

MOVING BEYOND SIDES:

The Power and Potential of a New
Public Safety Policy Paradigm

Executive Summary

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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

The goal of the paper is to explore the untapped potential of an analysis and strategy that connects criminal justice reform organizations with victim-oriented advocacy groups to work for smart public safety policy. Despite that goal, finding language that spoke to each field equally was a challenge and, at times, we chose 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 in a respectful conversation about how to build a strong foundation for a new, shared vision for public safety policy.

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 a *tough on crime* philosophy. While there is now a wealth of research that shows that *tough on crime* policies are not the most effective approach to public safety and actually create a serious 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.

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 and have become the de facto representatives of the victims'

perspective among the media and policymakers. 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. The most dominant voices among victim advocates do not 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. 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 focused on prevention rather than punishment.

The voice of victims who want a different approach to public safety than the status quo has been mostly untapped by *traditional criminal justice reform advocates*: organizations and activists who primarily focus on challenging the policies that lead to mass incarceration or who focus on the negative and disproportionate impact of criminal justice policies on communities of color. These criminal justice reform organizations have more often alienated victim-oriented groups who could be potential allies, underscoring 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 victim 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.

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 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.

Although research has shown that incarceration does play some 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...³

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

2 Ibid.

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

Furthermore, a wide range of research indicates that we can maintain or improve public safety while decreasing our reliance on incarceration. 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.⁴ Investments that emphasize community supervision, access to addiction treatment and the use of specific local law enforcement strategies have significant impacts on lowering crime rates.

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. 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 that same period, spending on public assistance *decreased* by more than 60%.⁵

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.

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

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

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

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.⁶ 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. 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.

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

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

Some *tough on crime* victim advocates have played an influential role in promoting policies that lead to mass incarceration. The following policies stem from *tough on crime* victim advocates who wanted to prevent what happened to them from happening to someone else, but the policies they have promoted have had negative effects.

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.

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 reoffense 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 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.⁷
- While African-Americans accounted for 13% of the U.S. population in 2005, they were victims in nearly half of all homicides.⁸
- American Indians experience a per capita rate of violence twice that of the U.S. resident population.⁹
- In 2005, 18% of households headed by Latinos experienced one or more crimes, compared to 13% of non-Hispanics.¹⁰
- 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).¹¹

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

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

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

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

11 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).¹²
- Teenagers are two times more likely than people in other age groups to be victims of violent crime.¹³
- In 2007, the nonfatal violent crime rate against persons with disabilities was 1.5 times higher than the rate for persons without disabilities.¹⁴

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.

Although low-income communities of color suffer from a disproportionate amount of crime and violence, it would be untrue and counterproductive 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

12 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.

13 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.

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

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.¹⁵ 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.¹⁶ 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

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

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

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.

The overwhelmingly male voice of *tough on crime*-oriented victim advocates in policy debates is also noteworthy: a gender gap exists in the prominence of victim advocates in policy discussions. A fairly well-developed network of women's organizations organized to address violence against women exists, but these groups are severely under-resourced. The women who lead these organizations and the larger movement have not been disengaged or completely unheard in criminal justice and public safety policy debates, but their voices and agenda have not gotten equal attention when compared to the primarily male, *tough on crime*-oriented advocates.

The policy advocacy agenda of groups working to end violence against women has not been free of promoting sentencing enhancements, but these groups have been far from the forefront of promoting the policies that lead to mass incarceration, and they have the potential to be strong allies in shifting the emphasis of public safety policy toward smarter, prevention-based policies.

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.

Barriers to Developing a More Holistic Analysis and Collaborative Approach

In order to elevate and integrate a more diverse voice of crime victims, 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. Discussing the following tensions—real or perceived—can help victims’ groups and criminal justice reform organizations understand each other’s perspectives and move beyond these barriers.

Acknowledging the Harm and Damage Done to Victims

The United States criminal justice system is structured 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 structure often precludes asking or answering 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 voice 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.

Dogma and Sentencing Enhancements

Every social movement embodies diverse and 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 build 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 address specific public safety issues.

One example that we have seen in Oregon relates to strangulation. Currently, strangulation is classified as a misdemeanor;¹⁷ 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, mandated 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.

¹⁷ 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 fervor and rhetoric from some on both sides that have exacerbated a dynamic where people are less likely to identify needed common ground and understanding around the passage and implementation of victims' rights legislation.

There are a range of other barriers, like lack of trust and language, that each “side” experiences that can be alienating and reduce the potential for mutual understanding and collaboration, but we believe that those barriers can be overcome through increased dialogue about our common ground.

Common Ground: A New Paradigm to Promote Public Safety

Although there are some existing tensions and oppositional dynamics between segments of the victims' assistance 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 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 often a dynamic that 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 and ineffective 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 a multi-constituency approach. Such a strategy is more likely to develop balanced and effective policy solutions.

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, traditional 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. 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.

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.

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.

Partnership for Safety and Justice (PSJ), a public safety advocacy group in Oregon, began to intentionally build an organization that works with survivors of crime, people convicted of crime, and the families of both. In their strategic planning process, PSJ discussed what kind of framework would help its multiple constituencies understand how they could work together with a holistic analysis despite traditional notions of oppositional interests. Early on in PSJ’s 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 not only helped its members develop a more open and integrated analysis but has changed the way various state stakeholders perceive PSJ.

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

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, it also holds the potential for increased investment in services that could benefit crime survivors, as well as formerly incarcerated people, to rebuild 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 where the rubber meets the road. The details of what kind of sentencing reforms make sense is much more difficult to reach consensus on.

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. Meanwhile, victims who are owed restitution that could help rebuild their lives or just meet basic living expenses have a very 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: the state 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 both 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 the different "sides" together to negotiate? Is there a way to help forge new relationships and a more holistic analysis among stakeholders?

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 and well-being has potential for embracing this new paradigm or integrated analysis.

Across the country in communities of color, organizations exist that have organically developed an integrated analysis and practice of addressing crime and violence in their communities that places a heavy emphasis on prevention and that works with survivors of crime, people convicted of crime, and the families of both. Strengthening the capacity of some of these groups to engage in state or national policy work could yield significant potential. The powerful perspectives of these groups 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 both the state and federal levels aimed at addressing sex offenses. These laws have often passed easily due to a range of dynamics. 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.

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 analyzes a range of policies from a survivor-oriented perspective and develops position papers that outline comprehensive critiques. 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,¹⁸ a barrier to those victims getting the support they need.

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 survivor 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.

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

Conclusion

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 diminish 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 power should not be underestimated. But when progressive victim advocates have strongly asserted themselves into policy advocacy, the results have been quite positive—sometimes through changing actual policy, almost always by 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, doing little to break the cycle of crime.

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 into 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 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.

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 challenge 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.

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