
CRIMES AGAINST WOMEN

By

WILLIAM J. BOPP

and

JAMES J. VARDALIS

CHARLES C THOMAS • PUBLISHER

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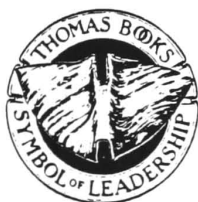
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CRIMES AGAINST WOMEN

Chapter 1

INTRODUCTION: ON VICTIMOLOGY

Some years ago, the U. S. Department of Justice summarized the extent to which criminologists and researchers had been concerned with the study of crime victims and what could be expected in the future:

Traditionally, both public attention and the criminal justice system have focused on criminal offenders. Criminal justice resources have been used to pursue, apprehend, judge, and imprison offenders and have paid little attention to their victims. Recently, however, public attention has turned to victims of crime as well. This new concern is reflected in legislation proposed or enacted at both State and National levels, in various service programs to aid victims and/or compensate them for financial losses, and in a greater sensitivity with the criminal justice system to the treatment of victims (either as victims or as witnesses). Within the academic community, too, the study of the victims of crime is emerging as a new field.

The focus of this work is on women as crime victims, with a collateral examination of crimes against children. Much of the data used in this book was collected by the Bureau of Justice Statistics (BJS) in its National Crime Survey, included in which was a victimization study. According to the the BJS:

In the past, our knowledge of the extent of crime came solely from persons who chose to report victimizations to the police. In the 1970's, the technique of victimization surveying was developed to learn about the impact of crime on victims through interviews with both victims and nonvictims in the general population. The Department of Justice began conducting a national victimization survey in 1973. This ongoing survey, known as the National Crime Survey, is sponsored by the Department's Bureau of Justice Statistics. The survey consists of interviews with a national sample of 60,000 households in which all members of the household are interviewed twice a year to determine whether they have been victims of crime. Crime victims are asked about the details of their victimization. Victimization surveys have also been conducted in a number of other countries throughout the world. By

focusing on the victim, these surveys have given impetus to the establishment of programs to ease the trauma of victimization.

The answer to “Who is a victim of crime?” may seem obvious. But it often isn’t as easy to describe victims as one might suppose. For some crimes, such as rape or murder, of course, it is quite clear who has been victimized. But for other crimes, such as welfare or insurance fraud, embezzlement, public corruption, or vagrancy, the victim is less clearly defined. A crime in which corporate funds are taken may ultimately be paid for by shareholders. Welfare fraud is absorbed by taxpayers. Public corruption may affect the trust of the general public toward officeholders. For the crime of arson, the only official victim may be the owner of the building—for whom destruction may even be financially advantageous. If only the building is destroyed, perhaps the real victim is the insurance company that covers the loss (and ultimately all the policyholders whose premiums provided the funds). But in other cases, the lives or property of the building’s tenants may be lost. For crimes of property, in general, the economic loss involved may be absorbed by the crime victim or may be covered partially or entirely by insurance. Defining the victims of crime can be more difficult than one might assume.

We have little or no data about the victims of some of the types of crime just described. The National Crime Survey, however, measures victimization for those crimes in which the victim can be clearly defined. The specific crimes covered in the survey are rape, robbery, assault, personal and household larceny, burglary, and motor vehicle theft. When a victimization is reported to the interviewer, whether of an individual (age 12 and over) or of a household, the survey obtains extensive information about the characteristics of the victimization. From this information we are learning more about the victims of crime than has ever been known before.

The relatively recent focus on crime victims has also led to rather well-defined justifications for this type of study. Consider the following from the U. S. Department of Health and Human Services:

Criminologists have traditionally concerned themselves with trying to find the *causes* of crime. Typically their concern is a matter of finding general answers to the question, “Why do crimes take place?” This search has led them to examine the antecedents and circumstances of various types of crime and the motivation of offenders, in the hope of explaining observed distribution of crimes in physical and social space, and variations in crime rates over time.

Until fairly recently, criminologists pursuing these questions tended to concentrate largely on persons who had committed crimes—a standard strategy being to compare criminals or delinquents (whether identified from official records or through observation or self-report

methods) with noncriminals or nondelinquents, in the hope that the two groups would differ in some causally relevant ways. Thus it was often assumed, either implicitly or explicitly, that, for example, crimes of violence occurred because certain persons or classes of persons (the “dangerous classes”) were exceptionally prone to use violence to settle disputes or attain other goals; these persons were then assumed to use violence against others who—so far as their role in the explanation of crimes was concerned—might just have happened to be standing there at the time. The criminal was thus typically conceived of as the “active” element in the situation and the victim as the wholly “passive” one.

Later and more sophisticated attempts to explain crime concentrated less on individual offenders and looked instead at the various social systems of which offenders were members or at the social control arrangements to which they were exposed. Explanations of these kinds referred to such things as disjunctions between societies’ success-goals and the legitimate means of attaining those goals; to subcultural patterns of norms and values, and the methods by which these might be transmitted; to group processes in delinquent gangs; or to the situational absence of effective legal or moral controls on behavior. Even here, however, attention was generally on offenders or offenses, rather than on victims; it seems to have been generally assumed that the attributes and behavior of victims could in some sense be “averaged out” in the course of explaining the observed distribution of crimes and/or criminals.

In recent years, increasing attention has been paid to ways in which victims of crime (in the legal sense of that term) may play a part in the causation of crime. It has been noted that some kinds of people are especially vulnerable to crime and that they may, because of certain attributes or the nature of their interaction with offenders, be especially likely to become victims; in some cases, the person who is legally regarded as the victim of a crime may actually have caused that crime to happen. For certain types of crimes, at least, the probability of becoming a victim is not uniform but varies among different types of persons, groups, organizations, etc. To the extent that this is true, it is necessary to include some facts about the victims of crime in an adequate explanation of the spatial, temporal, or social distribution of crime. It is not clear how far this increased recognition of the victims’ role in the causation of crime is due to changing fashions in criminological theory—to the popularity in recent years of interactionist theories, for example, and the brief flowering of the labeling perspective on deviance. But, whatever the reason, it is now clear that the behavior or attributes of victims need to be taken into account in explaining at least some types of crime. “Why do some people become victims of crime?” is not the same question as “Why do crimes take place?” But it may be necessary to answer the one in order to answer the other.

Some theories about victims’ involvement in the causation of crime

and research relevant to those theories are discussed elsewhere. At this point, we may note merely that such theoretical issues furnish one reason—a valid reason—for doing empirical research on victims and victimization. It also needs to be emphasized, however, that settling such questions of causation is not just an academic exercise. On the contrary, it has significant implications for public policy. For example, to what extent should the criminal law and the criminal justice system take account of the behavior of victims in inviting, negligently permitting, or otherwise facilitating crimes committed against them? It has recently been proposed in the Scandinavian countries that the owners of supermarkets should no longer have the right to prosecute in cases of petty shoplifting, and it has been suggested that banks should themselves have to accept the responsibility for forged checks. The *policy* question at issue here is how far potential victims ought to have a duty to care, and how far, for example, stores may be treated as if they are provoking thefts by exhibiting goods in as tempting a way as possible. The related *empirical* question concerns the extent to which particular commercial practices—displaying goods in the open or cashing checks—tend to lead to the commission of crimes which would otherwise not take place.

One of the compelling questions which has arisen from crime victim studies is the extent to which people may contribute to their own vulnerability by placing themselves, either needlessly or unavoidably, in potentially perilous situations in which victimization is foreseeable. Accordingly, a number of researchers have begun to address this topic, including Gottfredson, whose lifestyle/exposure model is summarized below from a National Institute of Justice monograph:

A number of researchers have concerned themselves with the etiology (or causes) of victimization and the critical dimensions that a theory or model of victimization would possess. Gottfredson's lifestyle/exposure model represented one attempt to explicate the etiology of criminal victimology in some tentative theoretical fashion. Gottfredson's model is essentially inductive. Based on evidence from the NCS (and other research) indicating consistent relationships between certain demographic characteristics (e.g., age, race, marital status) and the probability of victimization, it is posited that probabilistic exposure and its antecedents—more importantly, lifestyle—determine the likelihood of victimization.

Thus, in terms of Gottfredson's model, the reason that single individuals would be more likely to be victimized than married individuals would be that the lifestyle of singles is more likely to place them with high-risk times, places, and people. With respect to this model, empirical progress depends on identifying systematic relationships between various time-space-person coordinates and the probability of victimiza-

tion, and identifying those properties or characteristics of persons or objects that are predictive of these coordinates.

Some evidence for a lifestyle/exposure model has been provided which indicates systematic relationships between changes over time in patterns of routine activities (or lifestyle) and specific crime rates, and between personal characteristics, victim-offender relationships, and certain places and times and victimization rates. Hindeland et al. offered a series of propositions relating dimensions of lifestyle to the probability of exposure (and, thus victimization). In essence, Gottfredson recommended that further research be conducted which more directly tests the hypothesized relationships between various characteristics and operationalized measures of lifestyle and exposure.

The purpose of this book is to focus on one type of crime victim: women. In it are contained chapters on crimes which either victimize women exclusively or with great frequency (e.g., rape) or which present special problems to women (e.g., household burglary). While this is not a traditional crime prevention book it is anticipated that knowledge of the nature, extent and characteristics of some types of crime is a first step in deterring criminal activity.

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Chapter 2

RAPE

Some years ago, during the fledgling stages of scholarly inquiry into the crime of rape, a celebrated psychiatrist claimed that “He who cannot bite cannot kiss,” an obtuse comment on his belief that male sexuality is often associated with aggressiveness and the urge to dominate, the exert power and control over a woman. While this generalization, like most, may be selectively accurate, and much too simple to be wholly true, it does reflect the starting point of most studies of causation: male aggression is a primary causative factor in rape.

Rape is a crime which is both detested and misunderstood. Indeed, it should be loathed, not simply because of its violative nature and physical toll, but for the immense psychological damage and lingering emotional distress that it exacts from its victims. Nevertheless, rape need not and should not be misunderstood, since knowledge is a first step toward prevention. Accordingly, it will do well to first discuss rape as an historical phenomenon, before proceeding with a full-scale examination of this most troubling topic.

A Summary History

In contemporary America, rape is perceived as a form of deviant behavior, a socially unacceptable act. This perception contrasts dramatically with that of early civilizations, in which rape was a common practice, ratified by many societies as a prerogative of men, a way in which they validated their superiority over women.

According to Susan Brownmiller, whose book about rape, *Against Our Will*, has become a classic, abduction and rape were often employed by men in the courtship of women, even in otherwise civilized societies such as Fifteenth-Century England, in which so-called “bride capture” was a perfectly acceptable first step in the marriage ritual.

Warfare further reinforced this precept, as conquering armies viewed foreign women as part of the spoils of war, to be raped at will, an act well

within the rules of warfare. Greece, Sparta and Rome all accepted and employed this practice. According to Brownmiller, even when rape was outlawed as a criminal act, it was still widely practiced and rarely punished, as evidenced by the Russian march into Berlin in World War II, during which rape was permitted, perhaps even encouraged, as a form of retribution against the hated Germans. In short, rape historically was a privilege reserved for the winning side.

Rape was conspicuously ignored by early law. It was finally declared illegal, not because of a moral awakening on the part of male-dominated societies, but as an outgrowth of rapidly changing economic systems in which the rape of a virgin made her practically useless for marriage, thereby depriving her father of a substantial dowry. Rape, then, was an economic crime, not an interpersonal assault, for it was the father not the daughter who was the victim.

A woman's status was simple: she was either a betrothed virgin, who resided in the home of her parents; or she was a wife living in her husband's house. In effect, she had no independent status as a human being and the law tracked and strengthened these narrow social roles. If a man raped a virgin, he would be put to death. If he raped a married woman, his punishment was also death, but the woman was, despite the attack, an adulteress, according to early codified law, and could only be spared from death if her husband decided to intervene. A father who sexually assaulted his daughter would merely be banished from the community, to whom he was more of an embarrassment than a villain.

During the early years of the American democracy, rape was a crime in every state. Unhappily, slaves and Indians, who held no legal standing as persons, were notable exceptions to this legal protection, though males in these groups were held fully accountable for sexual assaults on white women. A plantation owner who raped a slave woman or a cavalry officer who sexually assaulted a "savage" were of little interest to the authorities. Conversely, blacks or Indians who victimized white women were guilty of atrocities, and often the subject of swift punishment, usually death, sometimes without the benefit of trial. Intra-racial (black or Indian) rape was treated as an event unworthy of governmental intervention.

In Twentieth-Century America, long after the West had been settled and slavery had been abolished, the state statutes on rape were, theoretically, applicable to all citizens, regardless of race, economic status or social position. Nevertheless, in the hands of police officers, judges, and jurors,