

Moving Toward a Public Safety Paradigm: A Roundtable Discussion on Victims and Criminal Justice Reform

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Introduction

On September 10, 2010 the Justice Policy Institute (JPI) convened a roundtable discussion examining the role of victims in justice reform. While the over-arching theme of the roundtable was to explore opportunities for dialogue and finding points of common ground, other areas of discussion included addressing who is a victim, the history and current status of the victims' movement, and issues around services for victims. This brief is the result of the day's discussion, organized by theme and not necessarily the order in which ideas were discussed.

The Report's Structure and Language

Direct quotes and information provided during the course of the day are not directly attributed to specific participants. This was a ground rule that was set at the beginning of the day to facilitate a more open and candid dialogue. The need for a new framework for language was continually expressed throughout the day's discourse. However, participants did not use common language in their comments. Therefore, this paper uses the words and phrases of the participants to most accurately capture their intended meaning.

Framing the conversation

Defining who is a victim

While every state (and the federal government) define who a victim is in different terms, just over half (50.2 percent¹) of sentenced people in state prisons are incarcerated for a violent offense. JPI initially proposed narrowing the day's discussion of victims to those who were harmed by violence. However, participants didn't want to limit discussion to this group for a number of reasons. As a participant stated, "two-thirds of victims are of nonviolent crime;" and people share similar reactions, and often similar needs, regardless of the type of victimization they experienced. Also, when victimization is thought of as being harmed by another, most people either have been a victim themselves or know a victim.

¹ William J. Sabol and others, *Prisoners in 2008* (Washington, D.C.: Bureau of Justice Statistics, 2009) <http://bjs.ojp.usdoj.gov/content/pub/pdf/p08.pdf>

There are also more individuals harmed by crimes of all kinds than just the person directly victimized. The ripple effects of crime extend beyond the people directly involved and often impact people throughout the victim's and offender's families and community. For example, children might suffer if their parent has a car stolen and can no longer get to work, or if their parent is incarcerated for causing harm to someone else. Additionally, many people who commit crime, including those in prisons and jails, have also been victims, having experienced significant harm from others as children or adults. Therefore, moving towards a more holistic view of who is a victim and terminology such as "harmed parties" underscores the complexity of the issue.

Understanding the victims' movement

As one participant stated, victim advocates often are generally classified into two groups – community-based advocates (who provide a range of services, including shelter, counseling, advocacy, and hotlines) and system-based advocates (who support and help victims understand the criminal justice process, including their legal rights). Justice reformers – that is, those who work to improve the fairness and efficacy of the justice system through changes to policies and procedures – have seldom included victims in their conversations on reform, resulting in distinct and separate policy and reform efforts by victim-focused groups. Oftentimes this lack of dialogue has only served to perpetuate the divide between the two movements. One participant felt that the tensions between some victims groups and justice reform advocates is often more perceived than real – a result of use of language, approach and lack of substantial dialogue.

There have been instances where individual victims have played a substantial role in the formulation of justice policy. These individuals, who often have experienced a high profile crime, frequently have become "de facto victim representatives." Although these "de facto representatives" are not reflective of the whole range of victims and their viewpoints, they are often subsequently highlighted in the media and embraced by politicians and prosecutors because they personify a more traditional perspective that tends towards more punitive responses. Such de facto victims have played a key role in the promotion of policies focused less on rehabilitation of the responsible party and healing of the harmed parties and more centered on retribution and societal isolation (ex. juvenile transfer laws or sex offender registries).

A recurring theme in conversations between JPI staff and participants both before and during the roundtable was the lack of diversity in the victims' movement. Young men of color, for instance, comprise a group that is frequently victimized, yet their thoughts, needs and desires are seldom considered.

Also, participants reported that too often people see the victims' movement as something that can be used to support their own goals. There was clearly a level of concern that just as some "tough on crime" policy groups have held victims up to support their proposals, justice reform groups might do the same. All participants agreed that it is critical moving forward to ensure that justice reform groups approach the victims' movement with a sincere wish to collaborate where they have common ground and not "use" victims to support an agenda.

Victim services

In understanding the best ways to incorporate victims' voices into justice reform it is important to examine services available to victims and how those services and the justice system are interconnected to the healing process of victims. In the discussion, one participant stated that there is no common idea

or understanding of what victims want, because that question has not been asked. Each victim is unique and has unique needs. Therefore, the range of options available based on resources may or may not be adequate for each person's unique needs. As another participant stated, the "range of people we have been able to reach, serve and listen to is inadequate."

The current service system available for victims was repeatedly described using a menu analogy. Instead of having an open-ended dialogue about what individual victims need to heal and move forward or what they believe would be a just resolution, they are offered instead a menu of services to choose from. Victims are not able to adequately express their wants and needs because they are confined to the limited options that are provided to them. For many victims, the only justice option is retribution – seeing the responsible party punished, often through incarceration. In many cases victims do not feel satisfied by the services they receive from the "menu;" so when asked what would better meet their needs as a victim, they often say they need more of what appears to be their only option: punishment.

Also, in the current system, victims often are involved or consulted only immediately after the harm has occurred. There is no opportunity to be engaged as time goes by, after there has been a chance for healing and reflection. As people go through the healing process, their wants and needs often change. For instance, what victims want or expect out of the justice or service systems immediately following victimization will be different than what they need months or years later; they also will be able to look back and say what they did find to be most helpful as compared to what they thought would be.

Participants indicated that the justice system should not be seen as the primary or only system that should be involved in helping victims heal. The traditional criminal justice process is usually disappointing, and often harms both victims and offenders. The general consensus was that the justice system is essentially the wrong place for victims to find emotional help. However, the system can provide good, reliable information and referrals to available resources and help in navigating the justice system. As one participant stated, "the goal is not that all victims should receive services from the state, but that the state supports the services and assistance that people receive from their communities, families, et cetera."

Understanding the role other social services such as education, public assistance, and health care can play in helping victims can also facilitate a holistic and comprehensive approach to justice and healing. For instance, in describing her own experience as a victim, a participant stated that she engaged in the civil justice process because of the financial distress that resulted from her victimization. She was not able to receive the type of financial help she felt she needed to support her family after the event. Currently, the U.S. does not have a system of social supports that provides a safety net for health care, housing or other supports for people who need them, including those who are victimized. Given this, participants discussed whether it would be fair to give victims priority over others who also need these supports and services.

A move toward collaborative reform

Improving dialogue by finding common language

One of the largest barriers between the victims' movement and justice reform is differences in language. As participants discussed, both movements need to move towards utilizing common language to reduce barriers in communication and spark open dialogue. One area where there seemed to be consensus was

on focusing on public safety – and with it, reduced victimization – as commonly held ideals and goals. Focusing on public safety allows both movements to address issues of shared concern as well as incorporate other social services that justice advocates have long considered essential in helping to reduce crime and victimization and promote community well-being.

Advocates from both arenas need to address any barriers that might prevent collaborative conversations and lead to increased distance between the victims' and justice reform movements. The first step can be to address the language and organization of dialogue classifying people as either a "victim" or an "offender." In reality, service providers and research have shown that this dichotomous classification is not accurate, especially for young men of color.

Additionally, there was discussion about "labels" and the need for both movements to incorporate "people first" language into their work. Some participants felt that adopting terms like "harmed/responsible parties" rather than "victim/offender" emphasizes an individual's relationship to an event rather than a label that becomes an identity. Such a shift away from potentially stigmatizing labels could reduce social isolation and promote reintegration.

In addition, the phrase "rebuilding lives" could be used to describe both people who are victims and people re-entering the community post-incarceration. Using "rebuilding lives" acknowledges that people who are incarcerated and their families often experience harm, emotional distress and social isolation. By using inclusive language advocates can focus on the human experience and how the system should best address the harm done to all those involved.

Common interests and goals

Roundtable participants agreed on distinct areas of common ground that could serve as a basis for collaboration, including:

- Shared desire for improved public safety and reduced victimization. Proactive safety planning and effective strategies to build safe communities are areas that could underpin changes in the current justice paradigm.
- Determining the obligations of people who engage in harmful behavior: How do we hold people accountable? Is it simply punishment or some form of repayment to the victim(s) and society?
- Develop human connections to people in prison: People in prison are alienated from society. By recognizing the humanity even of people who have caused harm, and finding ways to reconnect them with community and family, people will be more successful post-incarceration.
- Services are important: People in prison and people who are victims both need services. More needs to be done to support funding for services that already exist and broaden the scope of services that are available, and make these services appropriate for people in different stages of their healing process. The justice system cannot, and should not, be the sole provider of these services, so more must be done to help communities provide a range of services to victims and offenders.
- A greater focus on youth is needed: Many of the children in the juvenile justice system are "double jacketed" – meaning they are not only justice-involved, but are in the child welfare system due to parental abuse and neglect. While not all youth in the justice system have engaged in behavior that harmed another person, those that have are frequently both harmed and responsible parties. By increasing early interventions, we can reduce the chances that a

youth can avoid justice involvement or repeat involvement. People are often more sympathetic toward children and open to rehabilitation as an option.

- Examine models of justice reinvestment: In some places that have engaged in justice reform, the savings that are realized by downsizing institutions are redirected toward alternatives to incarceration and prevention. Justice reinvestment could also be used to increase funding for services for victims, as well as programs that reduce victimization and promote public safety.

A paradigm shift: Public safety, re-integration and inclusion

Participants agreed there was value in shifting from a dichotomous discussion of “victims’ rights” versus “justice reform” to a more unifying message and goal of promoting public safety, reintegration, and community well-being. By refocusing the discussion, both movements can open an inclusive dialogue that builds on common goals that all parties share: reducing victimization and rebuilding lives. This paradigm shift relies greatly on the work of advocates for both restorative justice (which focuses on the ability of victims, offenders, and community members to address the harms created by the crime) and what has been called parallel justice (which focuses on the responsibility of individuals, communities, and government agencies to help victims rebuild their lives).

Additionally, participants agreed that being proactive in advocating for crime prevention and safety planning rather than reactive toward specific events is a key part of such a paradigm shift. Public safety advocates, who would include both justice reformers and victims’ rights advocates, would promote policies and strategies that improve public safety and reduce victimization.

Changing the frame in this way could also help to redefine a reform agenda that is more focused on healing and reintegration. Both victims and people in prison frequently end up alienated from society. One common goal that both victim advocates and justice reformers could focus on is improved reintegration – how to help both victims and formerly incarcerated people move beyond the incident of harm so that they can be successful in society. By focusing on overcoming the alienation and practical difficulties both groups face, the victims’ advocacy and justice reform movements could embrace those policies and practices that will promote both individual and community wellbeing.

As part of the open dialogue, both justice reform and victims advocates could more fully engage with communities that are disproportionately impacted by crime and victimization. As one participant pointed out, most violence is happening in communities that have little opportunity to provide input into responses. Having an idea of community expectations and desires is important in understanding the expectation a community has for both treatment within the justice system and future reintegration.

Where do we go from here?

Participants agreed there needs to be more open, inclusive dialogue that involves not only victim and justice advocates, but other segments of the community. This includes policymakers, the business community, law enforcement and other advocates. The frequent disconnect between policymakers and people who experience crime and violence could be overcome through better communication and training and more diversity among the groups involved.

The discussion concluded with a conversation on the need for better data and research, particularly at the local level. While the National Crime Victimization Survey, which collects data from local law

enforcement agencies, provides a snapshot of the country's crime and victimization, additional county- and city-level data could help in understanding the needs of victims and the localized impact of crime and policies. Local victimization surveys could focus on broad themes of victimization and their impact on individuals, addressing questions such as:

- How has crime impacted individuals?
- How has their life changed post-victimization?
- What resources did they utilize and who/what was helpful to them?
- What had they hoped to gain from the justice system?
- What experiences within the justice system further exacerbated victimization?
- What did they want or need that was not offered to them?

Having the opportunity to closely examine victims' experiences with crime and the justice system can help to shape greater understanding of what divide may exist between victim expectations and what the justice system actually provided. Additionally, localized data concerning resources, justice system experiences and expectations can help to further the dialogue of victims' voices within justice reform.

Finally, all participants, both at the roundtable and in electronic communications afterward, expressed a sincere desire to continue this discussion. There was a universal recognition that the society we all hope to create – one where people and communities are safe and healthy – requires an unprecedented level of collaboration and cooperation in order to become a reality. Clearly, a continued dialogue would be mutually beneficial for those involved in the roundtable as well as the field as a whole.

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