

Engaging Victims in a Restorative Process

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The restorative value to crime victims of any dialogue process is directly related to how the practitioners of that process understand its function. It is the premise of this essay that regardless of the format of restorative dialogue – meetings, mediation, conferencing, or circles - the primary purpose for making contact with victims should never be to suggest or encourage their participation in a dialogue process. Rather, the purpose of the contact should be primarily, even solely, focused on *the community pro-actively responding to individuals who have been harmed by crime in ways that meaningfully address their felt needs*. This important distinction in purpose - encouraging people to participate in a program versus addressing their felt needs - fundamentally changes both the intent and content of initial victim contacts.

It has long been normative for restorative dialogue programs to make initial contact with crime victims by letter or telephone after an offender has been referred to the program. The focus of the contact is to inform victims of the availability of the dialogue opportunity and to ask them to consider participating. This approach is limiting in ways that are unhelpful to crime victims and may, unintentionally, create pressure on programs to “encourage” people to participate in a face-to-face meeting process.

This standard approach to initial contacts tends to define program “success” as bringing people together, be it for mediation, conferencing, circles, or community accountability boards. If not failure, it is certainly considered a disappointment if people are not brought together for a dialogue encounter. There is, however, a much more beneficial and restorative manner of engaging with crime victims. If the dialogue process is seen as simply *one* tool that enables a community to work restoratively with victims, then it frees restorative practitioners to value other options for addressing the needs of victims. This broader restorative perspective of seeing face-to-face encounters as simply one possibility opens the door to focusing on finding the most restorative response the community can offer to meet the needs of a specific victim.

An example of this approach is the Victim Offender Meeting (VOM) Program of the Clark County Juvenile Court. Because this court has adopted a holistic restorative vision for all of its work, the VOM program is just one component of the court’s restorative work.

A significant part of the court’s work with victims is carried out through its Victim Impact Program (VIP), in which VOM is one resource. The court knows from years of its own program experience that there is tremendous benefit in the VOM process for both victims and offenders. And this option is available to all victims, regardless of the offense. However, the court further recognizes there is rich opportunity to do meaningful restorative work for victims even when a face-to-face meeting, of any kind, is not the end result of its interaction with victims.

Clark County Juvenile Court's response to victims is initiated at the earliest possible point in the justice process. In cases determined by the criminal code to be of less severity, and thus diverted from the formal court process, victims are contacted prior to the accused youth even having an initial interview with department staff. In adjudicated cases the goal is to contact victims prior to the case being addressed by the court. (This is not always possible in Clark County due to its very rapid adjudication process for juveniles). The intent is always to have the victim's voice and needs be part of shaping the accountability of the offender from the very outset of the justice process

VIP staff, first by letter and then by phone call, initiate a contact with victims with the primary intent being *to convey the community's regret that the individual was harmed by the offense and to express the community's commitment to respond to the crime in ways that hold the offender meaningfully accountable for harms done to the victim*. Thus, through the initial contact the court seeks to:

- acknowledge the harm done to the victim, and express the community's concern about that harm;
- express the community's commitment to hold the offender accountable, hopefully in ways that are meaningful to the victim;
- have an opportunity to discuss the impacts of the crime on the victim and to discuss the options available to address those harms.

If, in the course of this initial contact, the victim gives any indication that some form of interaction (i.e. meeting) with the offender could possibly be helpful to them, VIP staff explain the option of how such an encounter can happen. If a meeting does ultimately result, this same VIP staff person will handle all preparatory work with the victim and offender and will co-facilitate the meeting.

The court places great value on initial victim contacts (phone calls, letters, and in-person interviews). These contacts offer rich opportunities to engage restoratively with victims, regardless of where the contact leads.

As noted above, there are several key points in this initial conversation. First, there is a restorative focus on the *community* and its interest and involvement in responding to the crime. Second, there is a clear restorative statement about the importance of the *offender's accountability*. And third, there is a primary restorative focus on wanting to understand and respond to *the harms done as experienced by the victim* in ways that matter to them.

In making this broader, more open-ended, restorative approach there is no unspoken agenda that is attempting to encourage the victim to agree to participate in a meeting process of any format. At this point of contact, it is not even known whether such an option has value. If the victim desires to meet with staff, or simply wants to continue the conversation on the phone, VIP staff are trained to understand their purpose in these initial contacts is:

- to convey the community's concern for, and commitment to, the victim;

- to focus on empathetic listening (letting victims state what is important, and assessing what community response might be most helpful);
- to acknowledge the victims' feelings/concerns;
- to provide victims with information about what has happened to that point;
- to provide options for addressing victims' needs

Given this understanding of how victims can be meaningfully and restoratively responded to, if a victim offender meeting is not discussed as an option, the contact with the victim is not considered a failure or wasted effort. All of the points noted above have been accomplished, with each of those objectives having important restorative value. The goal of the contact is to serve the victim of the crime well, not to get them to participate in any specific program or process.

Conclusion

It is an unnecessary limitation on working restoratively with victims to see dialogue processes as a primary option. When dialogue processes are appropriately offered to victims within a broader restorative context, those processes become one of several opportunities from which victims can choose what service will be of most help to them. When victims have their concerns and needs addressed by the options offered to them, then they can experience the restorative outcomes the community desires for them. The experience of the Clark County Juvenile Court is that for most victims having their needs meaningfully addressed does not require a dialogue process. And for those who desire the opportunity to meet, it is almost without exception profoundly valuable.

Offering a flexible, holistic restorative response to people victimized by crime will be a challenge for many restorative practitioners who come from a tradition of focusing on dialogue processes. These practitioners will have to be able to adopt a more comprehensive understanding of how victims can be served in a restorative way. Interestingly, one benefit of adopting a holistic restorative perspective is that many of the skills and values of dialogue processes are useful and transferable to working in a broader restorative context.

If existing community programs that use mediation, conferencing, and circles can come to a place where they see that they actually have much more to offer victims, offenders, and the justice system than dialogue processes, then the impact these Restorative Justice advocates can have on how justice is done in their communities will increase greatly.