

Victim-Centered Victim Offender Dialogue in Crimes of Severe Violence

20 Essential Principles for Corrections-Based Victim Services - v. 2.0

Victim-Centered Victim Offender Dialogue (VOD) is:

1. A confidential post-conviction facilitated process initiated only by crime victims/survivors, sometimes many years after the conviction of the offender(s).

- Victims/Survivors usually initiate a request for VOD a number of years after the offender's conviction in the crime(s) against them primarily because:

They want to tell certain facts and feelings to the offender(s) convicted in the crime(s).

They want to ask certain questions of the offender(s) that only they can answer.

- Survivors see VOD as a way to make meaning or sense of what happened to them, but only when the courageous choice to initiate the request lies with them, not the offender.
- Trauma-informed/responsive practice and experience have proven that survivors may feel that offender/defendant-initiated requests to meet and talk or to apologize can be intrusive, re-traumatizing, and contain risk of inappropriate self-interest.

2. A process “centered” on meeting the victim/survivor’s needs through the corrections-based victim service agency in the state where the offender was convicted.

- Victim-Centered VOD must be firmly grounded in helping survivors meet some of the unmet needs they continue to experience, including the wish to express strong feelings, and the opportunity get answers to persisting questions.
- Because violent crime victimization is usually traumatizing for victims, VOD is not “mediation” as in dispute-resolution, nor a restorative justice process implicitly intended to produce any “agreement” or “reconciliation” that is not wanted by the survivor.

3. A process that must be completely voluntary for offenders, who must agree to participate in VOD preparation and dialogue without pressure or expectation.

- While the VOD preparation and dialogue process must always be victim-centered, it must also be offender-sensitive, sufficiently respectful of and sensitive to the emotional needs and concerns of offenders, as their participation will also require courage.
- Offenders must be free to decline to participate in VOD preparation and dialogue, however undeserved or “unjust” their declining or refusing to participate may feel to the survivors initiating the request.

4. A process in which participating offenders must be willing to acknowledge their role and responsibility in the crime(s) of record.

- Offenders must be willing to take some measure of responsibility for their role in the crime(s) for which they have been convicted, and they must participate in the preparation and dialogue process with no expectation of anything in return.
- VOD policies and procedures in some states allow for exceptions to this responsibility requirement when the survivors are properly informed and prepared for it.
- Experience has shown that offenders appealing their convictions are not appropriate candidates for participation in the VOD process until their appeals have been exhausted.

5. A process that strives to keep all risk of physical and emotional harm to the victim/survivor and the offender at an absolute minimum.

- Safety is the highest priority for all stakeholders. The VOD process must strive to keep all risk of harm to the survivor and the offender at a minimum.
- This includes bodily injury to either participant, or emotional re-victimization of the survivor caused by offender lying, denying, minimizing, victim blaming, and other strategies for deflecting responsibility and avoiding accountability.
- Survivors have every right to feel anger and outrage, and to want to fully express these feelings. But VOD is not an appropriate setting to allow such anger to become so uncontrolled that it threatens the offender with physical harm, or causes the offender to “shut down” emotionally.
- This could lead the offender to withdraw from participation in the dialogue process, and leave the survivor unable to achieve the goals of the VOD.

- It is the role and responsibility of the facilitator(s) to know when the preparation or dialogue process should be suspended or terminated due to risk of harm or danger of any kind to the participants.

6. A process that must allow either party to cease participation at any time during the preparation or dialogue.

- In order for the survivor to know that the offender is participating freely, both parties must understand that they may choose to withdraw from the preparation or dialogue process at any time, for any reason. This can help both parties feel sufficiently “safe” about motives throughout the preparation and dialogue process.
- In some cases, the survivor or offender may also wish or need to take a temporary break or hiatus from the preparation process for a certain period of time.

7. A process that has absolutely no direct influence on the classification, custody, parole, probation, or release date status of the offender.

- VOD and dialogue preparation are “personal” processes, not “legal” ones. Individual states’ statutes and policies regarding confidentiality and other legal issues will determine actual VOD guidelines and protocols.
- Facilitators’ case notes, if made, are private and confidential. In most states with VOD programs, these documents do not become part of any departmental, institutional, parole or probation office files.
- An offender’s choice to *not* participate in the VOD process should also not have any direct adverse effect on the offender’s status.

8. A process consisting of three distinct stages: a preparation stage, a dialogue stage, and a post-dialogue stage.

- To the extents legally, ethically, and practically possible, these stages are designed to:

Provide survivors with opportunities to express or give voice to some of the devastating experiences and persistently difficult emotional impacts, and the continuing questions these have raised, that they have been forced to bear in the aftermath of the crime(s).

Provide offenders with opportunities to gain an increased awareness and understanding of those impacts, their direct roles in causing those impacts, and a sense of what it means to be directly and personally accountable to the survivor.

9. A process intended to lead to a one-time direct dialogue between the victim/survivor and the offender. It is overseen by one or two facilitators properly

trained in the principles and practices of Victim-Centered VOD preparation and dialogue facilitation.

- A recognized and accepted Victim-Centered training of VOD facilitators is essential to the success of Victim-Centered VOD. Cases involving certain crime types, such as sexual assault or exploitation, relational, trusted-other, or family violence crimes, or stalking require specific training and more specifically relevant experience for facilitators.
- While a Victim Offender Dialogue may often last for several hours, and sometimes for a full day, VOD is intended to be a one-time event.
- Exceptions to the one-time limitation are sometimes allowed by individual states' VOD policies and procedures.
- Subsequent corresponding or visitation relationships may later occur between the survivor and the offender, but such situations are outside the scope of the Victim-Centered VOD preparation and dialogue process. Individual states have policies in place regarding correspondence and visitation between victims/survivors and offenders.

10. A private and personal process for the victim/survivor that is designed to restore, as much as possible, the sense of “choice” and “control” taken from them.

- For most victims/survivors, their loss of choice and control begins with the crime and often continues through the adjudication process. One of the most common and important objectives of the VOD process is to return to the survivor as much of a sense of “choice” and of personal “control” as is possible.
- This and the principles of trauma-informed/responsive practice are among the most important reasons Victim-Centered VOD must not be initiated by offenders.

11. A process that requires a sufficient number of confidential, preparatory pre-dialogue conversation sessions between the facilitator(s) and the survivor, and the facilitator(s) and the offender.

- While several sessions are necessary for thorough preparation, the specific number will vary according to the issues, needs, and capacities of the survivor and the offender.
- The primary objective of these sessions is to ensure that both the survivor and the offender are sufficiently able to thoroughly and safely address the many

emotionally complex and difficult details, recollections, feelings, and facts that may come up during the VOD itself.

- The survivor, offender, and facilitator(s) are usually the only participants in the VOD preparation process. Any other persons present must either be required by an individual state's policy, or mutually agreed upon by the survivor, the offender, the facilitator(s), and the state's VOD Program Manager or Director.

12. A process to be conducted with skill and care by facilitators sufficiently trained in recognized crime victim issues. This helps enable victims/survivors to be fully heard, and to more thoroughly address certain persisting unanswered questions.

- The Victim-Centered VOD preparation process must remain rigorously grounded in meeting the needs of the victim/survivor, and invite a thorough understanding of the many persisting impacts and effects a survivor may want or need to address with the offender during the dialogue.
- In most cases, survivors want offenders to understand some of the devastation they caused, to acknowledge this understanding, and to take responsibility for what they did.

13. A process to be conducted with skill and care by facilitators properly trained in recognized offender issues. This enables offenders who have the capacity to more fully understand how their choices and actions impacted their victims, and allows them the opportunity to take a sufficient degree of responsibility for those choices and actions.

- To achieve this understanding, facilitators must sensitively invite and encourage a measure of reflection, honesty, and personal accountability in the offender.
- During preparation, facilitators must strive to convey understandings of the impacts of the crime to offenders, including the impacts of evasions or deflections of responsibility, whether intentionally or by cognitive, developmental, or experiential limitations.
- Victim-Centered VOD must not be confused with "mediation," in which "middle ground" is sought, unless this is explicitly what the survivor needs or wants to happen.

14. A process that, from beginning to end, must be confidential for the victim/survivor, the offender, the facilitator(s), and any other support or program persons mutually agreed upon, or required by agency policy, who are involved in the preparation and dialogue processes.

- These persons are typically the only ones present during the preparation process, and the only ones present during the dialogue.
- Security and safety are maintained by facility or other supervisory authority security staff members who have visual, but not auditory, access to the dialogue room at all times.

15. A process that is primarily intended to achieve the objectives in Principle 1. There is no uninvited expectation of forgiveness, reconciliation, exculpation, or other cultural, spiritual, or religious imperative unless this is specifically part of what the survivor wishes to achieve or chooses to convey to the offender during the VOD.

- During the Victim-Centered VOD preparation process, offenders are advised that VOD is not intended as a setting in which they should ask for, or expect, forgiveness.
- While forgiveness may be a subject the survivor decides to discuss with the offender during the VOD, initial intentions by the survivor to forgive the offender are not conveyed by facilitators to offenders during the preparation process. The survivor decides on this at the time of the dialogue itself.

16. A process designed to lead to a dialogue that is structured, as much as is practically possible, according to the needs of the victim/survivor, subject to the policies of the facility where the offender is housed.

- The dialogue setting, agenda, ground rules, and other details are established to allow the survivor to feel as safe and as comfortable as possible.
- Procedural questions to be addressed in advance of the VOD often include: how the room is set up; facilitators' opening remarks; how the survivor wishes to be addressed; the specific nature of their greeting; who speaks first in the dialogue; and whether the survivor is already in the dialogue room when the offender enters, among others.
- The dialogue will conclude when the survivor has been able to say all that s/he wants to say, to ask all that s/he wants to ask, and feels able to leave the facility with no significant issues or questions unaddressed.

17. A process that provides for immediate and separate follow-up debriefings between the facilitator(s) and the victim/survivor, and the facilitator(s) and the offender.

- These immediate debriefings help ensure that both the survivor and the offender feel emotionally “comfortable” and emotionally “safe” enough to return to their lives.
- It is hoped that the usually powerful emotional conversations in the VOD will help them to move forward, and to reflect upon and integrate their effects.
- It is understood that any no-contact orders previously imposed by the courts, and temporarily suspended for the VOD, are reinstated at the conclusion of the VOD.

18. A process that provides for a follow-up, within 30 to 60 days of the VOD, between the facilitator(s) and the offender alone and the facilitator(s) and the survivor alone.

- These later follow-ups help to ensure that the VOD experience has continued to be a positive and effective one for each. They can also provide both the survivor and the offender with additional support, encouragement, affirmation, or further resource suggestions as they move forward on their own.
- The essential structure of these follow-up conversations may be described in the policies and procedures of individual states’ VOD programs to ensure sufficient consistency and conformity in facilitator practice.
- The completion of these follow-ups by the facilitator(s) with the survivor and with the offender typically marks the final conclusion of the VOD case. While some facilitators may remain informally in touch with survivors and offenders afterward, the official agency or facility relationship with each is concluded at this time.

19. A process that requires all facilitators, victims/survivors, and offenders to comply with all policies and procedures of the Victim Service agency or department under whose authority their cases are facilitated.

- Nothing in these principles absolves staff or volunteer facilitators from their responsibility to adhere to all the Victim Service agency or department policies and procedures regarding Victim-Centered VOD in their state.

20. A process that requires all facilitators, victims/survivors, and offenders to comply with all policies and procedures of the correctional facilities or supervisory authorities under which the offender in each VOD case is housed or supervised.

- Nothing in these principles absolves any of the parties involved in the preparation and dialogue process from their responsibility to adhere to all departmental, correctional facility, or other supervisory authority policies and procedures or laws regarding Victim-Centered VOD in their state.