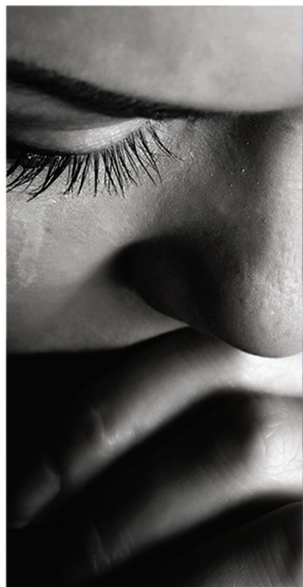


# FACT SHEET

## 7

### PROMISING VICTIM RELATED PRACTICES IN PROBATION AND PAROLE



## VICTIM/OFFENDER PROGRAMS

The impetus for victim/offender programming (VOP) in the United States is closely linked to the emergence of restorative justice in the early 1980s. As described by Dr. Mark Umbreit (1998), restorative justice offers a unique paradigm for justice practices:

Rather than the state being viewed as the primary victim in criminal acts and placing victims and offenders in passive roles, restorative justice recognizes crime as first and foremost being directed against individual people. It assumes that those most affected by crime should have the opportunity to become actively involved in resolving the conflict.... Restorative justice attempts to draw upon the strengths of both offenders and victims, rather than focusing upon their deficits. Restorative justice:

- Is far more concerned about restoration of the victim and victimized community than costly punishment of the offender.
- Elevates the importance of the victim in the criminal justice process, through increased involvement, input and services.
- Requires that offenders be held directly accountable to the person and/or community that they victimized.

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- Encourages the entire community to be involved in holding the offender accountable and promoting a healing response to the needs of victims and offenders.
- Places greater emphasis on the offender accepting responsibility for their behavior and making amends, whenever possible, rather than on the severity of punishment.
- Recognizes a community responsibility for social conditions which contribute to offender behavior.

Most perpetrators of violent crimes are known to their victims; in 2010, strangers were offenders in only about 39% of violent victimizations (Truman, 2011). For victims who seek support through VOP, such programs provide the opportunity to identify and address victims' needs and concerns, directly repair relationships between offenders and victims who are known to each other, and hold offenders accountable for their criminal actions. Victim/offender programs can occur within a pretrial diversion or post-adjudication process and with juvenile or adult offenders.

## FIGURE 1

### THE SEVEN VALUES OF RESTORATIVE JUSTICE



Source: *Restorative Justice: Principles, Practices, and Implementation Training Broadcast*. U.S. Department of Justice, 2002. Available at <http://nicic.gov/Library/017612>. For more information, see the National Institute of Justice topical webpage on Restorative Justice, available at [www.nij.gov/nij/topics/courts/restorative-justice/welcome.htm](http://www.nij.gov/nij/topics/courts/restorative-justice/welcome.htm).

Most commonly, victims may request participation in available VOPs through a victim impact statement process or through other victim outreach and public awareness efforts sponsored by corrections, criminal and juvenile justice, and victim assistance agencies. They may also directly contact a justice or victim assistance professional to explore VOP opportunities. In either case, victims receive a thorough overview of the victim/offender program and are provided with access to an advocate who can guide them through the process.

## KEY ELEMENTS

The development of VOP requires careful planning and development of an overall mission and goals. All parties who will be affected by VOP should be involved in its planning and implementation, including crime victims, survivors, and defendants/offenders, their respective families, victim assistance and criminal/juvenile justice professionals and volunteers, and representatives of the community. Six key elements of VOP planning and development include:

1. ***Autonomy of all participants.*** Participation in VOP should always be completely voluntary; programs must refrain from coercion of any kind to engage participants. Victims/survivors and defendants/offenders should be able to opt into and opt out of VOP at any time.
2. ***Safety of victims/survivors.*** In the aftermath of criminal victimization, victims often have real fears resulting from actual threats or intimidation from the defendant/offender or others. They may also experience perceived fears resulting from the trauma of victimization. Ensuring the safety and security of victim participants is among the most important tenet of VOP.
3. ***Screening of participants.*** VOP is not appropriate for all victims or all defendants/offenders. Victims and survivors who are severely traumatized or coping with significant mental health impacts of crime should not participate in VOP. Juvenile and adult offenders who are not willing to reflect upon their accountability for their delinquent or criminal actions that harmed others, and those who are not willing to ultimately accept responsibility for their actions, are not suitable candidates for VOP.
4. ***Support for all parties involved.*** Victims and defendants/offenders who engage in VOP require strong support from professionals at several points in the VOP process:
  - a. In deciding whether or not to participate in VOP;
  - b. In preparing in advance for the program to understand its goals and to determine any personal expectations;
  - c. In going through the actual VOP, where victims and defendants/offenders are physically together; and
  - d. During follow-up after the VOP to assess the overall process, evaluate participants' level of satisfaction in going through VOP, and respond to any unresolved issues.
5. ***Training for program sponsors and facilitators.*** For VOP to succeed, it is essential that program personnel are knowledgeable about victim trauma, demonstrate sensitivity to victims, and understand the impact of crime on victims. Knowledge about the cycle of interpersonal violence and the dynamics of pathways to criminal behavior also are very important.
6. ***Use of "promising practices."*** Adopting and incorporating program elements that have led to success in other jurisdictions is an effective strategy in program design. The following sections of this Fact Sheet highlight many promising practices and identify resources for further exploration.

## PROMISING PRACTICES

### PROGRAMS AND CLASSES ON THE IMPACT OF CRIME ON VICTIMS

Programs for offenders on the impact of crime on victims (IOC) were first implemented in 1985 by the California Youth Authority. The IOC founders believed that programming for juveniles under their control focused exclusively on what interventions the juveniles needed, while overlooking what they had done. As a result, the youth did not understand the physical, psychological, financial, social, and spiritual impacts that their crimes had on their victims and felt no sense of obligation to make up for the harm they caused.



## SIDEBAR 2

### SPECIAL CONSIDERATIONS FOR DOMESTIC VIOLENCE CASES

While the restorative justice philosophy represents an important perspective in addressing criminal behavior, not all practices associated with restorative justice principles are appropriate in cases of intimate partner domestic violence. Corrections practices should not try to restore the relationships between abusers and victims of domestic violence. Victim-offender mediation could place domestic violence victims in greater danger because mediation is based on the premise of equal partners entering into discussion to reach agreements, and the power relationships between partners in which domestic violence occurs are not equal. In addition, the use of community panels or boards to determine offender supervision could place domestic violence victims in greater peril, because panel members may not fully understand the dynamics of domestic violence and might recommend actions that unintentionally jeopardize victim safety.



Today, IOC programming is available to both adult and juvenile defendants/offenders in nearly every state and at the federal level and is used in diversion, probation, parole, and institutional settings. According to Seymour (1998a), the goals of IOC are:

- To help defendants/offenders understand the impact of their crimes on their victims, their communities, their own families, and themselves;
- To provide opportunities for defendants/offenders to understand the importance of accepting accountability for their delinquent or criminal actions and (if possible) to make amends;
- To provide crime victims and survivors a structured, positive forum in which to share their personal experiences and educate defendants/offenders, justice and allied professionals, and others about the consequences and impact of crime; and
- To build positive partnerships among victim assistance and justice agencies that can raise individual and community awareness about the immediate-, short-, and long-term impacts of crime on victims and communities.

IOC programs may include features such as 1- to 2-hour victim impact classes, a series of 1-hour classes that address up to 20 types of victimization (from property crimes to homicide), or a structured 40-hour curriculum that addresses the full spectrum of crimes and their impact on victims and communities. The most effective IOC programs involve actual crime victims and survivors who speak to defendants/offenders about their experiences and how crime has affected their lives. Many programs also use videos that feature victims of different types of crime whose stories highlight the often devastating consequences of crime on victims.

The U.S. Department of Justice, Office for Victims of Crime (OVC) provided leadership and support for the development of *Victim Impact: Listen and Learn*, a structured IOC curriculum for offenders with an accompanying DVD of actual crime victims who share their personal experiences. The curriculum was developed and pilot-tested from 2003 to 2004. It includes resources for program planning, suggestions for engaging victims as guest speakers, and lesson plans and participant workbooks that address 10 specific crime topics. The *Victim Impact: Listen and Learn* curriculum is available online at [www.ovcttac.gov/VictimImpact/index.cfm](http://www.ovcttac.gov/VictimImpact/index.cfm).

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LIVES.

A rigorous 2004 evaluation of one IOC program involving over 300 adult male offenders found that the program increased their knowledge of victims' rights, their understanding of the facts of victimization, and their sensitivity to the plight of victims (Monahan, Monahan, Gaboury, and Niesyn, 2004).

## **FAMILY GROUP CONFERENCES**

The concept of family group conferences (FGC) emanates from a Maori tradition in New Zealand and has been adapted in the United States primarily for juvenile offenses. FGC is used as both a pretrial diversion and a post-adjudication VOP and is also used within schools. Seymour (1998b) identifies the goals of FGC as follows:

- To provide an opportunity for the victim to be directly involved in the discussion of the offense and in decisions regarding appropriate sanctions to be placed on the juvenile delinquent;
- To increase the juvenile's awareness of the human impact of his or her behavior and provide an opportunity to take full responsibility for it;
- To engage the collective responsibility of the juvenile's family and support system for making amends and shaping the juvenile's future behavior; and
- To allow both the offender and the victim to reconnect to key community support systems.

In the FGC approach, the juvenile must admit to the act of delinquency or crime. The juvenile and his/her family, the victim(s) and their families, and any other parties affected by the offense are brought together in a safe environment for a facilitated discussion the event. The discussion covers what happened, the impact on all parties involved, and any measures that can be agreed upon to hold the young person accountable and increase the victim's satisfaction. Examples could include payment of restitution, performance of restorative community service (described below), or participation in victim impact classes. FGC sessions result in a written agreement signed by all parties that delineates each party's respective expectations and commitments for further action. The program sponsors and the FGC facilitator follow up to ensure that the terms of the agreement are upheld.

## **RESTORATIVE COMMUNITY SERVICE**

Community service has traditionally provided opportunities for convicted and adjudicated individuals to "pay back" the community for the harm that their criminal and delinquent actions have caused. Restorative community service (RCS) "personalizes" this important form of offender accountability. RCS typically engages crime victims and/or victim assistance program partners in matching offenders to appropriate community service opportunities.

In structured RCS programs, the victim impact statement includes the question, "If your offender is sentenced to community service, do you have any recommendations for the type of service you'd like him/her to perform?" This gives the crime victim the opportunity to suggest a favorite charitable organization to receive the benefit of the offender's reparative effort or a community service project that they believe might benefit the delinquent/offender.

In some cases, it may be appropriate for the offender to perform community service that directly benefits the victim, such as mowing a lawn or cutting firewood. Victim and offender safety and legal issues would need to be closely examined and resolved, however. For example, direct community service to a victim of domestic violence by the perpetrator would not be appropriate.

Community corrections agencies increasingly are forging partnerships with victim assistance programs to develop RCS opportunities that directly benefit victim services organizations and the victims they serve, without violating victims' safety or security. Examples include:

- Activities that help promote victim-related commemorative observances, such as affixing commemorative ribbons to pin cards or disseminating posters and outreach information about special events connected with National Crime Victims' Rights Week each April;
- Work in community gardens where the produce is given to domestic violence shelters; or
- Stuffing envelopes for victim-related fundraising drives.

More ideas for restorative community service projects have been compiled by Justice Solutions and are available at [www.justicesolutions.org/art\\_pub.htm#service](http://www.justicesolutions.org/art_pub.htm#service).

## SENTENCING CIRCLES

The concept of sentencing circles is based upon peacemaking circles, which "draw directly from the tradition of the Talking Circle, common among indigenous people of North America" (Pranis, 2005, p. 7). Judge Barry Stuart of the Yukon Territorial Court first introduced the sentencing circle in the early 1990s as a means of engaging the community in justice processes.

A sentencing circle is a community-directed process, conducted in partnership with the juvenile and criminal justice systems, that develops consensus on an appropriate sentencing plan for an offender. The resulting plan addresses the concerns of all interested parties—the victim and his/her supporters, the offender and his/her supporters, criminal and juvenile justice personnel, and all other interested community members. As Pranis (1998) notes, the goals of sentencing circles are:

- To promote healing for all affected parties;
- To provide an opportunity for the offender to make amends;
- To empower victims, community members, families, and juvenile and adult offenders by giving them a voice and a shared responsibility in finding constructive resolutions;
- To address the underlying causes of criminal or delinquent behavior;
- To build a sense of community and the community's capacity for resolving conflict; and
- To promote and share community values.

A SENTENCING CIRCLE IS A COMMUNITY-DIRECTED PROCESS, CONDUCTED IN PARTNERSHIP WITH THE JUVENILE AND CRIMINAL JUSTICE SYSTEMS, THAT DEVELOPS CONSENSUS ON AN APPROPRIATE SENTENCING PLAN FOR AN OFFENDER.

According to Pranis, sentencing circles typically involve a multi-step process. Steps include:

1. Application by the defendant/offender to participate in the circle process;
2. A healing circle for the victim;
3. A healing circle for the defendant/offender;
4. A sentencing circle to develop consensus on the elements of a sentencing plan; and
5. Follow-up circles to monitor the progress of the defendant/offender, and any additional needs or concerns that the victim may have.

The University of Saskatchewan's Native Law Center developed the resource, "Sentencing Circles: A General Overview and Guidelines," available at [www.usask.ca/nativelaw/publications/jah/1998/Sent\\_Circle\\_Guidelines.pdf](http://www.usask.ca/nativelaw/publications/jah/1998/Sent_Circle_Guidelines.pdf).

### **VICTIM/OFFENDER MEDIATION OR DIALOGUE PROGRAMS**

The first victim/offender mediation or dialogue program (VOM) was established in 1976 in Kitchener, Ontario, Canada, under the name, "Victim-Offender Reconciliation Program." It was soon followed by the first VOM program in the United States in Elkhart, Indiana, in 1978. Seymour (1998c) identifies three goals of VOM programs:

- To support the healing process of victims by providing a safe and controlled setting for them to meet and speak with defendants/offenders on a strictly voluntary basis;
- To allow defendants/offenders to learn about the impact of the crime on their victims and to take direct responsibility for their behavior; and
- To provide an opportunity for the victim and defendant/offender to develop a mutually acceptable plan that addresses the harm caused by the crime.

VOM takes place in a face-to-face meeting, in the presence of a trained mediator, between the victim of a crime and the person who committed that crime. In some VOM meetings, the victim and defendant/offender are joined by family and community members or others. In the VOM meeting, the defendant/offender and the victim can talk to each other about what happened, the effects of the crime on their lives, and their feelings about it. They may choose to create a mutually agreeable plan that seeks to repair any damages that occurred as a result of the crime (Victim Offender Mediation Association, 2010).

In the aftermath of crime, victims and survivors often have important questions about how and why the crime occurred that only the offender can answer, such as: Why me? How or why did you choose to rob my business? or, Do you understand how your criminal actions have devastated my life? Victims of violent crimes—including homicides—also may seek answers to excruciatingly painful questions, such as, "Before you murdered my loved one, did she say anything?"

Increasingly, state departments of correction are sponsoring VOM programs for cases involving severe and violent crimes in response to requests from victims and survivors for an opportunity to talk directly with the perpetrators.



The Victim-Offender Mediation Association has developed recommended ethical guidelines for VOM programs, available at [www.voma.org/docs/ethics.pdf](http://www.voma.org/docs/ethics.pdf).

The Center for Restorative Justice & Peacemaking at the University of Minnesota in 2000 compiled a "National Survey of Victim-Offender Mediation Programs in the United States," available at [www.ncjrs.gov/ovc\\_archives/reports/national\\_survey/natsurv5.html](http://www.ncjrs.gov/ovc_archives/reports/national_survey/natsurv5.html).

## CONCLUSION

Victim/offender programs have become an important and integral component of criminal and juvenile justice processes in the United States. Their focus on validating the impact of crime on victims, identifying and addressing victims' most important needs, and providing opportunities for juvenile and adult defendants/offenders to accept responsibility for their actions has resulted in an promising programmatic approach to justice and offender accountability.

## RESOURCES

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*Recommended Ethical Guidelines*. Victim-Offender Mediation Association, n.d. Available at [www.voma.org/docs/ethics.pdf](http://www.voma.org/docs/ethics.pdf)

## ORGANIZATIONS

University of Minnesota, Center for Restorative Justice & Peacemaking – [www.cehd.umn.edu/ssw/rjp/](http://www.cehd.umn.edu/ssw/rjp/)

International Institute for Restorative Practices – [www.iirp.edu](http://www.iirp.edu)

It Takes a Village, Inc. (Pennsylvania Family Group Conferencing resources) – <http://ittakesavillageinc.com>

Victim Offender Mediation Association – <http://voma.org>

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