

MOVING BEYOND SIDES:

The Power and Potential of a New Public Safety Policy Paradigm

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Partnership for Safety and Justice

This paper is designed to foster critical dialogue and actual movement toward more proactive and thoughtful collaboration between crime survivor advocates and criminal justice reform advocates who have a shared stake in creating a system focused on long-term, evidence-based policies best equipped to create safe and healthy communities.

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Thank you all.

About This Paper

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Foreword

For the past twenty years, I have been connected in some way to organizing focused on the criminal justice system and challenging the proliferation of mass incarceration. A decade ago I was lucky enough to become part of an organization willing to step out of the box around issues of safety, justice, and incarceration. I joined the board of an organization intent on working with all the people most impacted by crime and the criminal justice system: survivors of crime, people convicted of crime and the families of both. This work profoundly influenced my assumptions of the kind of social change that is both needed and possible and has helped me to develop a critique of current approaches to influence criminal justice and public safety policy being used around the country.

– David Rogers

While David brings his extensive knowledge of criminal justice reform to this paper, my focus over the last decade has been on victims' assistance and rights. One of the things that initially drew me to the victims' assistance and rights field—and has sustained my passion for the work—is that the field consistently strives to identify and serve previously underserved and marginalized people, giving survivors a voice and the tools necessary to rebuild their lives. Although I spent 10 years working on national victims' assistance and rights projects, I never advocated for increased criminal sentences. Unfortunately, the field has at times been misunderstood as mostly a handful of vocal "tough on crime" advocates. This paper strives to portray some of the depth and breadth of the victims' field, but there is so much more to say about this dynamic movement that I am incredibly proud to be a part of.

– Kerry Naughton

Writing this paper together has been incredibly rewarding but, admittedly, we struggled with a few issues. The paper is written as a mixture of research, history, and opinion, and we hope it is clear when we are stating our opinions. The information we provide represents the tip of the iceberg of two movements and we couldn't capture the full history and nuances in the limited space available. But undoubtedly our biggest struggle was that we did not always agree on the best language to use.

The goal of the paper is to explore the untapped potential of a more holistic analysis and strategy that connects traditional criminal justice reform organizations with victim-oriented advocacy groups to work for progressive

public safety policy. Despite the goal of the paper, finding language that spoke to each field equally was a challenge and, at times, we have chosen language that felt unsatisfying to one of us or both of us. With that said, we hope, no matter your orientation, you read this paper with an open mind. We are attempting to explore uncharted waters and provoke some compelling conversations about what might be possible if we envision new goals and build new collaborations with groups and people traditionally seen as oppositional. We expect there to be a range of responses to this paper from affirmations, to new insights, to sharp disagreements. We welcome all responses as part of a respectful conversation about how to build a strong foundation for a new, shared vision of public safety.

Introduction

Many factors have shaped state and federal public safety policies in the United States over the past twenty-five years. The most notable influence has been the widespread adoption of public safety policies based on a *tough on crime* philosophy. The *tough on crime* premise suggests that the best way to prevent future crime is to incapacitate offenders for longer periods and that those longer sentences will deter other people from committing crime in the first place. While there is now a wealth of research that shows that these *tough on crime* policies are not the most effective approach to public safety and actually create an opportunity-cost for reducing crime and victimization, the *tough on crime* philosophy has become part of the political and public consciousness across the United States.

The *tough on crime* perspective has been fueled, in part, by the increasing corporatization and devolution of TV news reporting that has led to 24/7 ‘if it bleeds it leads’ crime coverage, creating significant misperceptions among the public about crime trends and public safety. Numerous elected leaders have consistently and explicitly used fear-mongering tactics to sell themselves to voters along with the now-proven false promise that *tough on crime* policies increase public safety. The growth of the private prison industry has put profit into prisons, creating a new lobbying interest and money to back it, while a relatively short list of other powerful interest groups have advocated effectively for *tough on crime* policies that put more people in prison and for increasingly longer periods of time.

Although the make-up of the *tough on crime* lobby may vary from state to state, the players are fairly predictable. Prison guard unions, particularly in California, see prison downsizing efforts as an attack on their members’ jobs. The general issue orientation of law enforcement associations is inclined toward supporting *tough on crime* policies, while district attorneys’ associations have, at times, advocated with more self interest, promoting mandatory minimums that shift power from judges to prosecutors. Rounding out the shortlist of the *tough on crime* lobby’s key players are some crime victim advocates who promote *tough on*

crime policies as the most appropriate and just way to be accountable to the needs and wishes of people victimized by crime and violence.

This paper, in part, focuses on both the role of certain crime victim organizations in promoting *tough on crime* policies that lead to dramatic increases in incarceration as well as the opportunity to successfully promote more effective approaches to public safety by diversifying the voice of crime victims in policy debates.

When examining the propagation of *tough on crime* policies, particularly at the state level, certain crime victim advocates have played a powerful role. These victim organizations and activists have created the emotional impetus for the passage of *tough on crime* policies. Both intentionally and unintentionally, these high-profile “victim advocates” have become the de facto representatives of the victims’ perspective among the media and policymakers, while the authority and scope of their perspectives remain largely unchallenged. What usually goes unnoticed in criminal justice policy debates is the absence of the diversity of victims’ perspectives. The communities most impacted by crime and violence—low-income communities, communities of color, and women—are rarely taken into consideration by these high-profile victim advocates who are primarily coming from a white, male, and middle-class perspective. It is not unusual that the people with privilege and the most access to the system have an easier time getting the system to respond when personally affected; but the most dominant voices among victim advocates don’t reflect the full spectrum of victim experiences and perspectives and are advancing a narrow policy agenda that has actually damaged some communities.

Ironically, the communities most victimized by crime and violence are also the communities most devastated by the policies of mass incarceration. It is in these same communities where very different perspectives can be heard from victims of crime. There are large numbers of victims who have strong critiques of how mandatory minimums and *tough on crime* policies have done little to make their communities safer while ruining the lives of many with

an exaggerated emphasis on incarceration in prisons ill-equipped to reduce recidivism. It is this segment of victims and survivors of crime whose perspectives are rarely elevated in policy debates: people who do not want what happened to them to happen to other people but believe the answer is a criminal justice system built on prevention rather than punishment. The absence of this powerful and authentic critique by people directly impacted by crime and violence allows *tough on crime*-oriented victim advocates significant authority and influence in policy debates.

Sadly, the voices of victims who want a different approach to public safety than the status quo have been mostly untapped by *traditional criminal justice reform advocates*: organizations and activists who primarily focus on challenging the policies that lead to mass incarceration in the United States or who focus on the negative and disproportionate impact of criminal justice policies on low-income communities and communities of color. These criminal justice reform organizations have more often alienated victim-oriented groups who could be potential allies. There is a range of tensions both real and perceived that have prevented collaborative engagement between groups working on a criminal justice reform agenda and victims who share some of their critiques. As a result, individual advocates and organizations on both “sides” have been stuck in oppositional stances instead of tapping into the power and potential of collaborative relationships and a more holistic analysis.

This paper contends that criminal justice reform organizations must develop a vision for change that benefits people directly harmed by crime and should collaborate with, if not incorporate, crime victims and victims’ service providers into their advocacy work. Given the power that *tough on crime*-oriented victim advocates have played in shaping public safety policy, it is hard to imagine that lasting and substantial change can be created without elevating an equally authentic but more progressive voice of crime victims. But in order for criminal justice reform organizations to build productive alliances with victim advocates, criminal justice reform groups cannot engage in this work as a tactic or think about victims as tools. True success will come from organizations developing a more holistic analysis that includes bringing real benefits to people directly harmed by crime.

Building a system focused on prevention that more adequately supports survivors of crime and violence hardly conflicts with progressive critiques of the current criminal justice system. But incorporating the concerns of crime survivors and victims into a progressive criminal justice reform agenda will take work to shift analytical issue frames, goals, language, and organizational culture. The rewards for taking this step will be plentiful, ranging from increased credibility, a larger and more powerful base of support, the decreased power and influence of a key *tough on crime* lobby, and the ability to change a broken criminal justice system in ways that truly benefit all the people most impacted: survivors of crime, people convicted of crime, and the families of both.

This paper will further explore these themes in the following sections:

- The Public Safety Opportunity-Cost of *Tough on Crime* Policies
- Small Numbers with Influential Voices: The Disproportionate Impact of *Tough on Crime*-Oriented Victim Advocates
- Voices Left Out: Better Understanding the Diversity of Crime Survivor Backgrounds and Perspectives
- Barriers to Developing a More Holistic Analysis and Collaborative Approach
- Common Ground: A New Paradigm to Promote Public Safety
- Strategies and Opportunities for Shifting to a New Public Safety Paradigm

There is no silver bullet when challenging and changing the failing public safety policies in the United States. There are multiple factors and forces responsible for the development of the status quo. The purpose of this paper is to foster critical dialogue and actual movement toward more proactive and thoughtful collaboration between criminal justice reform groups and crime survivors who also have a shared stake in dismantling a system with an exaggerated emphasis on short-sighted, destructive, and overly punitive public safety policy.

The Public Safety Opportunity-Cost of Tough on Crime Policies

The use of incarceration has skyrocketed over the past twenty-five to thirty years. The Pew Public Safety Performance Project reports that the national prison population tripled between 1987 and 2007.¹ One in every one hundred adults in the United States is either in jail or prison, making the United States a world leader in the use of incarceration.² This increase stemmed from *tough on crime* policies, such as mandatory minimum sentencing and three strikes laws, that incarcerated more people than before and for lengthened periods of confinement. The *tough on crime* premise suggests that the best way to prevent future crime is to incapacitate offenders for longer periods and that longer sentences will deter other people from committing crime in the first place. There is now a wealth of research that shows that these *tough on crime* policies are not the most effective approach to maintaining public safety and actually create a severe opportunity-cost for reducing crime and victimization.

Although research has shown that incarceration does play a role in reducing crime rates, that role has significant limits. According to the Vera Institute of Justice:

The most sophisticated analyses generally agree that increased incarceration rates have some effect on reducing crime, but the scope of that impact is limited: a 10% increase in incarceration is associated with a 2 to 4% drop in crime. Moreover, analysts are nearly unanimous in their conclusion that continued growth in incarceration will prevent considerably fewer, if any, crimes than past increases did and will cost taxpayers substantially more to achieve...

1 Pew Center on the States. February 2008. *One in 100: Behind Bars in America 2008*. Washington, DC: The Pew Charitable Trusts.

2 Ibid.

While the United States experienced a dramatic drop in crime between 1992 and 1997, imprisonment was responsible for just 25% of that reduction. *75% of the crime drop through the 1990s was attributable to factors other than incarceration* (i.e., changes in the economy, shifting trends in drug use, new law enforcement strategies...)³

So can we maintain or improve public safety by decreasing our reliance on incarceration and increasing our investment in other parts of the public safety system? Research indicates this is possible. Consider the following facts:

- Incarceration is not the only punishment that may reduce crime rates. Other types of punishment, including fines, probation, community service, drug treatment, or other sanctions have also been shown to suppress crime.⁴
- Between 1997 and 2007, New York experienced both the greatest decrease in violent crime and, simultaneously, the greatest decrease in prison populations and incarceration rate of any state in the country.⁵
- In 2005, the Washington Legislature directed its Institute for Public Policy to study the net short-run and long-run fiscal savings to state and local governments of investing in a variety of programs that reduce crime rather than in prison expansion. The Institute found that a range of adult, out-of-custody, evidence-based programs reduced recidivism by up to 17% and resulted in net benefits to taxpayers and victims ranging from \$4,359 to \$11,563 per participant.⁶

3 Stemen, D. January 2007. *Reconsidering Incarceration: New Directions for Reducing Crime*. New York, NY: Vera Institute of Justice. Emphasis added.

4 Ibid.

5 Pew Center on the States. March 2009. *One in 31: The Long Reach of American Corrections*. Washington, DC: The Pew Charitable Trusts.

6 Pew Center on the States. May 2009. *Arming the Courts with Research: 10 Evidence-Based Sentencing Initiatives to Control Crime and Reduce Costs*. Washington, DC: The Pew Charitable Trusts.

The Cost of Incarceration

While the increased incarceration rate has not significantly reduced crime, it has come at a significant cost to American taxpayers and communities. As of 2008, total corrections spending reached an estimated \$68 billion, an increase of 336% since 1986.⁷

The increased cost of corrections has profoundly impacted state budgets. Since almost all states have a legal requirement to balance their budget,⁸ the more money spent on incarceration, the less money available for other vital services. Between 1985 and 2004, states increased corrections spending by 202%. By comparison, spending on higher education grew by just 3%, Medicaid by 47%, and secondary and elementary education by 55%. During the same period, spending on public assistance *decreased* by more than 60% during the same period.⁹

Simply put, the opportunity cost of skyrocketing prison spending is actually damaging states' ability to strengthen the more effective approaches to reducing crime and maintaining community safety. For example, during this period of prison growth, many states have cut funding for programs like community-based addiction treatment that have been proven to reduce crime at a fraction of the cost of incarceration. Such decisions have created a self-perpetuating cycle of prison expansion.

7 Pew Center on the States. March 2009. *One in 31: The Long Reach of American Corrections*. Washington, DC: The Pew Charitable Trusts.

8 National Conference of State Legislatures. <http://www.ncsl.org/default.aspx?tabid=12660>. Accessed May 17, 2011.

9 Stemen, D. January 2007. *Reconsidering Incarceration: New Directions for Reducing Crime*. New York, NY: Vera Institute of Justice. Emphasis added.

Impact on Victims

Unfortunately, some of the people most hurt by the financial impact of *tough on crime* policies have actually been crime victims. The impact of crime extends beyond the incident itself—many crime survivors are left to deal with physical, psychological, and/or financial consequences of the crime, and ripple effects may be felt throughout the survivor's families, friends, and communities. Some crime survivors need outside assistance to rebuild their lives; unfortunately, not all will be able to access services due to financial and other constraints. Crime survivors who are unable to access the help they need are at increased risk of further victimization, mental health issues, substance abuse, and suicide. As prison budgets have eaten up increasingly larger and larger portions of states' public safety dollars, there is deep disparity in available funding for victims' services. For example, in Oregon the Department of Corrections budget for the 2009-11 biennium was \$1.4 billion, while dedicated state funding for domestic and sexual violence services was less than \$5 million. This dynamic is beginning to lead a number of victim advocates to join the chorus of voices looking for change.

Justice Reinvestment

Spurred not only by the recession but also the realization that the increased incarceration rate has not substantially increased public safety, states are enacting legislation to reduce corrections spending. A survey of enacted FY2010 state budgets found that at least 26 states have cut funding in corrections.¹⁰ The policies that states have enacted to cut corrections costs are often tailored to counter the policies that led to the state's increased incarceration rate. Throughout the country, there is bipartisan support for criminal justice reform and investment in evidence-based practices, such as drug and alcohol treatment, re-entry programs, strategic use of probation and community supervision, and victims' services.

10 Center on Sentencing and Corrections. October 2010. *The Continuing Fiscal Crisis in Corrections: Setting a New Course*. New York, NY: Vera Institute of Justice.

In Arizona, the Safe Communities Act provides an interesting example of a shift from a *tough on crime* emphasis to a *smart on crime* emphasis:

The Safe Communities Act (SB 1476) in Arizona created performance incentives for offenders and the county-based supervision system. The second part of the bill legislated that counties that reduce recidivism are awarded 40% of the money the state saves by not having to house repeat offenders and probation rule violators in its prisons. The refund is then used by counties to improve victims' services and expand access to drug treatment and other recidivism-reducing programs. Projections show that if counties reduce probation revocations by 10%, the state could save nearly \$10 million, with 40% of that amount returned to the local level.¹¹

Victim advocates played an important role in influencing the direction of the Arizona legislation, which offers a useful model for moving toward a more cost-effective and strategic approach to public safety policy. Although some crime victim advocates are beginning to support *Justice Reinvestment* approaches to shifting prison spending in more useful directions, we should also acknowledge the role some high-profile victim advocates have played in creating and maintaining the *tough on crime* policies driving the mass incarceration status quo.

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 11 Pew Center on the States. March 2009. *One in 31: The Long Reach of American Corrections*. Washington, DC: The Pew Charitable Trusts.

Small Numbers with Influential Voices: The Disproportionate Impact of *Tough on Crime-Oriented* Victim Advocates

Note: *In a paper meant to highlight the importance of building bridges between criminal justice reform organizations and victim-oriented groups, we need to be careful not to exacerbate tensions or misperceptions about either group. Although this section highlights how some victim advocates have promoted tough on crime policies, it is important to underscore that the root of their activism stems from experiencing intense tragedy that they do not want to happen to anyone else. It is critical to acknowledge the serious harm people are responding to which has profound and complicated emotional and physiological effects. Ultimately, one of our collective goals should be creating a system that better recognizes the humanity of everyone who is impacted.*

There is a predominant theme among crime survivors, regardless of their background or the type of crime they survived: crime survivors want to be safe and to ensure that what happened to them does not happen to someone else. Most people can agree that these are reasonable goals. How these goals translate into a policy agenda can become more complicated.

Many of the *tough on crime* policies that led to the sharp increase in incarceration, such as mandatory minimum sentences and three strikes laws, have been publicly supported by crime victims who believed that the system

was not holding offenders accountable and that if the system *had* been holding offenders accountable, the particular crime committed against them would not have occurred. Unfortunately, public safety policy will never be able to entirely eliminate crime or recidivism. Policies that are often enacted in response to singular or isolated crimes often lead to bad public policy with a wide range of unintended consequences. One example is California's Three Strikes law.

California's Proposition 184 (Three Strikes law)

passed via ballot measure in 1994 in large part due to the advocacy efforts of a small number of key crime victims-turned-advocates. Prop 184 emanated from the efforts of Mike Reynolds, whose daughter was shot and killed in 1991 during a purse snatching by someone who had previous felony convictions. That tragedy led Mr. Reynolds to work with state legislators on legislation focused on incarcerating repeat offenders for longer periods of time, in some instances for life. Their bill, dubbed as "Three Strikes and You're Out," failed to successfully move through the California Legislature.

In 1993, twelve-year-old Polly Klaas was kidnapped and murdered—also by a repeat offender. This case was highly publicized and captured the sympathy and fears of the public. Mike Reynolds had been trying to move his *Three Strikes* concept as a ballot measure, and shortly after Polly's murder, Reynolds enlisted Polly's father, Marc Klaas, as a main advocate for the measure. Proposition 184 was hurled into the public's attention by the media frenzy around the Polly Klaas murder. Marc Klaas was emotionally moved to activism and played a strong public role supporting the passage of Prop 184. Marc's father was able to point out to Marc that the consequences of Prop 184 would be to fill the state's prisons with non-violent offenders, and so a

month before the election Marc Klaas reversed his position on the measure. By then, it was too late. Proposition 184 is an example of how some crime victims can play problematic roles advancing narrow public safety policy with unintended consequences when responding to their specific experiences of victimization.

Another example is Crime Victims United of Oregon (CVU), which has been a powerful force in creating, sustaining, and growing Oregon's mandatory minimum law called Measure 11. CVU in Oregon is mostly the work of one man whose daughter was murdered by a juvenile in a terrible and senseless crime. He has since become a powerful influence in almost every policy debate about changes to criminal sentencing laws. CVU of Oregon has not only been successful in expanding the state's mandatory minimums since the late 1990's; it has been the biggest barrier to reforming the way Oregon treats juveniles as adults within the criminal justice system.

A consistent narrative exists among the victim advocates who seem to get the most attention across the country by the media and policymakers: white, often middle-class men, whose family member, usually a child, is murdered by a stranger, then advocate for punitive policies. The TV news media often highlights these individual crimes gratuitously and without context, providing a platform for these individual advocates to promote specific *tough on crime* policies. The result of this dynamic has been the proliferation of *tough on crime* criminal justice policies, often named after a victim. Once enacted, these policies can have unintended consequences and may actually undermine the policy's intent.

Jessica's Law is a perfect example of both the process and the kind of policies being promoted by *tough on crime* victim advocates. This law was passed in Florida in 2005 in response to the rape and murder of a young girl, Jessica Lunsford. The law created a set of twenty-five year mandatory minimums for a range of sex offenses and also created a system for sex offender registration and life-long monitoring. Mark Lunsford, the father of Jessica Lunsford, was active in the passage of Jessica's Law and has since been a public advocate for similar legislation elsewhere. A version of Jessica's Law has been introduced in 42 states since then. Many sexual assault service providers have voiced concerns that the policies embodied by the law actually make it less likely that survivors of sexual violence will come forward and that sex offenders are becoming more difficult to supervise in the community because of the registration requirements that lack distinctions of the different threat levels of re-offense posed by people who commit different types of sex offenses. Nevertheless, these laws have stormed through state legislatures, heralded by policymakers as a bold way that they are being accountable to crime victims despite the questionable efficacy of these policies.

Although there is a trend across the country of some crime victims transforming into powerful advocates for *tough on crime* policies, these activists are not demographically representative of the majority of crime victims, nor do they embody the entirety of victims' views on how to best create public safety. In fact, there is a real disconnect between the voices that have been elevated within policy debates by the media and the diverse perspectives of the millions of people harmed by crime and violence annually. By elevating these unheard voices, we can have a much richer discussion and ultimately enact legislation that will better prevent—and respond to—crime and violence.

Voices Left Out: Better Understanding the Diversity of Crime Survivor Backgrounds and Perspectives

While crime and violence can—and do—cut across class, race, age, and gender, it is unquestionable that certain populations of people are more vulnerable to crime and violence: low-income communities; communities of color; women; adolescents; and people with disabilities. (The disproportionate victimization rate highlighted in the statistics found below is likely even higher due to the under-reporting of crime.)

- A 2004 study found that women living in low-income neighborhoods were more than twice as likely to be the victims of intimate partner violence compared to women in more advantaged neighborhoods.¹²
- While African-Americans accounted for 13% of the U.S. population in 2005, they were victims in nearly half of all homicides.¹³
- American Indians experience a per capita rate of violence twice that of the U.S. resident population.¹⁴
- In 2005, 18% of households headed by Latinos experienced one or more crimes, compared to 13% of non-Hispanics.¹⁵
- 1 in 4 women in the U.S. are victims of domestic violence at some point in their lives (compared to 1 in 9 men).¹⁶

12 National Institute of Justice. September 2004. *When Violence Hits Home: How Economics and Neighborhood Play a Role*. Washington, DC: U.S. Department of Justice.

13 Bureau of Justice Statistics. August 2007. *Black Victims of Violent Crime*. Washington, DC: U.S. Department of Justice.

14 Bureau of Justice Statistics. February 1999. *American Indians and Crime*. Washington, DC: U.S. Department of Justice.

15 Bureau of Justice Statistics. April 2007. *Crime and the Nation's Households, 2005*. Washington, DC: U.S. Department of Justice.

16 National Domestic Violence Hotline. <http://www.thehotline.org/get-educated/abuse-in-america/>. Accessed May 17, 2011.

- 1 of 6 women have been victims of a completed or attempted rape (compared to 1 of 33 men).¹⁷
- Teenagers are two times more likely than people in other age groups to be victims of violent crime.¹⁸
- In 2007, the nonfatal violent crime rate against persons with disabilities was 1.5 times higher than the rate for persons without disabilities.¹⁹

Many of these same populations of people are also more likely to be blamed for the violence committed against them, and they are often less likely to have access to supportive services. Most crime survivors need outside information, assistance, and support to process the violence and rebuild their lives; when outside assistance is not available, survivors often become stuck in unhealthy coping mechanisms that affect not only their lives, but their loved ones and communities.

It is not surprising that the voices and concerns of low-income communities and communities of color receive less attention from the media and policymakers regarding issues of victimization and public safety. Part of this dynamic stems from the existence of institutionalized racism and classism that highlights poor people as “perpetrators” rather than victims or survivors. The absence of a more diverse set of victim voices in the discourse around crime and punishment has allowed policymakers to falsely frame *tough on crime* policies as being accountable to the desires of the most impacted segments of the public, and the more this frame is used without challenge, the more that false notion is reinforced in the minds of the public and others.

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17 National Institute of Justice and Centers for Disease Control and Prevention. November 1998. *Prevalence, Incidence, and Consequences of Violence Against Women: Findings From the National Violence Against Women Survey*. Washington, DC: U.S. Department of Justice.

18 Wordes, M. and Nunez, M. May 2002. *Our Vulnerable Teenagers: Their Victimization, Its Consequences, and Directions for Prevention and Intervention*. Oakland, CA: National Council on Crime and Delinquency.

19 Bureau of Justice Statistics. October 2009. *Crime Against People with Disabilities, 2007*. Washington, DC: U.S. Department of Justice.

Although low-income communities of color suffer from a disproportionate amount of crime and violence, it would be untrue and counter-productive to suggest that there is not a critical mass of groups and individuals from those communities who are inclined toward *tough on crime* perspectives. When people are angry and tired of the fear, harm, and pain caused by crime in their communities, they may embrace more punitive responses as answers to their overwhelming circumstances. But even *tough on crime*-oriented individuals from the communities most impacted are more likely to hold or be open to critically nuanced views around what kinds of policies would be most effective to sustainably create safe, strong, and healthy neighborhoods. That openness stems from more easily being able to see the devastation that the policies of mass incarceration reap in their particular communities and being able to more easily understand that a false dichotomy between victim and offender often exists.

Communities most impacted by crime and violence have concentrated numbers not only of crime victims but also of people convicted of crime. How much overlap there is between those two identities is a dynamic that gets little attention. Substantial numbers of people in prison are also survivors of crime and violence; in many cases, it was the victimization they experienced which set off a chain of events that led them to crime and then prison. For example, there are countless stories of victims of childhood violence struggling to cope without access to support services who turn to drugs to dull their trauma and then their addiction leads them to crime and incarceration. Research shows a strong correlation between victimization and substance abuse: at least two-thirds of patients in drug abuse treatment centers say they were physically or sexually abused as children.²⁰ While drugs may temporarily numb the pain, substance abuse also increases a person’s risk for future victimization, causing a cycle of repeat violence that, without intervention, becomes increasingly destructive.²¹

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20 National Institute of Drug Abuse. <http://archives.drugabuse.gov/about/welcome/aboutdrugabuse/magnitude/>. Accessed May 17, 2011.

21 Office for Victims of Crime. August 2005. *Substance Abuse and Victimization Video Discussion Guide*. Washington, DC: U.S. Department of Justice.

The false dichotomy can also be present when children and adolescents who are abused engage in delinquent behavior and in some domestic violence cases where the abuser coerces the victim to commit a crime for his benefit. These are the stories we seldom hear, but they form an important context to understanding the cycle of crime and victimization.

Breaking down the often-false dichotomy of victim and offender is a critical step in challenging the policies of the prison buildup. The messaging of *tough on crime* advocates oversimplifies the identity of offenders, casting all offenders as bad people worthy of harsh punishment and undeserving of compassion. By challenging that messaging frame, we can enable the public to better understand who is being incarcerated. Dismissing the false dichotomy helps prevent the dehumanization of incarcerated people. Also, highlighting the ways survivors of violence have failed to get the support they needed to cope and heal underscores why society needs to shift its priority to prevention rather than punishment and how support services in certain communities have been terribly under-resourced. There are thousands of crime survivors who can highlight these critical points from their own experience, but who are largely unheard by reform organizations. The absence of those voices, stories, and experiences is a missed opportunity in challenging the dehumanizing and problematic messages voiced by *tough on crime* advocates about who makes up our prison population.

In better understanding the diversity of crime victims' experiences and perspectives, we must also highlight the overwhelmingly male voice of *tough on crime* victim advocates in policy debates. A gender gap exists in the prominence of victim advocates in policy discussions. This dynamic is ironic given the pervasive scope of violence against women in society as well as the fairly well-developed network of women's organizations organized to address violence against women.

There are a large number of organizations working to address domestic and sexual violence through service provision and policy advocacy. These groups are severely under-resourced but still manage to have a profound, life-saving impact on crime prevention and is helping survivors of violence rebuild their lives. The women who lead these organizations and the larger movement have not been disengaged nor completely unheard in debates around criminal justice and public safety policy, but their voices and agenda have not gotten equal attention when compared to the primarily male, *tough on crime*-oriented advocates. This dynamic may stem both from institutionalized sexism within the media and the policymaking process, but also from less developed advocacy capacity among the groups working to prevent violence against women. Because there is such a heavy emphasis on delivering essential services to address domestic and sexual violence, advocates have found less energy and resources to engage in policy advocacy.

Some of the dynamics and differences among people working around issues of victims' assistance and victims' rights were greatly influenced by two social movements active during the '70s and '80s: the Women's Movement and the "Law and Order" Movement.²²

The Women's Movement has been considered the most significant predecessor of the victims' assistance movement. A direct result of the increase in women's power and attention to women's issues in the 1970s was the formation of grassroots rape crisis centers and domestic violence shelters. These earliest organizations were created and operated by volunteers, most of whom had survived domestic or sexual violence. These programs met strong resistance from the criminal justice system and other bureaucracies, in part because the earliest organizations openly opposed institutionalized patriarchy's role in sustaining a society where violence against women could exist with little challenge.

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 22 Office for Victims of Crime Training and Technical Assistance Center. August 2010. *History of the Crime Victims' Movement in the United States*. Washington, DC: U.S. Department of Justice.

The “Law and Order” Movement predated the victims’ assistance movement, and the two were initially at odds (and sometimes still are, especially with some members of the victims’ movement that stem from the Women’s Movement). The earliest members of the victims’ rights movement saw crime victims “treated as pieces of evidence” by the justice system and focused on enacting legislation and changing procedures to provide crime victims increased dignity, respect, and information within the system. The greater “Law and Order” Movement focused on stiffer punishment of offenders, which appealed to some victim advocates. But early “Law and Order” supporters also engaged in victim-blaming, believing that potential victims should be more careful and people, once victimized, should be self-sufficient. By the early 1980s, the “Law and Order” Movement began placing more emphasis on crime victims’ needs within the justice system, especially on victims’ rights to receive restitution, be provided information, apply for compensation, be present, and be heard. While some of the vocal members of the “Law and Order” segment of the victims’ movement are primarily focused on increasing sentences for offenders, the greater victims’ rights movement is primarily focused on creating a justice system that treats crime victims with the dignity and humanity that any person deserves (instead of just having a system focused on the number of cases cleared).

From these two movements grew networks of community- and system-based victims’ assistance programs. Today, over 10,000 victims’ assistance programs exist in the United States.²³ Community-based programs are most directly tied to the Women’s Movement and serve survivors of a variety of crimes (although most often domestic or sexual violence), including survivors who report crimes and go through the justice system, as well as those who

do not. System-based programs are more directly tied to the “Law and Order” Movement and operate within the justice system to help designated crime victims who have at least reported the crime to access their state statutory or constitutional rights.

The policy advocacy agenda of groups working to end violence against women has not been free of promoting sentencing enhancements and incarceration, a dynamic discussed in the next section. But these groups have been far from the forefront of promoting the policies that lead to mass incarceration and have the potential to be strong allies in shifting the emphasis of public safety policy from punishment to prevention and service provision.

The goal of this section was not to exhaustively describe the wide variety of experiences and perspectives of crime victims, but rather to highlight that there are important and powerful perspectives that have not yet gotten the level of attention that *tough on crime* victim advocates have. A more diverse victim voice in public safety policy advocacy would certainly lend itself to more thoughtful approaches to the complex issue of how to best address crime. We also contend that elevating a more diverse voice of crime victims would lend itself to challenging significant aspects of the policies that lead to and sustain mass incarceration.

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 23 Office for Victims of Crime. 1997. *New Directions from the Field: Victims’ Rights and Services for the 21st Century*. Washington, DC: U.S. Department of Justice.

Barriers to Developing a More Holistic Analysis and Collaborative Approach

In order to elevate and integrate more diverse voices of crime victims into public safety policy advocacy, we must first address the real and perceived barriers that have arisen from decades of well-intentioned groups advocating for their particular constituency or perspective. Although this paper is optimistic about the value and opportunity for bridge-building and collaboration between victim-oriented groups and criminal justice reform organizations, such partnerships are highly unlikely without support for honest conversations, solid analysis and the proper incentives to address these existing tensions. This section provides some insights into these tensions and barriers and how they might be overcome. We believe some barriers are real in that they represent places where agendas and needs may actually conflict. Some tensions are more structural in that they are facilitated by the way the criminal justice system is set up. And some of the tensions are more cultural or perceived and can be addressed by shifting our thinking and language. Moving beyond these barriers will take real resources, work, and dialogue but is possible if there is the commitment.

Language and Goals

Both victim-oriented groups and criminal justice reform organizations use language and articulate goals that have little resonance outside each particular group. The very terms “criminal justice reform” and “victims’ field” do little to encourage collaboration and may inadvertently alienate the other group. A couple of additional examples include:

- **Prison Industrial Complex:** Although this term is useful in theoretical conversations to describe some of the dynamics around the prison buildup in the United States, it mostly resonates from an academic perspective and among people who are already solidly entrenched in an analysis primarily focused on

dismantling the policies of mass incarceration. The use of this term can quickly stereotype the people using it and alienate potential allies whose end goal is not a world without prisons but perhaps a world without mass incarceration that also includes proper support for people harmed by crime.

- **Perpetrator:** This term, often used by law enforcement and crime victim advocates, is dehumanizing and suggests a certain level of judgment about the circumstances of the crime and the people involved that does not lend itself to a thoughtful approach to accountability and justice. The use of the term *perpetrator* suggests the lack of a complicated analysis that might, for example, recognize the possibility of a false dichotomy between “victim” and “offender.”

Examining our language and diplomatically challenging others to use different language is an essential step in developing a more holistic analysis and fostering the potential for collaboration. When people change their language, they are internalizing new ways of thinking. In this paper, the terms *crime victim* and *crime survivor* have been used interchangeably. We prefer to use the term *crime survivor* as much as possible for several reasons. The movement to eliminate violence against women intentionally uses the term *survivor* rather than *victim* because it is empowering. The term *survivor* emphasizes the strength exhibited in processing the trauma. *Tough on crime*-oriented groups are primarily focused on the system-based response and therefore use the term *victim*, which has specific meaning in the system but does little to inspire people to heal. That said, it is difficult to only use the term *crime survivor* when writing and discussing the issues in this paper for a variety of reasons, the simplest of which is that *survivor* isn’t an appropriate term when discussing

non-violent crime (someone is not a *survivor* after getting their car stereo stolen). The term *crime survivor* also doesn't elicit as strong an understanding from the general public as the term *crime victim*. Nevertheless, increased intentionality around our language is an important step in building bridges and promoting a different analysis about an effective public safety strategy.

Acknowledging the Harm and Damage Done to Victims

The criminal justice system in the United States is designed to promote oppositional relationships. The role of prosecutors is to convict and the role of defense attorneys is to prevent conviction and limit the punishment of the accused. Prosecutors and criminal defense attorneys are undeniably pitched in battle as oppositional forces in this system. Unfortunately, this system and structure is often not asking or answering some of the most important questions: what support can be provided to the victim and what would be the best outcome for future public safety?

Despite the fact that victims can sometimes feel like pawns or the tools of prosecutors who are more focused on conviction than what victims need and want, criminal defense attorneys often see victims as a major barrier to their fundamental goal: avoiding conviction and limiting punishment. In this context, the culture of criminal defense attorneys has become deeply dismissive of the voices of crime victims. It is far from uncommon for criminal defense attorneys, offenders, and the family of the convicted to downplay or altogether fail to acknowledge the harm done. Not acknowledging the harm done by crime and the experience of crime victims does very little to build bridges or productive relationships. This is a dynamic that criminal justice reform groups and criminal defense attorneys need to reflect on.

Dogma and Sentencing Enhancements

Every social movement embodies diverse or conflicting views about the core issues they focus on, and the criminal justice reform movement and the victims' assistance field are no exception. On each side, there are activists and organizations that engage in their work with a high level of dogma that frames compromises or policies that conflict with their end-vision as totally unacceptable. Abolitionists who believe we should be building a world without prisons often see any new criminal sentences or sentence enhancements that carry prison terms as fundamentally intolerable. The passion behind such beliefs can be a very real barrier to collaborating with victim advocates who may at times thoughtfully promote specific sentence enhancements as an effective approach to addressing specific public safety issues.

One example that we have seen in Oregon relates to strangulation. Currently, strangulation is classified as a misdemeanor;²⁴ however, strangulation can cause death or permanent brain injury within a matter of minutes and the act of strangling someone signifies a high threat of future lethality, especially in domestic violence cases. For these reasons, domestic violence service providers have tried for years to get strangulation classified as a felony. The felony classification would enact greater supervision requirements, mandate firearm dispossession, and ensure better training on strangulation for first responders. While the proposed strangulation bill did not include mandatory incarceration, it would have provided important safeguards for victims.

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24 After years of working to get strangulation classified as a felony, service providers saw some positive change in 2011 when the Oregon legislature made strangulation a felony in certain circumstances.

Victims' Rights—Voice, Not Veto

The discourse around victims' rights is an area of both real and constructed tension.

The slogan of many victim advocates is “A Voice, Not a Veto,” which projects a thoughtful attempt to ensure crime victims have more of an opportunity to be heard in the criminal justice process without unjustly shaping court proceedings. When quickly examining the list of core victims' rights promoted around the country, most would seem unobjectionable to people who believe in a justice system that is sensitive and accountable to all those most impacted by it. But the issue is much more complicated beneath the surface.

There is not enough space in this paper to unearth and investigate the ways some victims' rights in their implementation might jeopardize a defendant's right to a fair trial or a balanced system, but we need to acknowledge that there are legitimate concerns about the potential implications of *some* victims' rights. In this respect, there is a real tension between victim advocates and criminal justice reform organizations. But there has also been a fervor and rhetoric from some on both sides that has exacerbated a dynamic where people are less likely to identify needed common ground and understanding around the passage and implementation of victims' rights legislation.

Tough on crime-oriented victim advocates have often promoted the need for victims' rights legislation as a response to “a criminal justice system gone soft, where criminals have all the rights.” Such language is not only a mischaracterization of who actually has power in criminal justice proceedings, it is also inflammatory and has in turn fostered an equally reactionary response from some criminal justice reform advocates. It is this dynamic where tension around victims' rights policies gets bogged down in constructs that make it much harder to effectively identify where there are real policy conflicts. Unquestionably, this is an area of policy debate where the notion of “sides” between victim advocates and criminal justice reform organizations is reinforced.

It is worth noting that the National Crime Victim Law Institute (NCVLI) is contesting the issue of “sides” in current justice processes by advocating that victims have a role that is more independent of the prosecutor. NCVLI envisions a process in which the prosecuting attorney represents the state, the defense attorney represents the accused, and a third attorney has standing to represent the victim. This is a fairly new but growing body of work and it is yet unclear how this will present new tensions or opportunities—or both—among victim advocates, criminal justice reform organizations, and prosecutors.

Lack of Trust

Whenever two fields begin to collaborate to meet a common goal, there is bound to be a certain level of mistrust that comes from a lack of understanding and experience with the other field. For some members of the victims' assistance field, though, this lack of trust may stem from a much deeper place. Many victims' assistance professionals, especially those who work in community-based programs, have directly survived crime or have close loved ones who have survived crime. Some of these crimes—particularly domestic and sexual violence and child abuse—involve a pattern of manipulation by the offender. Victims' assistance providers may be both personally and professionally wary of a field that has not always demonstrated that it understands the manipulative and harmful nature of these crimes.

A lack of trust is most often based on assumptions about the other field and can be overcome through the open dialogue and shared experiences that come from focusing on a common goal.

Common Ground: A New Paradigm to Promote Public Safety

Although there are some existing tensions and oppositional dynamics between segments of the victims' assistance and rights field and criminal justice reform groups, some shared goals and values also exist which have gone mostly unnoticed and unexplored. By exploring some of the common goals and values between victim-oriented groups and criminal justice reform organizations, a very different discourse could emerge about criminal justice policy that improves the outlook for all people most impacted by the system. This section highlights areas where the gap between some groups in the victims' assistance field and criminal justice reform groups may actually be quite narrow and easy to bridge.

A Public Safety Framework

For the vast majority of crime victim advocacy groups, reducing future victimization is a major goal which easily fits into a larger framework of more effectively creating public safety. The goal of enhancing individual and community safety should be easily shared among most legitimate interests engaged in criminal justice-related policy advocacy. Disagreements may develop around identifying the best strategies for meeting that goal, but not in the goal itself.

The idea that using a public safety framework allows for broader coalition building is not a new or radical concept. But it is worth noting that for some criminal justice reform groups, using a public safety framework is more rhetorical or tactical than deeply felt, which is noticed by other policy stakeholders, including victim-oriented groups who could be real allies on a range of issues.

What is useful about a public safety framework is that it can be used to examine difficult problems outside of a constituency-based perspective, creating more room to effectively maneuver with ideas and alliances. Often, policy debates get bogged down when advocates want solutions heavily focused on benefiting one group, whether that is crime survivors, prisoners, defendants, or law enforcement. This is also an argument for developing advocacy groups and coalitions that strive to do the hard work of developing a holistic analysis or who take a multi-constituency approach. Such a strategy is more likely to develop balanced and effective policy solutions.

Of course, it is also clear that the vast majority of the current criminology research challenges the policies of mass incarceration as being a bad approach to building and maintaining public safety. Moving state and national policy discussions toward more effective public safety policy will often directly challenge the exaggerated focus on incarceration.

Reducing Recidivism, Reducing Victimization

Policies that help reduce recidivism also help reduce victimization, but rarely are criminal justice reform advocates making those connections and using the language of "reducing victimization." Instead, criminal justice reform advocates often focus on the cost of recidivism in terms of dollars and cents, emphasizing the massive economic cost of reincarceration. Perhaps the inclination to not link recidivism with victimization rhetorically stems from a conscious and unconscious aim to de-emphasize language often used by *tough on crime* victim advocates. But "reducing victimization" is a goal of all victim advocates and can be discussed and promoted in thoughtful ways. "Reducing victimization" can be an area of significant common ground in a wide range of criminal justice policy areas.

Debates about prison conditions, lack of programs designed to help prisoners succeed when they get out, and discussions about reducing re-entry barriers often highlight how current policies exacerbate high recidivism rates and reduce public safety. In this context, many of the policy goals of criminal justice reform groups could be supported by victim advocates in the context of reducing recidivism and victimization. In fact, some victim advocates have identified the parallels between the needs of victims in rebuilding their lives and the needs of formerly incarcerated people re-entering the community. Some victim advocates have also realized the impact the justice system has on defendants' families and have begun discussing ways to reach out to and support defendants' family members. The lack of support services for both victims and formerly incarcerated people has profoundly negative impacts on millions of people and their communities. This further raises questions about the efficacy of how public safety spending is currently being prioritized and provides room for a common goal.

One note about language which identifies a level of nuance that's difficult to address in a paper of this length: Although the language of "reducing future victimization" can build bridges and describes the benefits of policies that could be supported by both victim advocates and criminal justice reform groups, the language does present some problems in the context of talking about re-entry barriers. There is a very real tension between the need to reduce and eliminate certain social stigmas attached to formerly incarcerated people and the use of language that suggests they could be future victimizers. There may not be a specific strategy to address this tension other than to acknowledge it and to be conscious of that dynamic in the use of language.

Funding for Services

As noted, there are real parallels between what crime survivors need to help rebuild their lives and what formerly incarcerated people need when returning to the community. There is significant coalition-building potential in advocating for reprioritizing public safety spending that builds community-based programs and support services for both crime victims and formerly incarcerated people.

Partnership for Safety and Justice (PSJ), a statewide advocacy organization based in Portland, Oregon, has taken this approach. PSJ works with all people most impacted by crime and the criminal justice system to promote public safety strategies that are more effective and more just. Over the past few years, PSJ has worked closely with advocates focused on preventing domestic and sexual violence. That coalition work has been valuable not only in building highly productive relationships but has nearly doubled state funding for domestic and sexual violence services and support for survivors. In 2009, PSJ took those relationships a step farther and worked with many victim advocates to support the passage of an omnibus sentencing reform bill that reduced prison spending and reinvested the savings in smarter public safety infrastructure, including community-based services for victims. This is a landmark example of what is possible when thinking, communicating and organizing more holistically around public safety.

PSJ is building on this work and hopes to work in coalition with anti-violence groups on a campaign to significantly increase funding for addiction treatment, prevention, and recovery programs. This campaign is also focused on increasing access to diversion programs in an effort to help reduce the criminalization of addiction and shift toward a public health approach. Both the frame and the goals of this campaign lend itself to:

- broad coalition building in ways that emphasize crime prevention as a higher priority than punishment;
- increasing critical services benefitting a broad and diverse group of people, including crime survivors;

- highlighting the often-false dichotomy of offender and victim; and
- challenging the utility of public safety spending priorities primarily focused on prison construction and operation.

These are all themes that can build bridges. That said, it is worth noting that PSJ has emphasized advocacy that supports community-based victim services rather than system-based services. Many of the system-based services are operated within prosecutors' offices. In that respect, the dynamics of how these services might be connected at times to increased prosecution and incarceration are complicated and require in-depth conversations and thinking about how they fit within a framework of trying to build a multi-constituency approach to public safety advocacy that also has a strong critique of the policies of mass incarceration. In this context, PSJ has not yet figured out how it will position itself in conversations about the need to strengthen system-based victims' services, which is just one of many areas for further thought.

Parallel Justice

Susan Herman and others within the victims' assistance field have highlighted the need for a system of Parallel Justice. The concept underscores that the current criminal justice system is ill-equipped to help crime victims restore their lives. The outcomes used to measure success in the current criminal justice system are very different than those used by community-based crime survivor advocates. Prosecutors measure success by closing cases through convictions, and police ultimately strive for a resolution to a call so they can move on to the next. Both prosecutors and police often have victims' service providers available but only for people who report crimes, and they don't always coordinate well with community-based services to provide comprehensive support that help victims rebuild their lives. Parallel Justice suggests that society needs an additional or parallel system that isn't focused on accountability for the offender but is instead focused on providing necessary support to crime victims.

Parallel Justice has been promoted as a way to ensure that both system- and community-based responses better focus on the individual victim's needs, whether or not the crime is ever reported. Parallel Justice upholds victim safety, the right to compensation (no matter what crime was committed), and a coordinated governmental/community response to meet the victim's needs. Parallel Justice is a concept that could create common ground because it emphasizes support, not necessarily prosecution. Crime survivors who have concerns about working through the criminal justice system would still have access to much needed help.

Values

Articulating values that inform a group's work can serve as a significant bridge builder. By emphasizing certain values held in common with others, tension around highly specific points of policy disagreement can be reduced or de-emphasized while opening up space for common ground and collaboration.

As Partnership for Safety and Justice began to intentionally build an organization that works with survivors of crime, people convicted of crime, and the families of both, PSJ discussed what kind of framework would help its multiple constituencies understand how they could work together with a holistic analysis despite traditional notions that these groups have oppositional interests. Early on in PSJ's strategic planning process, they identified a set of values they thought were important to guiding the development of its public safety policies. The values are Safety, Prevention, Accountability, Justice, Redemption, and Healing.

Integrating messages about how these values are the foundation for PSJ's work has helped its members develop a more open and integrated analysis and has changed the way various state stakeholders perceive PSJ.

Potential Strategies and Opportunities for Shifting to a New Public Safety Paradigm

This section highlights what organized efforts might look like to collaborate with and amplify the voices of progressive crime survivors in public safety policy advocacy. Taking a more integrated, multi-constituency approach to public safety advocacy holds great promise, but there are not many existing models. This section highlights relevant existing work via brief case studies and also discusses some work that could be helpful but is not yet happening to any significant degree.

Partnership for Safety and Justice (PSJ)

PSJ was founded in 1999 by Brigette Sarabi and was originally called the Western Prison Project, a traditional criminal justice reform organization focused on prison conditions and curbing the policies that lead to mass incarceration.

The power and influence of a *tough on crime* victims' group called Crime Victims United, based in Oregon, was widely apparent, while the Western Prison Project was helpful very early on in supporting the growth of a very different victims' group: Survivors Advocating for an Effective System (SAFES). SAFES was started by Arwen Bird, the survivor of a drunk driving crash that left her paralyzed from the waist down. Arwen started SAFES because she did not want what happened to her to happen to other people and believed change would come from a system focused on prevention, not punishment. Crime Victims United purported to speak for all victims in Oregon, but their exaggerated and problematic emphasis on increased incarceration clearly did not represent the views of all

crime victims. SAFES became an important alternative voice in policy debates, but by 2004 their board realized the organization was not sustainable.

SAFES approached the Western Prison Project about a potential merger, which initially seemed unlikely; but, through extensive discussions, the idea of a new organization with a holistic analysis around changing Oregon's approach to public safety and criminal justice became incredibly intriguing. There was no model for developing a grassroots base of survivors of crime, people convicted of crime, and the families of both, but the boards of both organizations wanted to move forward. After extensive meetings with the membership of both groups, the two groups merged in 2004. Shortly after the merger and an extensive strategic planning process, the organization changed its name to Partnership for Safety and Justice (PSJ). The name change was absolutely necessary in helping to manifest new goals, language, and a vision for change that appropriately supports the interests of multiple constituencies most often thought of as oppositional: survivors of crime and people convicted of crime. PSJ believes that developing more effective approaches to building community safety is a strong unifying vision and that we can do so without sacrificing justice.

PSJ's leadership was very clear that this effort needed to be genuine and not just a strategy for neutralizing the *tough on crime* victim voice in the state. So the question PSJ grappled with was what work it could take on that would tangibly support survivors of crime while not increasing incarceration. It was clear that the organization's work needed to provide real value to crime survivors in the state. Based on staff backgrounds and relationships, a direction organically emerged focused on increasing state funding for community-based services addressing domestic and sexual violence. Such a focus allowed PSJ to build strong collaborative and trusting relationships with advocates around the state working on domestic and sexual violence; and, because PSJ already had meaningful grassroots advocacy capacity, it was seen as a significant contributor to a victory that practically doubled the only dedicated source of state funding for community programs addressing domestic and sexual violence.

PSJ has continued deepening its relationships and collaboration with organizations and advocates working to address domestic and sexual violence, and it is a key player in solidifying a statewide advocacy coalition to support the policy agenda of anti-violence organizations. In this respect, PSJ is a long way away from being considered a “prisoner rights group” by media and policymakers; rather, PSJ is now seen as a key stakeholder in statewide public safety policy and a group that engages all of the people who are most impacted by crime and the criminal justice system.

Although the multi-constituency approach has raised the influence and profile of PSJ, its staff and board still consider it an “experiment.” The commitment to the approach is unwavering, but the organization still struggles to figure out how to make it work. Because PSJ originated as a more traditional criminal justice reform organization, the politics and language of the organization still leans heavily to one side. Developing a deeper understanding and sensitivity throughout the organization of the wide range of critical experiences and needs of crime survivors takes time and very intentional work. This requires strong intervention skills, for example, to be able to challenge family members of incarcerated people who might tend to discount the harm done by their loved one or see victims and victim advocates as problematic.

PSJ has also struggled to build a strong base of individual crime survivors as members. The strength of PSJ’s current crime survivor organizing has been due to coalition work. PSJ still needs to develop and test an outreach and membership involvement strategy that recruits more individuals who identify as crime survivors. This challenge points to an area where *tough on crime*-minded victim groups may have a significant advantage. They often use victims’ support groups to recruit while working closely with victims who experienced crime very recently. It seems that crime survivors who embrace a different approach have had some space and distance from their victimization and have had time to process the trauma. In this respect, there may be a smaller number of crime victims immediately critical of the system’s exaggerated focus on punishment at the cost of prevention. Additionally, as an organization committed to policy advocacy, PSJ has been reluctant to take on projects that seem like service

provision, but increasingly it seems that some level of service provision may be what would help increase the contact and connection with individual survivors of violence.

PSJ is unquestionably a work in progress, but leaders of the organization feel convinced that the recent growth and success of the organization has had much to do with its development of a more holistic vision for change and in genuinely embracing a membership made up of all those most impacted by crime and the criminal justice system. There is no cookie cutter approach, but it is certainly possible that other organizations could find the development of a more integrated analysis full of potential in strengthening their public safety policy advocacy.

Organizing in Communities of Color

Communities of color often suffer a disproportionate level of crime and violence while being simultaneously damaged by criminal justice policies that have an exaggerated emphasis on incarceration as the primary public safety tool. In this respect, organizing in communities of color around community safety issues and community well-being has potential for embracing this new paradigm or integrated analysis.

The Boston 10 Point Coalition is an organization that appears grounded in an integrated analysis about what is needed to improve both community and system responses to violence, particularly violence among Black and Latino youth. Their work is designed to focus on prevention and to de-escalate the community environment when violence occurs. They engage in grief counseling and support for crime survivors and family members, youth empowerment programs, gang mediation and intervention programs, and support to youth who have been incarcerated and stigmatized by society. They clearly address the needs of many of the people most impacted by crime, violence and the criminal justice system. This is the kind of integrated analysis and practice, with a heavy emphasis on prevention rather than punishment, that can organically emerge in communities of color.

One critical question is to what extent are organizations like the Boston 10 Point Coalition engaged in state or national policy work? The strength of analysis and organizing among community groups like this can have a profoundly positive impact on the communities in which they are based, but their important and fresh perspectives are often missing from the debates and decisions that happen in state legislatures. Perhaps there is a role for foundations in building the capacity of organizations like these to weigh in on state policy decisions that have such macro impacts on public safety policy.

Addressing Violence Against Women

In the past five years, there has been a proliferation of *tough on crime* laws passed at the state and federal levels aimed at addressing sex offenses. These laws have often passed easily. High-profile media attention of horrific and tragic crimes has stirred fear among the public, while often providing little useful information about effective prevention solutions. Elected leaders have found passing laws to address sex offenses a popular and easy way to posture as *tough on crime*. And the *tough on crime* lobby has seen this “low-hanging fruit” as a useful vehicle to propagate mandatory minimum sentencing schemes with little organized resistance. The irony is that this movement has, in large part, not been supported by advocates who work daily to address the impact of sexual violence.

Some of Partnership for Safety and Justice’s early work to increase support services for survivors of domestic and sexual violence led to important connections in an attempt to challenge Oregon’s version of Jessica’s Law. In a special legislative session, Crime Victims United had developed significant legislative momentum to pass a version of Jessica’s Law which included twenty-five year mandatory minimums for a range of sex offenses, new policies around sex offender registration, and life-long community supervision of sex offenders. These laws are often ineffective in disaggregating sexual predators from most sex crimes, do not acknowledge that rehabilitation and treatment is possible and effective for many offenders (especially juveniles), and solidify policies that make it harder to supervise offenders in the community.

The push for this law in Oregon happened only a year after Florida first passed Jessica’s Law. The bill was moving like a speeding train with the male-dominated, *tough on crime* lobby threatening to label state legislators as “soft on crime” if they did not approve the bill. Because the proponents of this problematic legislation were all men with little connection to on-the-ground work around violence against women, there was bitter irony to this fait accompli.

PSJ’s Crime Survivors Program was able to quickly mobilize a wide range of some of the most respected organizations and activists working against sexual and childhood violence in the state to oppose the bill. This symbolic effort was important in emphasizing to legislators the need to be increasingly careful about framing the support of a *tough on crime* policy as being an accountable response to victims. Six legislators had the courage to vote no and all of them cited that the people closest to these issues opposed the bill. This effort was representative of how survivor-oriented policy analysis can challenge *tough on crime* measures. That organizing effort was largely made possible by the National Alliance to End Sexual Violence.

The National Alliance to End Sexual Violence (NAESV)

NAESV utilizes a grassroots communication network to shape national policy related to sexual violence and victims’ needs; works to ensure funding for rape crisis programs and sexual assault coalitions; and provides expertise to governments, businesses and non-profit organizations addressing sexual violence in all of its forms. NAESV advocates on behalf of the victims/survivors—women, children and men—who have needlessly suffered the serious trauma of sexual violence.

NAESV analyzes a range of policies from a survivor-oriented perspective and develops position papers that outline comprehensive critiques. What is particularly impressive about their work is that members of NAESV are rooted in on-the-ground anti-violence work. This gives their analyses the power of experience, offering a strong gender, race, and class analysis that explores both the short- and long-term implications of significant national and state policy.

Their position paper on the Adam Walsh Act of 2006, which has a range of provisions similar to Jessica's Law, highlights how long mandatory minimums for sex offenses have a number of negative consequences that serve to decrease public safety. They argue that long mandatory minimums in these circumstances can result in fewer sex offenders being prosecuted and tracked while also preventing survivors from coming forward,²⁵ a barrier to those victims getting the support they need. NAESV provided much of the analysis used by PSJ and others in opposing the passage of Jessica's Law in Oregon.

NAESV is a solid example of a group that, though rooted in a survivor perspective, can provide analysis questioning *tough on crime* policy. Although NAESV is by no means opposed to increased prosecution and incarceration of violent offenders, they promote a thoughtful approach to public safety policy.

The policies being promoted around the country to address sex offenses are an area where more diverse crime survivors' voices could be pivotal. The *tough on crime* agenda is often unchallenged. Anti-violence advocates who work on these issues daily would bring a critically important perspective to the debate if they engaged more actively.

Justice Reinvestment

The *Justice Reinvestment* concept of shifting resources from prison spending toward a range of community- and system-based programs better equipped to create public safety holds a great deal of potential for fostering this new paradigm. In fact, Oregon provided an interesting test case in 2009, when anti-violence advocates supported a bill that created roughly \$50 million in savings from reduced need for prison beds and saw some of those savings reinvested in domestic and sexual violence services. That approach fostered practical and productive collaboration between victim advocates and criminal justice reform advocates.

Justice Reinvestment holds so much promise because it not only acknowledges that the current level of prison spending is unproductive and problematic, but it also holds the

potential for increased investment in services that could benefit crime survivors, as well as formerly incarcerated people, in rebuilding their lives. It does not take long for many victim advocates to arrive at a place where they question the current level of corrections spending and see the opportunity to cut costs and reinvest this funding. The more challenging step in the process is to arrive at agreement about the policy reforms that create the savings in corrections spending. This is where the rubber meets the road. The details of what kinds of sentencing reforms make sense are much more difficult to reach consensus on.

It is important to note that *Justice Reinvestment* is an easily adaptable concept but it has mostly been a process promoted and implemented by the Pew's Public Safety Performance Project and the Council of State Governments (CSG) thus far. Pew and CSG have done great work in this area and have provided the framework and data needed to produce bipartisan support for *Justice Reinvestment* in states across the country. However, their current methodology doesn't necessarily allow for the types of relationship building and collaboration among groups on the ground that this paper promotes. We would like to encourage other *Justice Reinvestment* efforts and support its adaptation and replication in ways that step out of the current box. *Justice Reinvestment* can be more than just a smart policy change tool; it can help build new and lasting alliances and ways of thinking.

Court and Criminal Justice System-Created Debt

People who are convicted, incarcerated, and released on parole and probation incur a wide range of conviction-specific financial debts that can become colossal barriers to their success. These debts become destructive because they are often so numerous they are difficult to track, incur unreasonable interest charges, require high levels of contact with multiple government bureaucracies, and are administered with little continuity. These debts can range from victims' restitution, court fees and fines, probation charges, and drug testing fees, just to scratch the surface.

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25 National Alliance to End Sexual Violence. http://naesv.org/?page_id=87. Accessed May 17, 2011.

Meanwhile, victims who are owed restitution and could use restitution to help rebuild their lives or just meet basic living expenses have a hard time receiving consistent and meaningful payments.

Examining how these debts are generated, administered, and collected presents a ripe and important area for reform because no one seems to be served well by the current system: states or counties, victims, or people who owe these financial obligations.

This is an area full of potential for an integrated multi-constituency approach that could identify and promote viable reforms to improve the collection rates for government agencies and crime victims while mitigating the damaging impacts these debts can have on people who owe them. One important question to ask in supporting this work is how can it be done in a way that is more than simply bringing different “sides” together to negotiate? Is there a way to help forge new relationships and a more holistic analysis among stakeholders?

Death Penalty Work

Advocacy work to abolish the death penalty has a long history of working with family members of murder victims. In fact, recent successes in New Jersey and New Mexico had meaningful involvement from family members of murder victims. One lesson from this movement comes from Murder Victims’ Families for Reconciliation (MVFR). MVFR has worked to oppose the death penalty over the past three decades. Although MVFR has a long-standing and productive relationship with the National Coalition to Abolish the Death Penalty, it has remained an independent organization. That independence, in part, speaks to the importance of having victims organizing victims. The trauma associated with losing a loved one to murder necessitates a high level of sensitivity and understanding when approaching victims about undertaking a potential advocacy role. MVFR is able to engage victims with the necessary sensitivity and care because it is made up of people who have survived similar experiences. By having a separate and autonomous

victim-led organizing component of the anti-death penalty movement, it ensures the movement is less likely to see murder victim family members as tools. This thoughtful approach has allowed for a powerful impact by MVFR on efforts to abolish the death penalty.

Increased Dialogue between Groups Situated on Specific “Sides”

Many of the strategies and opportunities discussed in this section implicitly require increased dialogue and interaction among victim advocates and criminal justice reform groups, and we have identified specific issue areas where such interactions hold potential. A focus on specific issue areas can help ground and focus interactions in practical ways, but we wonder whether there might be a benefit to more open-ended engagement. If we want to begin to break down the silos and foster a new approach to public safety policy advocacy, perhaps we need to organize some facilitated dialogues between criminal justice reform organizations and survivor-oriented groups designed to discuss tensions and develop a better understanding of common goals and values.

It is possible that identifying key national advocates that hold important state-based relationships might be a good place to start. By doing so, success might leverage state-based opportunities. It is also possible that key conferences could be an opportunity to test how to facilitate such conversations productively.

In places where relationships and collaboration already exist, funding for cross-trainings and further collaboration between groups could help solidify and strengthen this new paradigm. *(Note to funders who are reading this.)*

Conclusion

This paper was written with a great deal of optimism and a heavy dose of realism. The United States has an approach to creating and maintaining public safety that is riddled with problems. Perhaps most fundamental is the exaggerated emphasis on *tough on crime* policies that actually diminishes public safety by under-resourcing the strategies better equipped to prevent crime and help people rebuild their lives.

Some victim advocacy groups have played an influential role in promoting regressive criminal justice policy and their continued influence should not be underestimated. But *tough on crime*-oriented victim groups do not reflect the diverse voices and agendas of people harmed by crime. In fact, when progressive victim advocates have strongly asserted themselves into policy advocacy, the results have been quite positive—sometimes changing actual policy, almost always changing the discourse.

The discourse must continue to change. Both the criminal justice reform and victim advocacy fields were created out of the painful and emotional consequences of crime. The current response to crime in the United States has produced little investment in rehabilitation and support services for crime survivors or for people who commit crime, while doing little to break the cycle of crime. Over time, each field has developed its own language and structures as a way to best advocate for its constituency or goals. The language differences, separate structures, and lack of shared experiences and coordination have led to mistrust and assumptions about the other field. Many advocates view the other field as oppositional. But when we break through the assumptions, we find we have much more in common than first thought.

Each field has much to gain by making sure that resources are devoted to services and rehabilitation for people who commit crime and people who survive crime. Each field has much to gain by focusing on prevention efforts. And each field has much to gain by recognizing that while accountability is important, it is just one part of a larger coordinated community response to crime and violence. Shifting resources away from incarceration and reinvesting them in prevention, re-entry services, drug and alcohol treatment, and victims' services will significantly reduce crime and provide better outcomes for people who commit crime, people who survive crime, and our entire communities.

We are already in the lengthy, difficult work to create public safety. We just need to shift our thinking to realize that we can be in the work together.

This work is not tactical, nor is it easy. The power and potential of a combined approach to advocating for better public safety policy will only manifest if it is genuine because the work of building the necessary bridges, trust and relationships is just too difficult for shallow and opportunistic attempts to succeed.

What is so exciting about this vision is that there are few existing models for this work. In that respect, the movement can make the road by walking it. The timing seems right because there are very real signs of progress nationally and in state policy. In order to create more meaningful and lasting success, we need to change the discourse and broaden the base of support for smarter public safety policy. The vision discussed in this paper could do both.

Afterword

We hope that the vision put forth in this paper provokes deep thinking and conversation—these are central steps to creating a new public safety paradigm that resonates with both criminal justice reformers and victim advocates and that better meets the needs of the people most impacted by our public safety policies. Our intent is that the ideas outlined in this paper will move beyond just thinking and conversation, and we are thrilled that some of these ideas are already being put into practice.

Creating a new public safety paradigm will depend on the efforts of many different people and organizations and the use of a number of different but complimentary strategies. Although the following list is by no means comprehensive, we have identified core areas of work needed to produce a public safety paradigm shift over the course of the next couple of decades:

1. **Concrete collaboration between victim advocates and criminal justice reform groups**, to produce:

- Case studies that provide lessons of how a multi-constituency, cross-field approach can benefit organizations and public safety policy outcomes
- Policy victories attained by using a comprehensive, multi-constituency or cross-field approach to organizing and/or communications strategies

2. **Public Education**, including:

- Campaign work that produces and tests communication frames that allow the public, the media, system stakeholders, and policymakers to rethink current assumptions about ‘opposing needs and goals’ and that challenges the often-false dichotomy of offenders and victims
- Academic research that strengthens our understanding of the demographic background of victims and their needs

- Media engagement to break the pattern of reporting on crime and victimization that fosters misperceptions about the reality of crime, impacted people, and effective policy solutions
- Development and use of key messaging that fosters collaboration across fields and increases a sense of common goals and values between victim advocates and criminal justice reform groups

3. **Field Education**, including:

- Dialogues and convenings that produce articles, guides, and tools nurturing a new public safety policy paradigm
- Trainings and workshops that help advocacy groups, system stakeholders, and policymakers embrace and use this new vision and approach

4. **Infrastructure**, to develop:

- Organization(s) dedicated to coordinating national, state, and local work to develop the strategies and capacities identified above. This would involve organizing convenings, providing technical assistance, and crafting and testing new language for the field

Our current approach to public safety leaves much room for improvement. It will take a number of coordinated approaches to produce positive, lasting change that benefits crime victims/survivors, people who have committed crime, system stakeholders, and communities.

We hope you will join us in the discussions—and the efforts—to create a better public safety system for all.

Addendum

The following is a list that provides useful additional background and context.

- A suggested reading list designed to further familiarize readers with research on effective public safety strategies and information about the victims' assistance and rights field
- Brief background on the authors

Suggested Reading

Public Safety Strategies and Justice Reinvestment

Arming the Courts with Research

http://www.pewcenteronthestates.org/uploadedFiles/Final_EBS_Brief.pdf

This policy brief by the Pew Public Safety Performance Project provides ten evidence-based corrections and sentencing strategies that reduce crime rates at a lower cost than incarceration. The Washington Legislature found that implementing these strategies would reduce the crime rate by 8% and save over \$2 billion in additional prison construction.

The Fiscal Crisis in Corrections

http://www.vera.org/files/The-fiscal-crisis-in-corrections_July-2009.pdf

This report by the Vera Institute's Center on Sentencing and Corrections found that 26 states cut corrections costs in their FY2010 budgets. The report highlights some of the short- and long-term strategies enacted to reduce costs without jeopardizing public safety.

Less Law, More Order: The Truth about Reducing Crime, Dr. Irvin Waller

<http://www.lesslawmoreorder.com/>

Less Law, More Order outlines how governments can use their tax-generated income wisely to prevent crime and support crime survivors. The book advocates a Justice Reinvestment model from a victim advocate's point of view. Dr. Waller demonstrates that if a government reinvests the equivalent of 10% of what it is currently spending on reacting to crime and instead spends this money on developing and enhancing crime prevention programs and crime survivor support, there would be a 50% reduction in the number of victims by the end of a ten-year period. Dr. Waller advocates that 5% of the reallocation go to crime prevention programs that target key risk factors; 3% go to crime survivor support and enforcement of victims' rights; and 2% go to training and data systems that would be needed to sustain the shift from a reactive system to an enforcement- and prevention-oriented system.

The National Summit on Justice Reinvestment and Public Safety: Addressing Recidivism, Crime, and Corrections Spending

<http://justicereinvestment.org/summit/report>

In January 2010, over 300 law enforcement, courts, and corrections officials and policymakers met in the United States Capitol to discuss evidence-based research on public safety and Justice Reinvestment strategies. This report highlights some of the research, case studies, and discussions presented at the national summit.

One in 31: The Long Reach of American Corrections

http://www.pewcenteronthestates.org/uploadedFiles/PSPP_1in31_report_FINAL_WEB_3-26-09.pdf

This report by the Pew Charitable Trusts Public Safety Performance Project found that 1 out of every 31 adults is under some form of correctional control (prison, jail, probation, or parole). The report discusses who is under correctional control, the roles of prisons and community corrections in reducing crime, and strategies that states are taking to increase public safety while reducing costs.

Reconsidering Incarceration: New Directions for Reducing Crime

http://www.vera.org/download?file=407/veraincarc_vFW2.pdf

This report by the Vera Institute of Justice provides a synopsis of current research on the relationship between crime and incarceration. It also provides evidence-based research on other public safety approaches that reduce crime at a lower cost than incarceration.

Victims' Assistance Field

Crime Victims' Needs and VOCA-Funded Services: Findings and Recommendations from Two National Studies

<http://www.ncjrs.gov/pdffiles1/nij/grants/214263.pdf>

This National Institute of Justice-sponsored report examines crime victims' needs for services; their use of formal and informal help sources; victims' satisfaction with VOCA-funded services; victims' needs that are, and are not, addressed by the various help sources; and policy and operational issues for state administrators of VOCA funds and VOCA-funded direct service providers.

Domestic Violence Counts 2010

http://nnedv.org/docs/Census/DVCounts2010/DVCounts10_Report_Color.pdf

The National Network to End Domestic Violence conducts a census of services provided throughout the United States during a 24-hour survey period. This snapshot of one day of services found that over 70,000 victims were served but over 9,500 requests for services went unmet due to a lack of resources.

Impact of Crime on Victims

https://www.ovcttac.gov/svaa/documents/nvaa_documents/Track1_PM_Module%206_final.pdf

This chapter from the 2007 National Victim Assistance Academy text provides comprehensive information about who is affected by crime—and how people are affected (including physically, psychologically, financially, spiritually, and mentally).

Oral History of the Crime Victim Assistance Field

<http://vroh.uakron.edu/>

The Victim Oral History Project seeks to capture the evolution of the victims' rights movement. Project staff conducted videotaped interviews with more than 50 of the field's pioneers who made some of the most historically significant contributions to the crime victims' field. This oral history provides their firsthand accounts and perspectives of the victims' rights movement's past, present, and even its promise in the future.

Parallel Justice for Victims of Crime, Susan Herman

<http://www.paralleljustice.org/>

This book further outlines Susan Herman's concept of parallel justice. Drawing on more than 30 years of criminal justice experience, including almost 8 years as executive director of the National Center for Victims of Crime, author Susan Herman explains why justice for all requires more than holding offenders accountable – it means addressing victims' three basic needs: to be safe, to recover from the trauma of the crime, and regain control of their lives.

Restorative Justice/Community Justice

<http://www.ojp.usdoj.gov/ovc/assist/nvaa2002/chapter4.html>

Traditionally, America's systems of criminal and juvenile justice have focused on crimes committed against the state, on seeking justice through what many view as an "adversarial process," and on punishment of the offender. However, restorative justice is both a philosophy and an approach that seeks to balance the interests and needs of crime victims, offenders, and the community. This chapter from the 2002 National Victim Assistance Academy text provides a comprehensive overview of restorative justice as a framework for justice.

Background on Authors

David Rogers currently serves as the Executive Director of Partnership for Safety and Justice, a statewide advocacy organization based in Portland that works to make Oregon's approach to public safety more just and more effective. Partnership for Safety and Justice works with all those most impacted by crime and the criminal justice system: survivors of crime, people convicted of crime, and the families of both. David has 20 years of organizing and social change non-profit experience. In addition to organizing with a multi-issue, membership-based, poor people's organization called Arise, he has served as senior-level staff for Western States Center (a regional, progressive movement-building organization) and the Peace Development Fund. David has also served as a consultant to a wide range of philanthropic and community organizations. In 1997, he was a recipient of a Charles Bannerman Fellowship for Organizers of Color from the New World Foundation.

Kerry Naughton has over a decade of project research and development experience in the victims' assistance field. In 2001, she helped to create the Teen Victim Project at the National Center for Victims of Crime, dedicated to improving adolescents' access to supportive services in the aftermath of crime. Kerry worked at the Rape, Abuse & Incest National Network, where she helped implement a scholarship fund for incest survivors in conjunction with Girl Thrive. Kerry spent six years with Justice Solutions, Inc., where she helped to create a national public education campaign on victims' assistance, an oral history of the victims' assistance field, a national judicial education project on victims' rights, and the 2004-2006 National Crime Victims' Rights Week resource guides. Since 2008, Kerry has worked as the Crime Survivors Program Director at Partnership for Safety and Justice, where she has advocated for increased access to community-based victims' assistance programs in Oregon. Kerry has also worked as an independent consultant, and has developed materials on faith-based victims' assistance, prison rape and sexual assault, human trafficking, and victims' assistance in homicide cold cases.

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