

*Let's Circle Up*

## **What Is Victim Offender Dialogue?**

**Note:** *Let's Circle Up* uses people-centered language to describe people on all sides of harm and not the language of "victim" and "offender."

### **An Indigenous Approach**

"Judge Joseph Flies-Away, a member of the Hualapai [hoo·aa·luh·pai] Nation, sees this approach as a return to the ways of indigenous people that have been lost through colonization. He points out that when a Hualapai person commits a criminal act, people say, 'He acts like he has no relatives.' Judge Flies-Away writes, 'The purpose of law is to bring the person back into the fold, to heal him. People do the worst things when they have no ties to people. Tribal court systems are a tool to make people connected again.'

"In many ways, restorative justice and approaches such as [Victim Offender Conferencing] Western ways of implementing what many indigenous and traditional cultures have been practicing for generations."

—Lorraine Stutzman Amstutz, *The Little Book of Victim Offender Conferencing*, p. 7

### **"Case of a Convenience Store Robbery"**

Elizabeth had been extremely traumatized by the armed robbery during her shift at the convenience store. The crime scene had been absolute chaos. The masked robbers had screamed death threats as they held her captive with a knife to her throat. She had wet herself from sheer terror.

Even months after the robbers had been caught, life did not return to normal. Word had got out about her fear-induced loss of bladder control, and customers and co-workers teased her mercilessly afterwards. Not only did she have to cope with fear and shame, but past traumas in her life returned to haunt her. She became ill with bulimia and lost 85 pounds. Insomnia kept her awake night after night.

Friends and family quickly became impatient with her. "Look, you didn't get hurt. Let it go. What's your problem?" (This impatient response to a victim's torment is typical.)

Elizabeth herself couldn't understand the unrelenting torture. Why did she suffer nightmares every time she closed her eyes for a few moments? Why couldn't she resume her life? As her health deteriorated, her marriage broke down and her relationship with her children changed dramatically.

Meanwhile, Charles, the twenty-one-year-old offender, was serving five years for the offence in a federal institution. He had been raised in a violent environment by a

|||||

family deeply involved with drug and alcohol abuse. His string of surrogate fathers were mostly ex-offenders and addicts themselves. He and his sisters were victims of continuous abuse and poverty.

He had committed minor offences as a juvenile, but this was his first serious crime. To him, the offence was the result of an extremely bad acid trip. Completely out of his mind on booze and drugs, Charles had no idea of the trauma caused by his actions.

Charles first learned of Elizabeth's situation when he became aware of her insistence that the court allow her to submit a victim impact statement. She had not been invited by the courts to submit a statement as she was not identified as the victim. The convenience store was.

As Elizabeth fought for her right to somehow be included in the process, her anger and frustration grew. She was terrified that Charles and his accomplice would come back to get her as they threatened they would. She was isolated from her family and friends by this time. She was frightened, emotionally haggard, and physically sick.

Finally, after two years and many counseling sessions, Elizabeth realized that she had to find a way to "let it go." She realized that, in order to do that, she had to try to find the answers to the questions that haunted her.

So, when Charles' parole hearing came up, she traveled by bus for four hours to the institution . . . alone and suffering from pneumonia. During the hearing, Charles turned around and tried to say something to her, but victims and offenders are not allowed to speak to each other during these hearings, and he was cut off.

Back on the bus, she kept wondering, "What did he want to say to me?"

At this point, she contacted the National Parole Board with a request for a face-to-face meeting and they referred her case to MOVE. I was the assigned mediator.

When I first met Elizabeth, I asked her why she wanted to meet her offender. "I cannot live like this anymore," she said. "I have to get the answers to my questions. I have to find out whether he is coming back to get me or my family. I have to tell him how I feel. I have to look him in the face and tell him how he has changed my life."

All valid reasons for mediation. And so I went to see the offender.

Charles was amazed by Elizabeth's fear. "Doesn't she know I wouldn't ever hurt her? Don't they give them convenience store clerks some training that tells them to just hand over the money and nobody will get hurt?" he asked incredulously.

"Doesn't she know that every robber says, "Don't call the cops or I'll come back an' git ya"? That's just the way it's done. Gee, I'm really sorry about this . . . I had no idea."

Without hesitation he agreed to meet with Elizabeth to try to do whatever he could to make up for what he had previously thought of as just a bad night . . . too drunk . . . too stoned . . . and one for which he felt he was the only one paying a heavy price. By this time, Charles had been in prison for two years and it was no picnic. He slept with

|||||

a knife under his pillow because there were so many stabbings going on around him. Like Elizabeth, he lived in daily fear.

The mediation was arranged to take place in a room within the prison itself. Neither of them slept the night before . . . each racked with doubts and fears. By the time the two of them came together, face to face across a thirty-inch wide table, they were both peaked with emotion.

However, the controlled process of the mediation soon took its effect and the story telling stage began. Elizabeth said everything she had been thinking for the past two years. Charles listened intently, and when it was his turn, he answered most of her questions as his own story unfolded. As the dialogue continued, they started to chuckle about a detail. This broke the tension and they really started to talk: face-to-face and heart-to-heart. They had shared a violent experience, albeit from entirely different perspectives. A relationship had been formed that night that, until now, had been left unresolved.

Elizabeth got the answers to all of the questions that had haunted her that day. She learned that Charles had never intended to come back and harm her, and that he was genuinely sorry for what he had done. They struck an agreement about how they would greet each other on the street when he is released from prison and returns to their hometown. As they finished, they stood up and shook hands. "You know," Elizabeth said, "we will never be friends, you and I—we come from different worlds—but I want you to know that I wish you the best of luck and when I think of you, I will hope that you are doing okay. I forgive you."

Leaving the prison, I asked her how she felt. "It's over. It's closed. It's done."

Five months later, she tells me that she has not had even a single nightmare since. "I don't feel like the same person anymore. There is no more fear. It's just gone."

I have learned from Charles's case manager that he is doing well. Staff feel it was a maturing experience for him and that there is a much better chance of him responding to rehabilitative treatment and taking life more seriously. No guarantees. He's twenty-three years old. My own guess is that he will never forget this experience, and that it will have a profound effect on future decisions.

After the mediation, Elizabeth requested that a letter be sent to the National Parole Board. She no longer wants to be used as a reason to keep Charles incarcerated. "If they want to keep him in prison, that's their business, but I don't want it done because of me. For me, this matter is over. I am healed."

*From Satisfying Justice: Safe Community Options that Attempt to Repair Harm from Crime and Reduce the Use or Length of Imprisonment* (Ottawa, ON: The Church Council on Justice and Corrections, Correctional Service of Canada, 1996), pp. vii–ix.