on all incidents of four crimes against persons (murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault) and four crimes against property (burglary, larceny-theft, motor vehicle theft, and arson). Together, these eight crimes are known as **Part I Crimes**. In addition, the UCR program collects arrest data on 21 additional crimes, collectively known as **Part II Crimes**.

The UCR provides a large amount of information about Part I crimes known to the police, including crime counts for the United States as a whole, regions, individual states, cities, counties, towns and villages, and special jurisdictions. It also provides information on crime rates, crime trends, clearance rates, and details about each crime type (such as the type of weapon used, type/value of items stolen, location, and so on).

The UCR poses several problems for victimologists. It includes only those crimes known to the police, so crimes that go unreported by victims are not counted. The UCR's **hierarchy rule** means that in cases where multiple Part I crimes occur during a single incident, only the most serious is listed, and the others are not included in the

UCR counts. The UCR focuses primarily on offenders; information on victims (gender, age, race, etc.) is collected only for homicides. There are many crimes that are excluded from the UCR; data on federal crimes, corporate crimes, white collar crimes, and many public-order crimes are not collected. Additionally, because definitions of crimes vary by state, the definitions used by the UCR differ from those in state statutes.

The FBI also operates the **National Incident-Based Reporting System** (NIBRS), an incident-based system that collects data on individual crimes (rather than using the UCR hierarchy rule). NIBRS covers a wider range of crimes than the UCR, collecting incident data on 46 Group A offenses and arrest data on 11 Group B offenses. The information collected is more detailed and includes data on the victim as well as the offender and the criminal event itself. However, NIBRS is still a reporting program, so it, like the UCR, only includes information on crimes known to the police. Additionally, NIBRS is not as comprehensive as the UCR; by 2013, only 33 states had been certified by the FBI to report NIBRS data, and only 15 of these submitted all of their crime data through NIBRS (Federal Bureau of Investigation, 2013).

Victimization Surveys

Because police data rely on crime reporting, unreported crime is not counted. One way of obtaining information on unreported crime is to interview individuals regarding their criminal victimization. The **National Crime Victimization Survey** (NCVS) is conducted annually by the United States Census Bureau and the Bureau of Justice Statistics. The survey is administered to a nationally representative sample, and all household members aged 12 years or above complete the survey; the 2014 survey included approximately 90,000 households and interviewed almost 160,000 individuals. Households remain in the program for three years and are interviewed every six months (Truman & Langton, 2015). The NCVS has several important advantages for studies of criminal victimization. Most importantly, it includes crimes that were not reported to the police, providing considerable information not found in the UCR. It also collects information on the characteristics of the victim and the event, including all crimes that may have occurred. However, the NCVS does have some limitations. Because the survey is administered to a sample of households, all crime measures are estimates subject to a margin of error. Survey respondents may provide inaccurate information, either deliberately or inadvertently; they may forget about a criminal incident or fail to report it, may make up nonexistent crimes, or may embellish actual criminal events. As with the UCR and NIBRS, definitions of crimes do not necessarily correspond to those in state or federal statutes. Additionally, the NCVS examines only a small number of offense types; homicides are not included in the survey (as the victim cannot be interviewed), nor are crimes against businesses or organizations, federal crimes, or white-collar crimes. Finally, people who do not live in households are not captured by the NCVS; homeless people and those living in institutions like hospitals, prisons, or battered women's shelters are excluded from the sample.

Comparing the Sources: The UCR versus the NCVS

It is impossible to say which source of data—the UCR or the NCVS—is the “best” because that depends on what information is desired. The UCR is a good source of data on homicide, a crime not covered by the NCVS. Because most jurisdictions in the United States submit data, the UCR provides considerable information on crimes in specific geographic areas (states, cities, towns, etc.). The UCR also includes data on crimes cleared by the police, information on hate crimes, data on law enforcement officers killed and assaulted in the line of duty, and police employee data. However, with the exception of homicide victims, the UCR does not include very much information about victims of crime.

The NCVS includes information on both reported and unreported crime, so offenses not included in the UCR may appear in the NCVS statistics. As a result, NCVS data tend to indicate that there is significantly more crime in the United States than shown by the UCR statistics. The NCVS also includes a wealth of detail about victims, victim-offender relationships, and the criminal events themselves. But NCVS data are based on interviews of a sample of the United States population and must rely on the honesty and accuracy of the respondents.

Overall, neither source is completely accurate, and neither provides a true or complete picture of crime in the United States. However, together, they do give some idea of the extent of the crime problem that society faces today.

Self-Report Surveys

Self-report surveys, which involve interviewing victims about their participation in crime, provide another source of information on crime in the United States. These usually involve either anonymous surveys distributed to large groups (prison inmates, high school students, etc.) or confidential questionnaires. Individuals are asked to voluntarily provide detailed information on their personal participation in crime. Like victimization surveys, self-report surveys provide information on unreported crime. They also can be a rich source of information on offenders. Nevertheless, problems with self-report studies include the reliability of the responses provided; the frequent focus on street crime and the exclusion of middle- and upper-class crime; and the use of convenience samples that generally are not representative of the total population. In some cases, self-report surveys may be less useful to victimologists than other sources, as the accuracy of the information about victims may be questionable, but they may be a good source of information on the process of selecting a victim and on why some individuals may be repeatedly targeted.

INTRODUCTION TO THE READINGS

Reading One

Victim precipitation is a key issue for victimologists, particularly because of the possibility of victim blaming. This article focuses on the possible role of victim precipitation in intimate partner violence (IPV) and distinguishes it from the concept of victim blaming. The key issues examined in this study include how victim precipitation is related to the use of violence by IPV arrestees and how it is related to the use of dual arrest by police. Muftić, Bouffard, and Bouffard study individuals arrested for domestic violence who were under court-ordered monitoring by the local community corrections agency. They use several measures of victim precipitation, including whether the non-arrested partner was the primary aggressor, prior histories of violence for both parties, and information on patterns of injury noted in the police reports. Victim precipitation is found to play an important role in IPV, particularly in cases of dual arrest, but the researchers are not able to clearly identify any factors that may predict victim precipitation in IPV.

Reading Two

Research into criminal offending and criminal victimization tends to be an either/or proposition—studies focus either on offenders or on victims, but not both. Given the increasing awareness of the existence of a victim-offender overlap, it is clear that this needs to change. In this article, Jennings, Piquero, and Reingle review 37 studies that have examined the victim-offender overlap and provide a summary of the basic knowledge base. They also discuss avenues for future research.

READING 1

An Exploratory Analysis of Victim Precipitation Among Men and Women Arrested for Intimate Partner Violence

by Lisa R. Muftić, Leanna Allen Bouffard,
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Intimate partner violence (IPV) is a complex social problem that has produced a wide variety of explanations. However, few studies have explored what, if any, role victim precipitation plays in IPV. *Victim precipitation* is generally defined as behavior by the victim that initiates the subsequent behavior of the victimizer; however, studies using this concept have often been accused of subtle and overt victim blaming. Distinguishing victim precipitation from victim blaming, this study explores the utility of victim precipitation in understanding contextual differences in men's and women's use of violence in intimate relationships and police use of dual arrest in IPV incidents. Results suggest that victim precipitation plays an important role in understanding incidents of IPV, especially in cases involving dual arrest.

Most researchers who study crime (particularly violent crime) focus strictly on the offender (i.e., characteristics, intent, etc.), while ignoring, dismissing, or underestimating the role of the victim. These offender-centered explanations tend to assume that there is a constant and abundant pool of potential victims, requiring no special focus on victimization (Kennedy & Sacco, 1998). Research on intimate partner violence (IPV) is no exception. Researchers continue to grapple with the complexities of understanding IPV, and various explanations have been posed in the literature. Few, however, have included what role, if any, victim precipitation may play in incidents of IPV. Although the concept is susceptible to accusations of victim blaming, it

appears to be a useful tool for understanding contextual differences between men's and women's use of violence in intimate relationships and the phenomenon of dual arrest in IPV incidents. Using a sample of 170 incidents of IPV (where at least one partner had been arrested and prosecuted) in a medium-sized urban community in the Midwest, the current study clarifies the concept of *victim precipitation* and differentiates it from *victim blaming* while exploring the utility of the concept for understanding elements of IPV.

EXPLICATING VICTIM PRECIPITATION

In his seminal work on homicide, Wolfgang (1967) introduced the concept of *victim precipitation* when he argued that in some instances, the victim may act as a "direct, positive precipitator in the crime" (p. 73). Defining *victim-precipitated homicide* as an incident in which "the role of the victim is characterized by his having been the first in the homicide drama to use physical force directed against his subsequent slayer" (p. 73), Wolfgang (1967) found that almost 26% of homicides in his study were victim precipitated. Wolfgang also presented results with important implications for IPV, including evidence that victim-precipitated homicides were more likely among an offender and victim with some sort of interpersonal relationship and in situations where the offender was female and the victim male.

Despite Wolfgang's (1967) specific focus on the victim's primary use of physical force as the determining factor in defining victim-precipitated homicides, subsequent researchers expanded the definition and applied it to other types of violence, raising strong concerns about victim blaming. For example, Amir (1967), a student of Wolfgang, defined *rape* as being victim precipitated when "the victim actually, or so it was deemed, agreed to sexual relations but retracted before the actual act or did not react strongly enough when the suggestion was made by the offender(s)" (p. 495). Amir's use of *victim precipitation* in this way has been soundly criticized by numerous scholars and clearly equated with victim blaming because of his focus on the offender's interpretation of the victim's behavior and for insinuating that the victim was somehow responsible for his or her own victimization. Feminist scholars were particularly disturbed by Amir's (1967) conceptualization of *victim precipitation*, arguing that he was using rape myths to justify sexual assault (Clark & Lewis, 1977). Concerns about victim blaming remain a common problem in studies of victim precipitation. Fattah (1991) argued, however, that the criticism of victim precipitation should "not lie in the concept itself, but in the way the concept was operationalized in some studies" (p. 293). Thus, issues of clarifying and operationalizing the concept are critical and are explored further in the following section.

CLARIFYING AND MEASURING VICTIM PRECIPITATION

Because of the amount of criticism that the concept of *victim precipitation* has received, it is important to clarify victim precipitation and to distinguish it from provocation and victim blaming. Whereas *victim precipitation* is a behavioral concept that “is used by social scientists in an attempt to explain the etiology of victimization” (Fattah, 1991, p. 291), *provocation* is a legal concept that “is used in criminal courts for determining and measuring the criminal responsibility of the accused, for settling the issue of guilt, and for choosing the optimal criminal sanction” (p. 291). According to Fattah (1991), the criterion for establishing provocation from a legal stance is the behavior of the offender, particularly the mind-set of the offender and his or her level of self-restraint. Victim precipitation, in contrast, relies on an analysis of the victim’s behavior in the current incident without accusations of fault or guilt.

Victim precipitation is generally defined as behavior by the victim that initiates the behavior of the victimizer. According to Fattah (1991), the actions of the victim can “encourage a behavioral response or arouse emotions in the offender that increase the chance of victimization” (p. 295). Polk (1997) also referred to Wolfgang’s (1958) original definition of *victim precipitation* in homicide and noted that “explicit in this account is the image of the active victim, one whose own willingness to resort to violence has brought the lethal consequences back onto the initial perpetrator of violence” (p. 142). Polk (1997) and Fattah (1991) advocated for a more narrow and focused definition of the term to refer to those situations in which “the victim’s actions were a necessary part of the event” (Polk, 1997, p. 144). In other words, but for the actions of the victim, the violent incident would not have occurred. Thus, defining precipitation in this way would require operationalizing the concept in terms of the primary physical aggressor.

As Fattah (1991) argued, “Referring to victim precipitation should not be construed as an attempt to blame the victim or to hold him/her responsible for what happened” (p. 293). Rather, the concept of *victim precipitation* allows the researcher to take into consideration situational and contextual factors, providing a richer, more thorough explanation of the criminal event. An inclusion of situational factors into any analysis examining violent incidents should include what active role, if any, the victim played in the evolution of the incident. From the standpoint of IPV, victim precipitation may provide new insight into the use of violence among intimates, especially in the contextual differences between men’s and women’s use of violence. For example, a recent study asked female IPV arrestees about their reasons for partner violence perpetration and found that about 39% indicated it was because their partner had provoked the violence in some way, and a similar percentage reported acting in self-defense (Stuart et al., 2006). These women IPV “offenders” seem to be indicating victim precipitation on the part of their “victims” (their male partners). Other studies have also found that female “offenders” in IPV incidents are more likely than male “offenders” to have

used defensive violence in response to an abusive partner (Johnson & Ferraro, 2000; Melton & Belknap, 2003; Miller, 2005).¹ Thus, the concept of *victim precipitation* may provide a useful tool for understanding and explaining differences in male and female use of violence in intimate relationships.

Expanding on the work of Wolfgang (1967), Felson and Messner (1998) applied the concept of *victim precipitation* in their study of intimate homicide. Consistent with Wolfgang's (1967) original definition, Felson and Messner (1998) first considered whether the offender's behavior was self-defense, largely from a legal standpoint. Similarly, another measure of victim precipitation identified whether the victim (the deceased party) was the first to use physical violence or to brandish a weapon in the incident. In an effort to disentangle the effects of gender and relationship, these authors found that incidents in which females kill males are much more likely to involve victim precipitation compared to those in which males kill females, regardless of the nature of their relationship (Felson & Messner, 1998). In what they refer to as a gender-differences model of victim precipitation, Felson and Messner argued that victim-precipitated homicides are most likely when the offender is female because women are generally less violent than men and thus require more motivation (provided by victim precipitation) to commit homicide. As such, it is the gender of the offender and not the interaction with gender of the victim or the relationship between the two that is important.

More recently, Felson and Cares (2005) expanded this line of research to examine victim precipitation in nonlethal violence, using more than 6,000 incidents of assault reported in the National Violence Against Women and Men survey. This study defined an *assault* as victim precipitated if the "respondent indicated that she or he was the first in the incident to use or threaten physical force" (p. 1186). Controlling for gender and relationship effects, they found that victim-precipitated assaults were most likely to occur between nonstrangers and between males. Like Felson and Messner (1998), they did not find support for a gender-relationship interaction. Rather, they concluded that victim-precipitated assault is best explained by a gender differences argument (i.e., incidents involving men are more often characterized by victim precipitation because men are generally more violent than women; Felson & Cares, 2005).

The existing victim precipitation research, though important in bringing attention to the concept, is plagued by several methodological problems. First, the majority of studies do not incorporate statistical controls (Amir, 1967; Felson & Messner, 1998; Wolfgang, 1967). In fact, only one study included any multivariate statistics (Felson & Cares, 2005). Another issue is the problem of missing data. Studies that rely on official data are hampered by the fact that in a significant portion of the cases there was not sufficient detail to determine whether the incident was victim precipitated. As such, figures from these studies may grossly under- or overrepresent the extent of victim precipitation (Curtis, 1974). Finally, operationalization of "victim precipitation" remains problematic. For example, in addition to their more direct measures, Felson and Messner (1998) also used official arrest histories as indicators of victim

precipitation, making the assumption that a prior history of violence for the victim indicated “probable provocation by the victim ... deriving from a general propensity toward violence” (p. 412). This type of measure is indirect and rests on a questionable assumption that has little bearing on the actual use of violence by offender and victim in the specific incident being examined.

INTIMATE PARTNER VIOLENCE AND ARREST

Although the concept of *victim precipitation* may be useful in understanding differences in male and female use of violence in intimate relationships, it may also have some bearing on our understanding of police use of arrest in these incidents. Incidents of IPV disproportionately involve male offenders and female victims (Rennison, 2003). Consequently, women are less likely to be arrested as the perpetrators in these cases. However, there is some recognition that the number of women being arrested for IPV is on the rise, and the use of dual arrest, in which both partners are arrested, also seems to be increasing (see Hirschel & Buzawa, 2002; Miller, 2001, 2005; Saunders, 1995). This trend has been attributed, at least in part, to the adoption of mandatory or proarrest policies across the United States (Buzawa & Buzawa, 1993; Hirschel & Buzawa, 2002; Martin, 1997; Saunders, 1995). Other researchers point to gender symmetry in the use of violence in intimate relationships or defensive use of violence as potential explanations for this trend. Both positions have implications for a consideration of victim precipitation.

Gender Symmetry in IPV

Some researchers suggest that an increase in female arrest rates and dual arrest in IPV incidents can be explained by gender symmetry in the use of violence (Langhinrichsen-Rohling, Neidig, & Thorn, 1995; Straus, 1991, 1993; Straus & Gelles, 1984). According to this perspective, men and women are equally likely to resort to violence against a partner. If this perspective is correct, victim precipitation likely plays little role in IPV and criminal justice responses to it. Rather, women are just as likely to use violence against an intimate partner as men and, thus, should be just as likely to be arrested. In a gender symmetry framework, the arrest of women for IPV, either alone or as a dual arrest, is simply a reflection of the equally violent nature of both parties.

Johnson and Ferraro (2000) referred to this symmetry as common couple violence. However, they caution that symmetry is found mostly in studies that rely on general population samples where violent acts are lumped together, without considering differences in the frequency, severity, and reasons for violence (Johnson & Ferraro, 2000). Studies reporting gender symmetry are often characterized by a tendency to compound minor acts of violence with more severe acts (Melton & Belknap, 2003); methodological concerns related to samples, reporting biases, and recall issues with retrospective reporting

(Kimmel, 2002); and a general failure to take into account the gendered nature of battering. From a victim precipitation standpoint, this failure is critical. Studies examining differences between men's and women's use of violence, rather than simply the frequency of violence in general, have supported the view that battering is gendered (Barnett, Lee, & Thelen, 1997; Henning & Feder, 2004; Kimmel, 2002; Langhinrichsen-Rohling et al., 1995; Melton & Belknap, 2003; Miller, 2005). The type and severity of violence used by men and women differs (Dasgupta, 1999, 2002; Langhinrichsen-Rohling et al., 1995). The reasons for using violence against a partner also differ, with women more likely to report self-defense as a motivating factor in their use of violence (e.g., Dasgupta, 1999, 2002; Kimmel, 2002; Stuart et al., 2006). Finally, studies have found that all forms of IPV overwhelmingly are perpetrated by men against women (Dobash & Dobash, 1992; Dobash, Dobash, Cavanagh, & Lewis, 1998; Dobash, Dobash, Wilson, & Daly, 1992), calling into question a gender symmetry perspective. Instead, these studies indicate that a consideration of contextual differences and the defensive use of violence in intimate relationships is necessary.

Defensive Violence and IPV

Another explanation for the increasing number of women arrested for IPV is that women are using violence as a defensive mechanism against abusive partners (Barnett et al., 1997; Miller, 2001, 2005). Johnson and Ferraro (2000) identified this pattern as violent resistance, which is perpetrated much more frequently by women than men. From this perspective, victim precipitation should be more common in IPV incidents where women assault their male partners compared to incidents where men assault their female partners. IPV research has generally been supportive of the defensive violence argument. For instance, Melton and Belknap (2003) examined more than 2,500 incidents of IPV, comparing male and female arrestees, and concluded that females were more likely to resort to violence as self-defense in response to an abusive partner. In addition, in her study of arrested women in batterer treatment programs, Miller (2005) found that the majority of women had exhibited defensive violent behavior. These women, who were arrested and defined by the criminal justice system as perpetrators of IPV, "were trying to get away from a violent incident or were trying to leave in order to avoid violence" (p. 120), according to Miller (2005).

As reflected in Miller's (2005) results, current criminal justice responses to IPV revolve around a victim-offender dichotomy defined within the current situation. Hirschel and Buzawa (2002) argued that this view prevents criminal justice officials from seeing incidents of IPV as reflections of ongoing abusive relationships. Rather, incidents are often viewed as one-time situations that involve an offender (typically the partner exhibiting some type of physically or verbally abusive action during the current incident) and a victim (the partner receiving the abuse during the current incident). Such an approach prohibits the exploration of the contextual framework surrounding the actual incident, including the use of defensive violence in response to a history of ongoing abuse at the hands of an intimate partner. Thus, criminal justice officials often

fail to consider defensive violence (i.e., victim precipitation) within the context of the entire relationship. This narrow approach in responding to IPV may be responsible for increasing arrests of women and dual arrests.

CURRENT STUDY

The current study contributes to the existing body of IPV research by exploring the utility of victim precipitation in understanding contextual differences in the nature of male and female violence in intimate relationships and the criminal justice response to that violence. Specifically, two questions are asked. First, how is victim precipitation related to the use of violence by male and female IPV arrestees? Prior research would suggest that women arrested for using violence against their male partners in the current study should more likely have been responding to victim precipitation than male IPV arrestees (e.g., Melton & Belknap, 2003; Miller, 2005). Second, how is victim precipitation related to the use of dual arrest by police? Incidents involving dual arrest may be characterized by victim precipitation more often than incidents in which only one partner is arrested, especially if, as suggested by Hirschel and Buzawa (2002), police fail to consider contextual differences in violence used by each partner.

METHOD

Sample

The current study relies on data collected as part of a process evaluation of a community corrections agency in a medium-sized city in North Dakota. Data were initially collected over a 12-month period (January 1, 2003 through December 31, 2003), producing a sample of 189 domestic violence arrestees (146 males and 43 females) who had been court ordered to monitoring by the local community corrections agency for an assessment of their need for domestic violence treatment. To garner a large enough sample of female arrestees for analysis, data were collected for an additional 24 months (January 1, 2001 through December 31, 2002), producing an additional 50 female domestic violence arrestees monitored by the community corrections agency.

Because previous studies have mainly examined violence within intimate heterosexual relationships (i.e., married, dating, and/or cohabitating heterosexual adults), the current sample was selected to include only incidents in which the victim and offender were in an intimate, heterosexual relationship, excluding a small number of individuals in either a homosexual or familial relationship. In addition, for those individuals identified as being involved in a dual-arrest situation (a total of 31 incidents), information was gathered for the coarrestees, regardless of whether they had been prosecuted and/or court ordered to the community corrections agency.² The final sample includes 203 cases involving 123 male and 80 female arrestees.

It is also important to point out that mandatory arrest policies are not in effect in the state in which the current study was conducted. Instead, North Dakota law specifies that officers responding to domestic violence incidents should “presume that arresting the person is the appropriate response” (ND Century Code §14-07.1-10, part 1). The law goes on to state that “when complaints are received from two or more family or household members, the officer shall evaluate each complaint separately” (ND Century Code §14-07.1-10, part 2). The law directs that

to determine whether to seek an arrest warrant or to pursue further investigation, the officer may determine which party has engaged in the most immediately significant aggression by considering certain factors, including the comparative severity of injuries involved and the likelihood of future harm. (ND Century Code §14-07.1-10, part 2)

However, the use of dual arrest is not prohibited or even discouraged.

Measures

A variety of information was collected about each incident, including demographics of the arrestee and his or her partner, incident characteristics, and indicators of victim precipitation. Variables reflecting demographic and incident characteristics were gathered from police reports. Additional information about a prior history of violence for the arrestee and the partner was gathered from official records.

Demographic and incident information. Demographic information included gender, age, and race of the arrestee and the partner and the relationship between the two. Nearly 61% of the incidents involved a male arrestee and female partner. Approximately 80% of arrestees and partners were identified as White. This is largely representative of the racial composition of the community. For arrestees and partners, the average age was approximately 30 years. Most incidents (63.6%) involved a current or former dating relationship between the partners. The remaining incidents (36.4%) involved a current or former spousal relationship.

Characteristics of the incident were also gathered, including alcohol use by either party, whether physical markings indicative of injury were visible on either party (i.e., scratches, bruises, swelling, red marks, etc.), and whether both partners were arrested (i.e., dual arrest). Information about alcohol use by either partner was missing in nearly 15% of cases. Of the remaining cases, about 53% involved alcohol use by the arrestee, and 39% involved alcohol use by the partner. Physical signs of injury were common. More than 42% of arrestees and 88% of partners suffered some type of injury that left a physical mark noted by police officers.³ Approximately one third of individuals in the current sample were involved in a dual arrest for the current incident.

Victim precipitation. In the existing research, a variety of measures of victim precipitation have been used. Most conservatively, Felson and Messner (1998) included a judgment as to whether the offender acted in self-defense. However, this is often a

legal judgment that is not recorded in police reports. Therefore, the current study does not include a measure of self-defense. Similar to previous studies (Felson & Cares, 2005; Felson & Messner, 1998), the primary measure of victim precipitation in the current study indicates whether the partner (as opposed to the arrestee) was the first person to use violence during the incident (i.e., the primary aggressor). In the current study, the narrative of the police report provided a description of the incident that was used to determine which party (arrestee or partner) first used physical violence. In some cases, the narrative did not provide sufficient detail to determine who initiated the violence, described the incident as mutual battering, or provided conflicting stories from the arrestee, partner, and/or witnesses that did not allow a definitive conclusion. Although previous studies have typically excluded these cases as missing, they are retained in this data with a separate category for “unable to determine.” In this sample, about 70% of arrestees were the first to use physical violence, 14% of cases involved the partner initiating the physical violence, and 16% of cases fell into the “unable to determine” category.⁴

Additional indirect measures have also been used as indicators of victim precipitation. For example, in their study of homicide, Felson and Messner (1998) noted that prior histories of violence for either the victim or offender may be indicative of victim precipitation (i.e., if the victim had a prior history of violence, that is an indicator of a general propensity to violence suggesting that the victim may have precipitated the offender’s attack). Although this type of indirect measure raises some concerns, it may have some relevance in a study of IPV as an indicator of a previous history of abuse in the relationship. In the current study, a narrow definition of *prior violence* was used, representing whether the partner had a prior arrest for domestic violence as indicated in official arrest histories or if prior domestic violence was noted by police in the report of the current incident. Official arrest histories were provided by the local police department from several databases, including the state criminal history system; the local police department arrest database, which included several surrounding cities and counties; and the County State’s Attorney’s arrest records. All arrest data was cross-referenced between each of these databases. Approximately 10% of partners had a prior history of domestic violence.

Finally, one additional variable was created as an indicator of victim precipitation based on patterns of injury noted in the police report. Incidents were categorized in terms of whether physical signs of injury were noted only on the partner (and not on the arrestee) under the assumption that these cases were less likely to involve victim precipitation. If the arrestee suffered no visible injury, it is assumed that the victim did not physically provoke the violence. On the other hand, incidents in which the arrestee had suffered a visible injury, either with or without concurrent partner injury, are viewed as being more likely to have involved victim precipitation.⁵ In the current sample, slightly more than one half of arrestees (53.2%) suffered visible injuries noted by police.

RESULTS

Building on previous literature, the current study explores differences in male and female violence in intimate relationships and police responses to that violence in the context of victim precipitation. Specifically, the current study suggests that women arrested for IPV are more likely to be responding to victim precipitation than men. In addition, incidents in which police arrest both parties (dual arrest) are more likely to involve victim precipitation than incidents in which only one partner is arrested.

Predicting Victim Precipitation

The relationship between arrestee, partner, and incident characteristics and victim precipitation was first examined with bivariate cross-tabs because all of the variables are categorical (see Table 1-1). Few characteristics were significantly related to victim precipitation. In a comparison of male and female IPV arrestees, significant differences were apparent for the measure of prior domestic violence. Female partners (with male arrestees) were significantly less likely to have a prior history of intimate violence (4.8%) compared to male partners of female arrestees (19.4%, $\chi^2 = 9.216$, $p < .01$). Thus, when females are arrested for IPV, they may be reacting to a prior history of abuse by their male partners. It is interesting to note that no significant differences by arrestee gender were found in terms of which partner initiated physical violence ($\chi^2 = .569$, $p = .75$) or whether injuries were noted on the arrestee ($\chi^2 = .402$, $p = .53$).

Aside from gender, significant relationships between other variables and victim precipitation were limited to the measure of *arrestee injury*. Specifically, the arrestee was significantly more likely to suffer visible injury in incidents where the partner had been using alcohol ($\chi^2 = 5.198$, $p < .05$). In addition, arrestee injury was more likely when the arrestee and partner were White ($\chi^2 = 9.916$, $p < .01$ for arrestee race; $\chi^2 = 3.947$, $p < .05$ for partner race). One possible explanation for this can be derived from literature on bruising in abused children, which suggests that skin color affects the appearance of bruises (Schwartz & Ricci, 1996). If bruises do not show as clearly or as quickly on individuals with dark complexions, they may not be noted by officers arriving at the scene. Thus, it is important to keep in mind that this measure reflects visible injury as noted by the police. Despite the few significant findings, the overwhelming conclusion from the bivariate analyses is that arrestee, partner, and incident characteristics are largely unrelated to victim precipitation as measured by whether the partner was the first to use physical violence and a prior history of violence by the partner.

Multivariate logistic regression models were also estimated to predict the dichotomous measures of victim precipitation.⁶ Results from these models largely reinforce the bivariate comparisons, finding few significant predictors of victim precipitation.