

Towards a New Millennium in Victim Assistance

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What have we learned from the Experience of the last Twenty Years?

The path we seem to be on now is a path leading towards increased violence and victimisation in our global society. We have learned that understanding the trauma of victimisation is a constant, evolving process. We have learned how fast things are changing in our world. We have learned how fast our world is 'shrinking'.

Can we use lessons from the past to establish the foundations for our future? Yes, for these lessons teach us things both old and new. The 'old' is that which is based on concepts tempered with the wisdom generated by victims and survivors over the years, a wisdom that is ever-developing as those of us who observe, work with and study victimisation deal with new disasters, crimes and violence (and experience them ourselves). That wisdom can be reduced to four basis elements: compassion, community, character and courage.

The 'new' is how we define those elements in light of our future needs. So let us look at each element.

Compassion

In the future, compassion must be explained in terms of victim assistance but not simply traditional services such as crisis intervention, court support or advocacy provided to crime victims. Compassion in the future must encompass a world of victim assistance that addresses all types of trauma victims? crime victims, accident victims, disaster victims and others.

It should help remind us that 'victims' may also include 'offenders'? who are justly blamed for the harm they have done to others, but not for the victimisation done to them. Some victim-oriented groups are beginning to provide basic individual and group crisis intervention to gang members and prison inmates in recognition that good victim assistance is a part of violence prevention. It was our

colleagues working with victims of domestic violence who invented treatment programs for batterers and who seek now to reclaim those who can unlearn the teachings of violence? and to keep a close eye on those who do not respond to the treatment.

Compassion should make us call for immediate assistance within twenty-four hours of any serious victimisation. It should also help us revisit the kinds of assistance that is provided. For instance, we often speak of crisis intervention as involving three basic concerns: providing victims with safety and security, providing them with an opportunity to ventilate and receive validation for their stories and helping them predict and prepare them for their future. But how does a victim service worker provide a sense of safety and security to a child who lives in an unsafe world? What does safety mean in the context of randomly speeding bullets in the Chicago Housing Authority or the open streets of Sarajevo? Should victim service providers simply say there is nothing we can do or can we provide some measure of respite or rest to such victims by helping them develop specific coping skills or encouraging them in routine tasks or providing them with symbols of a 'normal world'?

Compassion should help us understand that communities need crisis intervention as much as individuals do. When a community is ripped apart by crime, violence or disaster, the community needs an opportunity to begin to rebuild through group debriefing or defusing sessions. The community needs a chance to develop its story, a story that will be a compilation of its community members.

Compassion means providing support to each other. Victim advocates or victim counsellors become a part of the victimised as they listen to victims and visit victimised communities and lands. They, like rescue workers, law enforcement officers and emergency room workers, absorb some of the suffering and pain of those they help. Constant exposure to devastation, destruction and death changes one's assumption about the world. Care of the caregiver is an essential element in the compassion of the future.

Compassion means recognising that for most victims there is a spiritual dimension to enduring, surviving and transcending a crisis. In the most horrendous victimisations the process of re-establishing a meaning in life is an essential part of regaining hope and a sense of future. For those who cannot, their lives may be forever bifurcated in a dissociative type of existence. Jeffrey Jay talks about the 'catastrophic internal fissures of the soul' which are further 'aggravated by the relentless external pressure on the victim to maintain the breach between private, ravaged self and private, acquiescent persona'. Compassion means we must find a way to restore hope.

Community

The second foundation for our future is that of community. We must learn to forge bonds of community that re-emphasise our human bonds to reduce our isolation and our fears. To forge new communities we need to overcome our emphasis on difference and focus our attention on similarities. Cultural contexts may cause different peoples to cope differently with crises, but pain knows no such boundaries and the commonality of the reactions of trauma and crisis are

irrefutable. In the midst of trauma and pain we look to others to help us find our way.

Forging community bonds means using new technologies to increase communication and expedite personal contact. As technology becomes more sophisticated, it may give us an opportunity to increase services around the globe. Information, referral and even counselling sessions may be designed for implementation by computer technologies. Language barriers may be broken by instant translations. An international victim assistance program implemented through the United Nations may be prepared to respond to crises throughout the world at a moment's notice. Communities may be bonded not as a result of geography, location, ethnicities and the like but by similarities in interests, values and patterns of understandings.

The emphasis on rebuilding a sense of community is a natural corollary to the need for future victim assistance efforts to emphasise the need for character.

Character

Individuals and communities need to be held accountable for their character. This accountability is a fundamental part of the new orientation by the National Organization for Victim Assistance (NOVA) and the victim assistance movement in the United States to a concept called Restorative Community Justice which addresses crime victimisation. It calls for accountability on the part of offenders, victims and their advocates and community in the dispensation of justice.

The offender is held accountable for crimes that are committed in four ways. The first is fair retribution. Offenders should be punished for breaking the law and for hurting both their victims and their society. The punishment should be swift, sure and consistent from one offender to another. Potential offenders should be on notice concerning the possible punishments.

The second method of accountability is victim restitution. Offenders should be held accountable for full restitution to victims for the harm done. That restitution should include compensation for monetary damages incurred in addition to assessments for pain and suffering. If an offender cannot pay at the time of sentencing, the restitution order should be made a part of the record and remain as a judgment against him or her until fulfilled or the offender dies.

The third method of accountability is community restitution. This is an assessment against the offender for the damage done to the community. It may be an actual reimbursement for financial or property loss or in the form of service to community in order to help rebuild community bonds.

The fourth method of accountability is offender remorse. There is a growing sentiment that offenders ought to say they are sorry for the victimisation that they have caused and that the justice system should provide the inducements to make this happen. This might be done through programs we call victim offender reconciliation programs, or the impact of victimisation classes for offenders, or victim impact panels. Victims should not have to accept their wrongdoers' apologies? but they should be made. There are many who believe that the difference between a redeemable offender and one who should be removed from the community may well be whether the offender can experience and demonstrate genuine remorse.

If these elements of offender accountability are met, then the offender has a final obligation to the community and the community has an obligation to the offender. That obligation is to work out a plan for restoring the offender to the community. Offender restoration means providing an opportunity for the offender to return to the community and to participate in community functions like other community members. If the offender has not met the obligations of accountability, then the offender should be removed from the community through prison or exile.

Concepts of 'Restorative Community Justice' for offenders are not just a vision for the future but it is also a reflection of ancient tribal justice. Just recently in Everett, Washington, the Supreme Court judge approved a sentence addressing both the victim and the offender through restorative jurisprudence based on Tlingit tribal law. The criminals were two teenage Alaskan Indians who had committed a robbery of a pizza deliverer. They stole less than forty dollars but the victim was severely beaten with a baseball bat and his hearing remains permanently impaired. The punishment was banishment for one year on an uninhabited island with only hand tools and enough food for two weeks. The victim received a pledge from the Tlingit that a new house would be built for him and his medical bills would be paid. Community leaders would monitor the youths from time to time, but would provide them no assistance. The tribe suggested that the banishment would require these young men to improve themselves and to think about their crime.

Restorative Community Justice does not only address the offender. It also asks for victims to be accountable for their own restoration. Victim accountability means working with victim assistance programs, if needed, to begin the healing process in the aftermath of victimisation. It also means working with other community members to play an active role in victim assistance and violence prevention efforts in the future. It is not suggested that victims pursue these paths of restoration without help. Indeed, twenty-four hour crisis intervention, supportive counselling, criminal justice advocacy, compensation, restitution and post-case-disposition referrals are all a part of the victim service support programs. But many victims are recognising that victim assistance is the beginning of victim involvement. Finally, character in the Restorative Community Justice model demands that the community take responsibility for itself to ensure that the needs of justice are met.

As members of the community, victim assistance providers must take responsibility and become accountable for the quality of their service. Ethical codes of conduct need to be standardised and adopted for victim service providers. NOVA recently adopted such a code for victim assistance providers in the United States. Victim assistance professionals are being asked to sign the code and an accompanying agreement to participate in disciplinary proceedings should the code be violated. In return, they will be issued an ethical certification that should be displayed in their offices. The system relies upon self-enforcement and the monitoring done by victims receiving service.

Service standards for individual victim service professionals and for victim assistance programs need to be established and monitored. Internal disciplinary procedures must be implemented so that when codes are ignored or standards violated, programs and people can be accountable.

Community responsibility means that the justice process will be implemented by community members in conjunction with community-based criminal justice

officials. 'Community policing' has had a resurgence of attention and more and more law enforcement agencies are adopting some form of it. Chicago's strategy, to take one example, has several key elements maintaining 'beat integrity', designed to encourage people and victims to get to know their local or 'beat' officers. It includes community-based problem-solving aimed at involving community representatives, community leaders and victims involved in prioritising problems of crime and disorder, identifying strategies to address those problems, assigning responsibility, and providing a means for measuring success, training for officers and supervisors which include inter-personal communication, problem-solving, alliance-building and for sergeants and lieutenants, advanced leadership skills. And Chicago is exploring the idea of placing a victim advocate in every police precinct to further the relationship between community and law enforcement.

But community police are not the only part of the criminal justice system that needs to be returned to the community. Community prosecutors could be established in every neighbourhood in cities and in small communities as well. Portland, Oregon, now boasts three such prosecutors. The original job description for these neighbourhood-oriented prosecutors included dispute mediation among feuding neighbours, case diversions in juvenile crimes, first-time offences, and petty property crime and facilitating the community problem-solving developed between local police and community members.

Drug courts are becoming more common in some cities as well. These are usually focused on dedicated drug treatment or speedy trial and differentiated case management. The first court to employ drug treatment as an integral part of the processing of drug colonies was the Dade County (Miami), Florida, Drug Court. It began in June 1989 and soon became a model for other efforts to divert defendants charged with drug offences into treatment. By the middle of 1993 there were at least 15 drug courts operating around the nation. There will soon be scores, perhaps hundreds, more.

Drug courts designed solely to reduce disposition time are found in Chicago, Milwaukee, New York and Philadelphia. Their concentration is designed to increase drug case expertise in one courtroom, to reduce time to disposition, to reduce drug felony caseload, to relieve pressures on non-drug caseloads and to increase overall trial capacity. Both types of community-based drug courts can help to maximise the efficiency of local courts and, as a by-product, to increase a fair dispensation of justice as well as access of victims and community members to the courtroom.

There are experiments with teen courts throughout the United States as a creative alternative to the juvenile criminal justice system. They are based on the philosophy that a youthful offender does not continue delinquent behaviour as often if a peer jury decides appropriate consequences for the delinquent act. By using community restitution, it is expected that offenders will better understand the importance of accountability to society.

Some judges, now considering the place of community courts in a restorative form of justice, are considering not only asking individual victims for impact statements at sentencing, but asking community leaders to represent the community position on sentencing and restitution. 'Community corrections officers' are currently based in city or country jurisdictions communities to

monitor the activities of restored offenders. Some of those jurisdictions are considering the idea of establishing citizen boards at the neighbourhood level to help monitor that process. Such boards would include victims and survivors. The boards would not only be monitors but provide continuing education to offenders on victim issues.

Victim advocates under this model would be a part of the realm of community police, prosecutors, judges and corrections. The justice system would be designed and implemented based on the particular character of the community, but it would also be accountable to a legal system that reflected the legal norms of the State or nation or even the world. State-of-the-art technologies could link all jurisdictions so that information was immediately and easily accessible for case disposition. Case disposition could be handled expeditiously. Indeed, some computer-assisted 'paperless courts' in the United States are showing that an offender caught red-handed, with no plausible defence to offer, can be adjudicated and sentenced within an hour or two of the arrest.

'Community responsibility' also means responsibility for prevention. For over a decade, NOVA has been urging communities to integrate victim assistance and violence prevention. But colleagues who promote violence-prevention programs rarely acknowledge the central part that victim assistance can play in a rational prevention scheme, while colleagues who provide victim assistance often avoid issues of prevention for fear of shifting the focus away from crime's casualties.

Yet if we are to avoid the certain dangers of victimisation in our future, we must address assistance and prevention as one. It is true that poverty, illiteracy, homelessness and hunger are parents to violence and suffering. But it is also true that abuse, neglect and victimisation also bequeath that legacy. A child who has witnessed the deaths of ten of his or her playmates in one year learns little regard for life, theirs or yours. Victimisation isolates victims and destroys communities. Victim assistance helps to restore both? a restoration that helps in preventing further victimisation.

Prevention is not only an issue with regard to victimisation caused by violence but also victimisation caused by natural disasters, disease, man-made accidents and the like. In the United States, every jurisdiction has emergency planning agencies, but most focus just on the physical relief and recovery issues that arise after a natural disaster. Few spend dollars, resources, or time on the prevention and mitigation issues, or issues of trauma assistance. Communities should have a responsibility to address prevention of all types of victimisation.

Character will demand much from us all in the future? victims, offenders and communities? as we face the trauma of victimisation.

Courage

The final word of wisdom from our past is courage. We will need courage as victim assistance providers and as members of the World Society of Victimology. We need a courage that goes beyond research, beyond helping individuals and beyond our efforts of the past. It should be a courage that gives us the energy to translate our knowledge and ideas and the values they impart into action.

In the United States, some of that courage has been demonstrated by the thousands of victim advocates who have stood up to the traditionalists and the naysayers opposing significant rights for victims and who have rallied the public

behind not only the idea of rights but the passage of constitutional amendments that make those rights a reality. Some of that courage has been found in volunteer trauma teams that are now responding to disasters, tragedies, and catastrophes throughout the world. NOVA's own Crisis Response Team will be returning to the former Yugoslavia again this October. Some of that courage has been represented by the efforts of the nations which have supported the establishment of the International Crime Prevention Centre in Montreal.

Our future demands that we have the moral courage to not only take on responsibility for ourselves but to take responsibility for others. We must have the determination and the vision to identify trauma and try to eradicate it, to look unblinkingly at the wrongs around us and try to right them, and to understand pain and try to mitigate it.

Yet we have failed more often than not in exercising that courage. According to PIOOM (*Programma Interdisciplinair Onderzoek naar Oorzaken van Mensenrechtendingen*, or the Interdisciplinary Research Program on Root Causes of Human Rights Violations), there are twenty-two war zones throughout the world today, and 86 lower-intensity conflicts. There are 20 million refugees in the world? and this was estimated before some 2 million from Rwanda fled their country? and some 25 million internally-displaced persons. We fail today because there is an increasing reluctance of more wealthy nations to accept these refugees. We fail today because there is an increasing tolerance for conflict and war? if it happens elsewhere. We fail today because there is increasing acceptance of murder, if it happens to someone else.

In no place is this failure so striking as in the former Yugoslavia. Over 200 000 people have been killed, mostly civilians. About 2 000 000 are displaced persons or refugees. Whole communities have been obliterated? usually starting with the razing of sanctuaries that represent the ethnic and spiritual identity of a people. And despite the establishment of a War Crimes Tribunal by the UN Security Council, we have failed the peoples of Bosnia and Croatia as miserably as we failed the peoples of Europe before World War II. Professor Winston P. Nagan characterised the danger of our failure in the following statement:

I submit that this conflict does not necessarily test the viability of an international rule of law as 'traditionally' understood. Rather, this war of genocide where key players completely reject the values, procedures and objectives of international and humanitarian law, represents an even greater concern: the possibility of an alternative normative framework for world order as we approach the 21st century. If George Bush's vision or glimpse of a 'New World Order' was viewed as an incipient, if distant, prospect of 'light', then the continuing tragedy in former Yugoslavia? but also in Rwanda, Liberia, Afghanistan and other places? can also be seen as an incipient, but not too distant vision of a new Dark Age? a 'darkness' envisaged by Alexander Pope in The Dunciad in the 18th century? the Age of Enlightenment:

*Lo' thy dread empire. Chaos' is restor'd
Light dies before thy uncreating word:
Thy hand, great Anarch! lets the curtain fall
And universal darkness buries all.*

And so, we fail today because we fail to denounce aggressors and impose the standards of compassion, community and character? of humanity? even, if need be, by force.

But when we think of the teachers of our lessons? the victims and survivors, who in spite of our failures, have remained helpful and hopeful for us all? we can be rejuvenated and think not of Pope's ugly world, but that of another poetic seer, Alfred Lord Tennyson, and the words he wrote in *Ulysses*:

*The lights begin to twinkle from the rocks:
The long day wanes: the slow moon climbs: the
deep
Moans round with many voices. Come, my friends,
'Tis not too late to seek a newer world.
Push off, and sitting well in order smite
The sounding furrow; for my purpose holds
To sail beyond the sunset, and the baths
Of all the western stars, until I die.
It may be that the gulfs will wash us down:
It may be we shall touch the Happy Isles,
And I see the great Achilles, whom we knew.
Tho' much is taken, much abides: and tho'
We are not now that strength which in old days
Moved earth and heaven, that which we are, we are:
One equal temper of heroic hearts,
Made weak by time and fate, but strong in will
To strive, to seek, to find, and not to yield.*