

PARALLEL JUSTICE

THE NATIONAL CENTER FOR
Victims of Crime

Questions & Answers

Introduction

Alexander Solzhenitsyn once said; “Justice is conscience, not a personal conscience, but the conscience of the whole of humanity. Those who clearly recognize the voice of their own conscience usually recognize also the voice of justice.”

At the National Center for Victims of Crime, we embrace a vision of justice we call “Parallel Justice.” Parallel Justice requires society not only to hold offenders accountable for the harms they have caused, but also to honor a separate social obligation to repair the harm caused by crime.

1. What is Parallel Justice?

Parallel Justice is a framework for responding to crime with two separate parallel paths to justice—one for victims and one for offenders. The Parallel Justice framework involves both a governmental and a community response.

For every reported crime, our society spends enormous resources responding to the incident and trying to apprehend and prosecute the offender. With Parallel Justice, there would always be a second, *parallel*, set of responses—a focused effort to help ensure the victim’s safety; to help the victim recover from the trauma of crime; and to provide resources to help victims get their lives back on track. Helping victims would not be the sole province of charity. Honoring this separate social obligation to victims would be a critical part of providing a just response to crime.

2. Why is Parallel Justice needed?

When offenders are brought to the bar of justice they are held accountable by the state for harms suffered by individuals. There is a societal response to the offender that says, You violated the law and we will hold you accountable, punish you if it is appropriate, isolate you if needed, and offer you services to help reintegrate you back into the community.

The individuals who have been harmed—the victims of crime—have no comparable experience of a societal response to them. A key component of Parallel Justice would be a public process for victims to explain what happened to them and what they need. Under a system of Parallel Justice, our society would say to victims, “What happened to you is wrong and we will help you.”

3. Why should Parallel Justice be separate from the Criminal Justice System?

First, the vast majority of victims have no involvement in the criminal justice system. Their offender is never arrested, or they never see a courtroom. For these victims, the criminal justice system offers no remedy.

Second, the criminal justice system is offender-oriented. So, even for those victims whose offender is apprehended, the criminal justice system is simply not designed to meet most of their short and long-term needs. Holding offenders accountable is certainly part of our social obligation to victims, but Parallel Justice requires far more than what the criminal justice system can provide.

Parallel Justice includes a victim-oriented justice process that would begin with the occurrence of a crime and attend to the needs of all victims of crime. Offenders, communities, and society-at-large, through the government, would be asked to help victims rebuild their lives, to help reintegrate victims back into productive community life.

4. How would a system of Parallel Justice actually work?

There are some guiding principles for implementing Parallel Justice:

- First, when a crime is reported, in addition to our traditional criminal justice response, the safety of the victim would be a high priority for police and other criminal justice agencies.
- Second, every victim of crime would be offered immediate support, compensation for their losses, and practical assistance.
- Third, victims would have an opportunity to explain what happened to them, what the impact on their lives was, and what resources they might need to get their lives back on track. This opportunity would be provided through forums which would be conducted by an administrator whose job it would be to acknowledge the harm done and to develop appropriate service plans that would marshal government responses to meet victims' needs. Victim services and long-term assistance would then be coordinated by case managers.

5. What would it mean to place a higher priority on victim safety?

Perhaps our most fundamental imperative for all crime victims is to provide for their safety. Studies have shown that after you become a victim of almost any kind of crime, you are more likely to be victimized again. So it is in the interest of victims, and society at large, that reasonable steps be taken to prevent repeat victimization. Therefore, when law enforcement responds to a crime, a primary goal—in addition to collecting evidence and apprehending the offender—should be to reduce the chances that the victims will be victimized again. Every victim deserves a safety plan and victim advocates should be involved at every step along the way, supporting victims, bringing their expertise into the safety planning process.

This obligation, however, should extend beyond law enforcement. For example, when judges set

bail conditions, one of their goals should be to keep victims safe. When prosecutors enter into plea agreements, one of their goals should be victim safety. When corrections agencies release prisoners back into the community, and parole agencies supervise them, one of their goals should be victim safety.

6. How would our system of victim compensation change under Parallel Justice?

Victim compensation would be expanded to cover all victims of crime, both violent and non-violent crime, as well as more categories of losses. Last year, Congress appropriated nearly \$20 billion for law enforcement and corrections. By contrast, the federal government devotes roughly \$550 million each year for victim compensation and support services—money that comes solely from offender fines and penalties. Under Parallel Justice, compensating victims for their losses would be a responsibility shared by offenders and society at large. We, therefore, would also use tax revenue to meet victims' needs, when necessary.

We should build upon our experience with the newly created September 11 Federal Victim Compensation Fund. It not only reimburses victims for immediate out-of-pocket expenses, the Fund also provides compensation for pain and suffering, future lost earnings, and other economic losses. The Fund also draws from general federal tax revenues, acknowledging a societal obligation to victims and sending an important message that we are all helping these victims get back on track.

Can we continue to compensate all victims of crime at the same level as the Federal Victims Compensation Fund? Probably not—but the critical question should not be whether our taxpayer dollars should be used to help victims at all, but rather how much can we afford.

7. Why do we need special forums for victims?

The purpose of these forums is twofold: they provide an opportunity for victims to express what their needs are and to access a wide range of resources and social services. In this way, society at large, through the government, can acknowledge the harm experienced by victims and seek to marshal its resources to help victims rebuild their lives. These forums also provide an opportunity for our society to hear victims' accounts of crime. We need to understand victims' experiences to be able to address crime—to prevent it and to respond to it. We also need to hear victims explain the impact of crime to be able to help them with the most appropriate and effective services and resources. And victims need to be heard. It's therapeutic in and of itself to know someone—and in this case, our government—cares enough to take the time to listen.

Parallel Justice forums would provide a comfortable, governmental, but non-adversarial process to help victims rebuild their lives. A police report would trigger the opportunity for victims to participate with or without a separate prosecution taking place. Victims would be given the chance to explain the impact of the crime and set forth what they need to get back on track. They would be able to submit their statements in writing or in person and come back again as their needs change.

These forums would provide a mechanism to coordinate the implementation of a comprehensive victim-oriented service plan. For instance, the woman who has been mugged, now too afraid to leave her home to buy food or go to work might be seeking counseling or transportation. The teller who was held up and can no longer face going to work in a bank might want training to learn how to earn a living a new way. The elderly victim of a telemarketing scam who lost his entire life savings and can't earn it back might want emergency financial assistance or a no interest loan. The battered woman who wants desperately to leave her violent home may need a job, day care, and new housing. The young victim of sexual assault, incest, or child abuse, who has begun to use drugs to numb the pain may seek drug treatment.

The administrators of the forums would oversee case managers, who would have the authority to ensure that wherever possible, victims seeking resources and services have priority access to them.

8. What are the implications of Parallel Justice for victim advocates?

Parallel Justice offers a new guidepost for victim advocates because it joins two conversations we have been having about the appropriate response to victims of crime. For the past 30 years, there have been two areas of focus within the victims movement. Those focused on “services” have fought to create services and resources to help victims rebuild their lives. Those focused on “rights” have worked hard to make room for victims within the criminal justice system—to make sure that victims are respected, included, and heard. The idea of Parallel Justice helps us connect these two components of our work and advocate for a more complete vision of justice for victims. That vision of justice includes respectful treatment and meaningful participation within the criminal justice system, and appropriate resources and assistance to get back on track. Advocating Parallel Justice means supporting active roles for offenders, communities, and our government in helping victims rebuild their lives.

9. Are victims’ rights in the criminal justice system part of Parallel Justice?

Yes. Even as we build a separate path to justice for victims, we should still advocate for fair and respectful treatment of victims when they interact with the traditional offender-oriented criminal justice system. This is important for at least two reasons. First, victims and the public at large will have greater confidence and trust in the criminal justice system if victims’ views are heard, regardless of the outcomes. Second, participation and fair treatment in the process of determining what happens to an offender is often a part of what victims need to rebuild their lives.

10. Is restitution part of Parallel Justice?

Yes. Parallel Justice recognizes obligations of offenders, communities and society at large to help victims rebuild their lives. Restitution can play an important role in this process. A restitution order is a recognition, by the courts, that a victim’s losses are real, their experience matters, and the offender has an obligation to repay the victim for specific losses.

Restitution should be ordered and those orders must be enforced—to enhance the credibility of the criminal justice system, and to provide justice for victims.

11. Are there other government policies that should be changed to achieve Parallel Justice?

Yes. In the aftermath of September 11, the federal government and several states went to great lengths to ease the many burdens facing the victims of the attacks. The federal government announced that victims of September 11 would get significant federal tax relief. Victims were allowed to postpone or reduce payments on federal college loans. The Social Security Administration immediately set up an emergency processing system. In New York, the government waived the one-week waiting period for unemployment insurance claims. The Workers Compensation Board and life insurance companies decided to accept affidavits in lieu of death certificates to expedite the processing of claims. The federal government, through the Department of Labor, created services and temporary jobs for workers temporarily or permanently impacted. The government even provided equipment and training for those in transitional employment. And, whatever state victims compensation programs did not cover in the way of crisis counseling, funeral expenses or clean up, Federal Emergency Management Agency announced it would cover, including low-interest loans or grants for renters or homeowners if their home was damaged, or they were forced to relocate as a result of the attacks.

The impact of any kind of crime can be crippling. We must continue to make special allowances for victims of crime whenever we can afford to do so. This might mean providing time off from work to attend court proceedings, tax relief, low-interest loans, provisions for late payments, and flexibility regarding other legal obligations. These special allowances should be made at the federal, state, and local levels.

12. Does Parallel Justice apply to victims of all crimes?

Yes. Our commitment to Parallel Justice must extend to all victims of all crimes. We should not divide victims, or portray some groups of victims as more deserving than others. For instance, many statutes, many victims= bills of rights, and many state constitutional amendments—and in fact, even the current proposal for a federal victims= rights constitutional amendment— establish rights only for victims of violent crime.

We should not make these distinctions. Someone who has lost his entire life savings through a telemarketing scam should have the same constitutional right to be present and participate at all critical stages of the criminal justice process as someone who has been mugged and lost her wallet. Victim=s compensation regulations should reimburse victims of violent crime as well as victims of non-violent crime, such as burglary and identity theft. Our victim services should not be narrowly circumscribed. It doesn't matter whether someone=s trauma, depression, or anxiety is caused by a violent or non-violent crime. Victims of crime are victims of crime. They all deserve justice from our society.

13. Why do you call it Parallel Justice and not victim justice—or, for that matter, why not just talk about this as a fuller, more complete vision of justice?

The term Parallel Justice does two things. First, it underscores the need to create a separate path to justice for victims—apart from the criminal justice system, but relating to it. Second, it highlights the contemporaneous nature of these processes. Society must provide justice for both victims and offenders, and much of the work can take place at the same time, with options for connections or interactions between the two processes. Visualize a ladder—two paths to justice that are connected by rungs—opportunities to interact. At the National Center for Victims of Crime, we focus on the victim components of Parallel Justice.

14. Is Parallel Justice like Restorative Justice?

In some respects they are similar. The victim components of Parallel Justice and Restorative Justice both focus on the harm created by crime. Both provide roles for offenders and communities in repairing the harm experienced by victims.

15. What does Parallel Justice offer that Restorative Justice doesn't?

Parallel Justice involves an active role for the government. Beyond the Restorative Justice roles for offenders and communities, in a system of Parallel Justice, there is also a role for society at large, represented by the state, in repairing the harm. Only the government can marshal the many resources needed to address victims' long-term complicated problems. Many traditional victim services—counseling, child care, employment counseling and training, substance abuse treatment, or housing—usually cannot be adequately addressed by offenders and communities alone. Along with families, neighbors, and offenders, society as a whole should be asked to play a role in helping victims rebuild their lives.

16. What else have we learned about our capacity to assist victims of crime from the nation's response to September 11?

Our response to September 11 has shown us what is possible. Think of the outpouring of support for the victims of September 11. We have seen tremendous generosity, from individual acts of kindness to historic levels of charitable giving. Neighbors helping neighbors. Communities embracing victims and survivors. We saw Americans from all walks of life asking what they could do—what their contribution could be. We saw realtors raising money for mortgages and rent, financial planners offering free counsel, artists contributing art for healing, restaurants donating food, and massage therapists offering their services. It seemed everyone could find a creative way to provide meaningful assistance. There have been unprecedented federal funds devoted to compensating victims for their losses. For the first time we created public forums for every victim eligible for compensation to explain their need in full. There has never been a sustained societal response to crime victims comparable to this.

We have been reminded that communities and the nation as a whole can help victims of crime much more than we do on a regular basis. We should build on this commitment to meeting victims' needs.

17. How do we lay the groundwork for Parallel Justice?

At this point in time, we still need much more public discourse about how the powerful, and often life-changing impact of crime on individuals ultimately produces tremendous negative consequences for us all. We must foster a greater understanding of the strong link between victimization and poor mental health, teenage pregnancy, alcohol and drug abuse, homelessness, unemployment, suicide, delinquency, and crime—so many overwhelming social problems.

Much more attention must be paid to these issues by government, business, the healthcare industry, education, law enforcement, the media, and the general public. We must continue to hold events that will help raise awareness. We can incorporate the concept of Parallel Justice into presentations that we give or education materials we develop. We can schedule town hall meetings, public debates, meetings with lawmakers and media representatives to discuss the scope of the problem and to identify ways to address the lack of support given to victims of crime.

In short, we can use every opportunity we might have to encourage serious discussion about the need for Parallel Justice.

18. How do we make the most convincing case for Parallel Justice in our own community?

We all respond more to issues and concerns when the problems are perceived as “close to home.” It’s important that we learn more about the experiences of victims within our own communities on a regular basis. Because crime is local, the only way to know what specific resources are needed and what services should be available is to conduct regular surveys of victims. Random household victimization surveys, where you interview the public, can tell us the kinds of crimes that are taking place in our communities—both the nature of the crime and the prevalence. Surveys of individual victims and service providers can tell us whether victims are being treated appropriately and respectfully by criminal justice and social service agencies. We need to know—at the local level—whether our crime prevention strategies make sense and whether appropriate services are available to meet the actual needs of crime victims in any given community. Household victimization surveys and focused interviews with victims and service providers offer objective, efficient, and useful ways to do that. We must develop partnerships with researchers, local universities, and others who can conduct these kinds of research.

19. If a community embraces the idea of Parallel Justice, what are the next steps?

Bring together people representing a broad cross-section of private and government agencies. Focus on the obligations of offenders, the local community, and the government—to help

victims rebuild their lives—and create a local plan of action. Establish community-level forums to listen to victims and see that every possible resource is marshaled to meet their needs. Expand the scope of victims= compensation in your state. See that victims of every kind of crime have access to emergency and long-term services. Develop a system to provide safety planning. Enforce victims= legal rights and create special allowances for waiving or altering legal obligations.

Remember that Parallel Justice should extend beyond a government response. There should be many opportunities for offenders, beyond providing restitution, to help victims rebuild their lives through community service. Consider the roles of block associations, civic groups, faith-based institutions, schools, and businesses. Once there is a commitment to help, there are endless ways to help victims of crime rebuild their lives.

20. How can we afford this?

We believe it will be cost-effective for society to help victims of crime rebuild their lives through a system of Parallel Justice. More victims will be reintegrated back into productive community life. There will be more productivity at work, less depression, less suicide, less drug abuse, less teenage pregnancy, and truancy, and even less crime.

Parallel Justice also reflects the higher social value that a truly just society should help those among us who have been harmed by crime. Parallel Justice is ultimately about fairness. Our collective conscience, our shared sense of justice, tells us it's the right thing to do.

Conclusion

The National Center has been introducing the concept of Parallel Justice at national and regional victim services conferences. In addition to providing hands-on training on this issue, the National Center also has been working with a select group of local communities to initiate Parallel Justice pilot projects. A publication on the topic of Parallel Justice will be released in the Fall of 2005.

Parallel Justice is still very much an evolving concept that integrates the strengths of existing community programs and services with new approaches and ideas to help victims of crime rebuild their lives. If you are interested in learning more about Parallel Justice or would like to work with the National Center to bring Parallel Justice to your community, please write to us at the:

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