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PROFILING VICTIMS OF DECEIT OFFENCES

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Abstract.

The article hereby analyzes aspects regarding the behaviour, typology and mental status of deceit victims, as fighting deceit offences effectively implies knowing the specifics of the victims of these crimes. The offence of deceit is performed against people with specific psychological traits, which allow criminals to derive unjust material gains by depossessing these victims of goods through lying and dishonest behaviour. Victims of deceit are primarily people with reduced abilities to anticipate the intentions of the deceivers, those who do not conduct themselves with general prudence, and tend to accept signing documents which result in deceit with greater ease than others.

Effective preventive actions for deceit offences involve knowing the particular aspects of victim behaviour, and designing prevention measures should not be solely based on the profiles of offenders, but also on the particular traits of victims within the context of these offences.

Keywords:

offence of deceit, typology of the deceived victim, victim behaviour

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The need to profile victims of deceit

In order to efficiently prevent and combat offences of deceit, but also to determine criminal behaviour in the field of criminal deceit, alongside the study of the personality and behaviour of the person who commits the offence, the interest in studying the victim of such an offence is self-evident, as it requires investigating his or her mental particularities, as well as his or her behaviour in the situation of the offence.

Without ignoring the fact that the offender provides conclusive information on the causes of the offence, studying victims of deceit substantially supports the effort to reveal the genesis of criminal behaviour, and the interest in studying the victim is again an obvious one, as certain information can only be provided by the victim of the offence (Hotca, (2006), :7).

Reality confirms the fact that many people, despite having rich cultural insights and vast life experience, do not take minimal measures of behavioural precaution, and risk becoming victims of a crime such as deceit. Knowing what the role of the victim is in the criminal act, within the context of the offence of decit, enables designing preventive measures, and at the same time contributes to the development of self-shielding recommendations regarding the dangers of victimizing.

Victims can be classified according to the criterion of the victimizing agent: victims of murder, of death-causing injuries, of robbery, of rape, of deceit, etc. Based on the premise that any criminal act produces victims, the study of the criminal phenomenon in the case of deceit cannot be complete if we fail to consider its consequences on the *victim of the offence of deceit*, as well as his or her role, responsibility, or behaviour in the above-mentioned criminal act. This implies studying aspects pertaining to the victim both before the aggresional act is committed, while it is committed, and after it, and also studying the effects of deceit on victims.

As with any crime, efficient preventive actions in the case of the offence of deceit require the thorough analysis of every case of committed offence, in order to draw pertinent conclusions regarding their causes, the conditions that allowed for them to happen, their frequency in time and space, the faults of various factors implied in the prevention actions, as well as victim risk factors. This completes and improves specific

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preventive actions, by colligating specific data obtained from the case study with general data derived from global analyses of criminality or different types of offences (Bus, (1997), :109).

2. Victimogenic factors in the offence of deceit

2.1 The context of victimization in the offence of deceit

The circumstances of victimization within the context of the offence of deceit require investigation, as they occur frequently and are in a certain relation to the personality and conduct of the victim. There are several circumstances that reveal victimogenic conditions, such as the victim's character, the specificity of his or her personality, his or her representation of reality or the victim's attitude towards the action committed by the criminal (Hotca, (2006), :57,58).

In the category of victimogenic circumstances, which are circumstances which generate or may generate a person as victim of the offence of deceit, one can include some behaviours displayed by the victim, certain personality traits, the existence of previous relations between the victim and the deceiver, the victim's uncertain financial situation, the lack of precaution methods which translates to an opportunity for committing an offence etc

Motivated by the prospect of easy gain, the victim sometimes favourizes the criminal actions of the deveivers, but unsupported optimism, generated by the false belief that this sort of plight can only befall others, illustrates that self-shielding methods are either insufficiently known, or insufficiently applied.

Analyzing legal practice, it becomes apparent that part of the victims would not have found themselves in such hypostases, had they not favourized the victimizing act, or had they taken certain cautionary measures (Hotca, (2006), :57).

Committing an offence of deceit can also be favourized by a certain conduct on the victim's part, such as accepting occasional relationships with unknown people or with people with suspicious behaviour, by the way victims „advertize" their good financial situation or display generally high living standards (Iacobuta, (2007), :224).

The mental situation of the victim is very complex, as, within the criminal framework, the victim can contribute, to a lesser or greater extent, to the activation of the latent aggressive mechanisms in the mind

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of the offender (Bus, (2005), :136). In the case of deceit, joining suspicious groups of people, accepting spontaneous friendships without reservations or accepting coincidental and apparently very favourable propositions to the receiver, careless conduct constitute conditions that favourize offences such as deceit. Stemming from this situation, in the context of deceit, the potential of victimal receptivity and the capacity to become the victim of a deceit must be analyzed.

A specific form of receptivity is the impressionability of the victim (Bus, (1997) :86). Thus, some people are likely to be deceived due to their increased naïvety, being often impressed by the elegant behaviour and appearance of the deceivers, who have the ability to easily gain the victim's trust, who will subsequently give them moral credit.

2.2 Victim vulnerability in the offence of deceit

Each victim has a certain degree of victim risk and, in the context of the offence of deceit, the victim risk is based on an attitude, a specific behaviour, a gesture that becomes the opportunity provided to the deceiver to proceed with committing the aggressive act, to mislead the victim in order to obtain the unjust material gain they coveted.

Taking certain cautionary and preventive measures by people with high victim potential decreases the risk of victimization, as imprudence or neglect as to these cautionary measures constitutes an obvious victimogenic situation (Hotca, (2006), :69). The failure to take such measures, attending suspicious groups, careless or imprudent behaviour are all elements that favour acts of deceit. The degree of victim vulnerability depends both on *personal factors* (age, sex, education, intelligence, psycho-behavioural traits, attitudes), as well as on *situational factors* (places regularly visited or attended, social isolation, etc.) (Bus, (1997), :87).

The gullible nature of certain people, who accept with ease human contacts that address them with extremely profitable business propositions, but actually conceal a deceit (Hotca, (2006), :70), trusting in others far too quickly and without taking the necessary safety measures constitute a circumstance that the deceiver exploits in committing the offence of deceit.

In deceit, what is exploited is the conscious or inconscious predisposition of the target towards lying as, in a way, victims agree to

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what is going to degenerate into deceit (Cucos, (1997), :24). The chances of success for the deceiver are increased by the gullibility of the victim, but also by the extent to which the lie is believable and effective, as the deceit of the victim is prepared and linked to a certain background. It is not very easy for people to accept truth, which is why, many times, they prefer to embrace the deceits and illusions used by deceivers.

In the case of elderly people, the vulnerability index is higher, and the goods belonging to these people can attract offences against patrimony, one of the most common of which is deceit, but women are also predisposed victims of offences against patrimony (Hotca, (2006), :110); similarly, foreigners, people of other citizenships than that of the state in which they are, or even without any citizenship, have an increased victim risk as they easily attract attention from criminals, and one of the most frequent crimes committed against foreigners is deceit (Hotca, (2006), :116).

The offence of deceit and, generally, offences against patrimony are committed against people who are in a state that does not allow them prudent behaviour, particularly rich elderly people who are unassisted, mentally or biologically incapacitated people, lonely people who have a higher chance of accepting without hesitation the signing of detrimental legal documents, or people with a good financial situation who are not concerned with protecting their patrimony.

In the case of the offence of deceit, a high degree of victim vulnerability is associated with fragile people in terms of mental strength, with a reduced ability to anticipate the intentions and actions of the deceivers, generally people without much experience in assessing other people and situations. Reality shows that victims of offences of deceit are generally suggestible and gullible people, with particular psychological traits that allow deceivers to obtain unjust material gains by depossessing these victims of goods they obtain through lies and deceit.

A determined stance in dialoguing with the potential victim, proper and elegant dress, sophisticated vocabulary, based on knowledge of economic and social issues, of the rules that apply in commercial transactions and of the legal system, as well as knowledge of the specific field in which the deceit will be committed – all these are elements that cause or consolidate the victim's trust, an essential aspect contributing to the success of the offence of deceit.

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3. Victim behaviour in the offence of deceit

The deceiver's personality is manifested according to the personality and behaviour of the victims involved, to their degree of responsibility, to their predisposition to being cheated or deluded, to the finality of the deceit on their lives.

The victim is not identically involved in the process of committing a criminal offence, and the behavioural interaction between the two parties has different nuances. In the phase prior to the criminal act, the relationship between the offender and the victim is, most of the time, an indifferent one (Bus, (2005), :143). In the case of the offence of deceit, the initiative usually belongs to the offender, and the victim's attitude is relevant to the deceiver, in the sense that he or she must adapt his or her criminal actions according to the naïvety and the reactions of the victim.

When committing an offence of deceit, the deceiver uses lies without being very preoccupied with the direct reflection of reality in his words, nor with the boundaries between truth and falseness, but rather with the concern to manage the process of deceit most efficiently, in order to determine a modification in the victim's conduct, with the purpose of deriving unjust material gains. The victim is at a disadvantage, as he or she is focusing on the exterior discourse of the deceiver, which is impeccable and consistent, in order to appear as plausible in practice, and ends up being misguided by the fact that he or she is arrested by this well-constructed façade created by the deceiver.

In the phase corresponding to the actual duration of the criminal act, the functional relations between criminal and victim are not essentially modified, with a single exception: through their manifested behaviour, the victim can sometimes cause the criminal to change his or her plans of action or even to renounce one or more objectives (Bus, (2005), :143). In the case of the offence of deceit, the victim's behaviour in this phase is marked by his or her victim vulnerability, by the mode of action employed by the deceiver, but also by the victim's education and experience in shielding himself or herself against crimes in order to avoid becoming a victim of deceit.

The victim's gullibility or his/her susceptibility to being influenced are traits that allow the offender to interest and attract someone into victimizing actions, such as the case of the deceiver, who promises to

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perform a highly valuable service in exchange for a large sum of money (Butoi, (2004), :73).

Being fine assessers of the human mind, people who commit offences of deceit are included in the category of intelligent offenders, armed with persuasion, to whom physical strength is less important in their mode of operation; generally dressed elegantly in order to inspire confidence to the victim and arouse no suspicions, deceivers have the ability to rapidly discover weaknesses in potential victims, especially due to the fact that they target naïve people or people wishing to solve certain problems in the easiest ways possible.

Ignoring the necessity of taking preventive measures, the naïvety of people who choose to solve certain problems through other channels than the legal ones, together with their wish to become rich as fast as possible and the false belief in the possibility of reaching these objectives without the risk of being deceived – these are all aspects that the deceiver can manipulate in order to succeed with the deceit. Although the victim does not foresee the risk of a deceit, nor does he or she wish it, the success of this criminal offence is ensured by the extent to which the victim's wish to obtain immediate gains is speculated, be they cost free or, at least, advantageous.

The behaviour of people with high victim potential is very important for preventing victimization, and the most proper conduct of people with high victim risk occurs when they are able to anticipate the victimization (Hotca, (2006), :122). Thus, in the case of the offence of deceit, prevention measures should start with educating people towards avoiding behaviours that favour offences of deceit and towards learning a set of measures that can prevent them from becoming victims of deceits.

4. The typology of the deceived victim

Characterized by intelligence and ingenuity, deceivers detect the possibility to deceive certain gullible, naïve people, adapting their mode of operation to a wide spectrum of potential victim manifestations. The qualities deceivers possess allow them to understand the situation in which the potential victim is, and to adapt their criminal conduct to the victim's specifics, with the purpose of misleading him or her, obtaining through this unjust material gains.

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An interesting typology is the one advanced by criminologist Wolf Middendorf of the *victim of deceit*, a typology comprised of four categories of deceived victims (Bus, (2005), :150,151).

The generous victim, who is often deceived not through the fact that he or she wants to derive material advantages from the relationship with the deceiver, but through his or her willingness to help out anyone requiring it, such as the situation of people who accommodate various other people, after which they find part of their goods have been stolen.

The victims of good deals are those who make occasional purchases from strangers who claim to momentarily find themselves in difficult financial situations, and offer valuable objects at bargain prices.

The category of *victims of devotion and affection* includes religious fanatics, who are willing to donate money, goods, surrender properties, etc. in order to please a supernatural entity.

In the case of *victims of greed and pursuers of great illicit gains*, it is difficult to determine which share of the guilt corresponds to each of the protagonists. The purchasers of stocks that will immediately increase in values, the people financing safe roulette-winning systems, these are mere samples of the infinite options that more refined deceivers manipulate in order to attract and deceive victims.

The deceiver targets a specific type of victim, apparently associating with the latter coincidentally, and progressively conquering the victim with his intentions and the extent of his or her insistence, while also valuing the qualities the victim believes he or she possesses (Tanasescu, (2007), :139). When pursuing his or her purpose, through the multitude of means employed, through the ability to gain the victim's confidence, but also through the capacity to appear as if he or she is the dominated one, the deceiver plants the idea of control over the situation in the victim's mind, and, at the same time, that of confidence in the fulfillment of promises, so that the victim is drawn towards plans which are completely different than the ones he or she originally had.

Building credibility for the deceiver usually implies intense research of victims, and, tenaciously following their goal, these offenders gather the relevant data through a variety of channels, as many deceivers were discovered to keep detailed records of data on the targets they were pursuing (Fratila, (1997), :17).

Committing deceit and the risk to become potential victims of deceivers are favoured by the negligence and carelessness of victims when

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verifying the documents presented by the deceivers, who usually attempt to impress with various documents that prove they possess a certain status, on the basis of which they request different favours. They are also favoured by the interest of many people in purchasing various goods in a hassle-free manner, but also by the fact that deceivers, who possess in-depth knowledge of the field they are committing deceits in, only act after meticulous preparations and after they have ensured that the victims are easily influenced and gullible people, a category predisposed to being victimized through deceit.

Seeking success, the deceiver speculates, up until the very last moment, on the passions, interests and personal representations confessed by the victim (Tanasescu, (2007), :139). By convincing the victim that he or she will obtain certain benefits, the deceiver will regroup and rethink means of operation, according to his or her interests, in order to make the victim adopt and use the ideas implanted by the deceiver, while convinced that they belong to him or her.

Prevention measures against victimization in the field of the offence of deceit should consider as many possible victim risk situations as possible, with increased focus on the relationships developed with people met by chance, and who offer their services for various activities. These are best avoided, due to the fact that either of the individuals can deceive the other's good faith.

Conclusions

Generally, in cases of criminal offences, the victims suffer certain consequences that may be either or both material, physical and biological, social and psychological, as there are criminal acts that can cause all these types of effects, but also offences that may cause only some of these unwanted effects. Thus, in offences against patrimony, there are rarely other consequences than material ones, although there is a possibility for certain social, psychological and moral consequences to occur, when the material subject of the offence is very important to the afflicted party, as there are people who suffer greatly when losing certain goods (Hotca, (2006), :94).

In the case of offences of deceit, the consequences on the victim, caused by the committed offence, are material damages, when the victim

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loses a certain patrimony value, and it is very important that the damage caused by the deceit is repaired.

The material damage caused by the offence can materialize in the loss of goods, of sums of money, of a future advantage. Generally, the material injury consists in damages against the injured person's patrimony, and legal instances charged with solving the civil trial have to take into account the principle of full reparation of the injury caused to the victim through the offence (Hotca, (2006), :98), so that the author of an offence of deceit will have to fully cover the damages caused to the victime, i.e. both the actual damage and the unobtained gains.

The victim of the offence of deceit can also suffer social consequences, which may consist of loss of social position due to relating with deceivers, or by the fact that the material damage caused to the direct victim of the offence of deceit also has an impact on people in direct dependence to him or her.

As for the psychological effects on victims of offences of deceit, in some cases, the criminal offence can produce and cause changes in emotions, willpower or intellect, with perception disorders (exaggerated sensitivity, reduced sensitivity, halucinations), memory disorders (memory malfunction due to forgetting unpleasant events, due to remembering negative experiences that should have been forgotten, due to completing reality, etc.), thinking disorders (obsessions, the exacerbation or slowing of thinking, depressive delirium when the victim is blaming himself or heself, etc.), emotional or will disorders (Hotca, (2006), :105).

After the trauma caused by the offence of deceit, in some cases, victims make a full recovery, although there are situations when they only make a partial recovery, suffering some disorders caused by post-traumatic stress.

To conclude, as the identification of recommendations and practical measures to ensure victim protection against offences of deceit, as well as certain advice and guidance on victim behaviour are all necessary, it is imperative that prevention measures of victimization in the case of offences of deceit are formulated, which should be based not only on the role of the offender, but also on the position of the victim in the committing of these offences, which is sometimes an element that favours these deceits.

There are voices (Lab, (2004), :144) that argue it would be more indicated if the approach to prevention measures of criminal offences was

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focused on the study of these measures from the victim's perspective, attempting to find answers to the questions *where* and *when*, i.e. to identify the place, moment and person against which the criminal offence will be committed.

Studying victims of offences of deceit, along with studying the offenders, the analysis of the existing relations between these two parties, investigating the causes of criminality from the perspective of the victims, the role of the victim in the criminal act committing process, the causes which determine a person to end up as a victim of a deceit – all these individual elements can provide useful information for the prevention of and combat against the criminal phenomenon and contribute to the development of profilactic measures in this sense.

References:

Bus, I., (1997) *Psihologie judiciara,* Cluj University Press, Cluj-Napoca, Romania;

Bus, I., (2005) *Psihologie si infractionalitate. Fundamente teoretice*, Publishing House ASCR, Cluj-Napoca, Romania;

Butoi, I. T., Butoi, T., (2004) *Psihologie judiciara – curs universitar*, 2nd Edition, Publishing House Fundatiei Romania de Maine, Bucuresti, Romania;

Cucos, C., (1997) *Minciuna, contrafacere*, *simulare. O abordare psihopedagogica*, Publishing House Polirom, Iasi, Romania;

Fratila, A., (1997) *Cum sa ne ferin de escroci, hoti si falsificatori*, Publishing House Stiinta si Tehnica, Bucuresti, Romania;

Hotca, M. A., (2006) *Protectia victimelor. Elemente de victimologie*, Publishing House C.H. Beck, Bucuresti, Romania;

Iacobuta, I. A., Iacobuta, I., Lazarescu, D., (2007) *Criminologie*, Publishing House Venus, Iasi, Romania;

Lab, S. P., (2000) *Crime prevention: approaches, practices and evaluation,* Anderson Publishing Co., Cincinnati, S.U.A.;

Tanasescu, I., Tanasescu, G., Tanasescu, C., (2007), *Tipologii criminogene,* Publishing House C.H. Beck, Bucuresti, Romania.

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