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# Victim Initiated Positive Disengagement: How Victims Can Flourish in the Aftermath of a Crime

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# Victim Initiated Positive Disengagement: How Victims Can Flourish in the Aftermath of a Crime

## **Abstract**

The relationship between a crime victim and an offender is unlike any other relationship: it is involuntary and initiated during a traumatic event. This has special implications for how the relationship is resolved. This paper looks at the history of the victim label and identifies the limitations of the criminal justice system for addressing many victims' needs. The principles of positive psychology and such constructs as resilience, post-traumatic growth, and the theory of well-being are explored; and examples are given of how these principles and constructs are used by victims to help them flourish. This paper identifies theories of relationship dissolution and applies them to the hypothesis that a victim initiated positive disengagement process is a strategy that victims can use in the aftermath of the crime to help them heal and thrive. This has significant implications for the types of services that post-conviction victim service programs provide and for further research into this topic.

## **Keywords**

crime victims, victim services, posttraumatic growth, positive victimology

## **Disciplines**

Social and Behavioral Sciences

How Victims Can Flourish in the Aftermath of a Crime

Victim Initiated Positive Disengagement:

How Victims Can Flourish in the Aftermath of a Crime

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University of Pennsylvania

A Capstone Project Submitted

In Partial Fulfillment of the Requirements for the Degree of

Master of Applied Positive Psychology

Advisor: Carin Rockind

August 1, 2012

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## **Introduction**

Crime victims are unique. Unlike victims of other traumatic events, such as natural disasters or serious illnesses, a crime victim's trauma is caused by the harmful behavior of another human being (Holstein & Miller, 1990). An inextricable connection is created when this happens. For the purposes of this paper, this connection is referred to as a trauma-based relationship. Trauma-based relationships are not only involuntary (Umbreit & Armour, 2010), but they are often re-enforced and strengthened by the same system that is designed to sever them: the criminal justice system (Madeira, 2008).

How the relationship is conceptualized affects what we think about victims and how we try to help them. Until recently, the tendency was to focus only on the negative enduring consequences of crime (Carlson & Dutton, 2003). This tendency was reinforced both by the image of the victim as damaged, vulnerable, and weak (van Dijk, 2009), and by the close association of post-traumatic stress disorder with the victim experience (Bonanno & Mancini, 2008).

Since the 1960's, there has been a growing level of political activism on the part of crime victims and their supporters. This movement has both increased victims' rights (Office of Victims of Crime, 1998), and created more legal protections for victims (Friedman, 1985). Furthermore positive psychology and related concepts of post-traumatic growth and resilience contribute to our understanding of how individuals thrive in the aftermath of a traumatic event (Bonanno, 2004;

Bonanno & Mancini, 2008; Tedeschi, Park, & Calhoun, 1998; Woodward & Joseph, 2003).

### **A Positive Turn and the Theory of Positive Disengagement**

Shifting from a focus on the enduring negative impact of crime to one that suggests a role for the positive, leads to the overarching questions being addressed in this paper. What factors contribute to the flourishing and well-being of crime victims in the aftermath of a crime, and what contributions can post-conviction victim services make to the process?

My experience as a crime victim's advocate led me to explore these questions and to look critically at the unique characteristics of the involuntary trauma-based relationship existing between a crime victim and an offender. I suggest that through the victim's proactive disengagement from this relationship, a powerful and enhanced ability to flourish is established.

### **Capstone Overview**

The first section of this paper sets the groundwork for the proposed hypothesis by exploring how this unique victim-offender relationship has been conceptualized throughout history. It outlines how post-traumatic stress and revenge have become the pillars upon which the criminal justice and victim service systems have been built. It illustrates how these systems can re-enforce this relationship in a way that can actually impede a victim's ability to thrive.

The second section provides an introduction to positive psychology and illustrates how the concepts of resilience, post-traumatic growth, and Seligman's well-being theory of PERMA (2011) contribute to a crime victim's flourishing.



The third section outlines the unique characteristics of the victim-offender relationship. It explores theories of relationship disengagement and discusses how these theories apply to the victim-offender relationship. This discussion focuses on the positive role that a victim-initiated disengagement process can play. Examples from victims who have gone through this process and who are now thriving, are used to illustrate how their disengagement processes have been effective.

The final section focuses on post-conviction victim services and the role they can play in the victim initiated positive disengagement process. It includes suggestions for how these programs and providers create opportunities for crime victims that support and enhance the disengagement or break up process. It also includes recommendations for further research.

## Section One: The Victim Journey

### **An Historic View**

It is not uncommon to hear the victim's journey described as going from victim, to survivor, to thriver (Wozniak & Allen, 2012). This describes a dynamic and healing journey that includes adaptation, growth, and flourishing. The belief that a victim can grow and change in the aftermath of a trauma (Ai & Park, 2005) is a far cry from the historic view of victims as weak, passive, vulnerable, and damaged (Holstein & Miller, 1990; van Dijk, 2009). In light of this evolution in thought about the victim experience, two critical questions need to be addressed: How do victims flourish, and does the current system help them do it? To fully answer these

questions it is helpful to understand how the victim experience has evolved and the role that the criminal justice system has played in it.

### **In the Beginning!**

The term victim comes from the Latin word *victima*. *Victima* means *the sacrificed one*, and was used almost exclusively in a religious context as a reference to Jesus and his sacrifice on the cross. The connection between Jesus and the concept of victim strongly influenced the use of that label to describe the ideal victim as innocent, deeply suffering, patient, forgiving, and a person to whom one should show compassion (van Dijk, 2009).

Up until the 11<sup>th</sup> Century, crimes were considered transgressions against individuals. Differences and grievances were worked out directly in a restorative way between families (Kanwar, 2001). Restitution for damages was paid directly to the individual or family who had been harmed by the offender, and served as a form of deterrence and retribution (Friedman, 1985). Murderers were required to pay compensation to the family of the murdered party. Murderers also paid an additional fee to the King to guarantee protection against those who felt compelled to exact additional revenge on behalf of the deceased (Kanwar, 2001). Under this system, the victim label was never used to describe the person who had been harmed by a criminal act. That individual was never seen as one who was sacrificed, vulnerable, or passive because the offended was able to advocate on his/her own behalf and was directly involved in determining an appropriate sanction for the offender (van Dijk, 2009).

By the end of the 11<sup>th</sup> Century, the nature of the criminal justice system had changed dramatically. Prosecutions shifted from private to public, and crimes were defined as offenses against the crown not the individual. As a result, there was a dramatic change in the role of the victim (Friedman, 1985). Prosecutions became the domain of the State. Restitution payments were made directly to the King not to the individual who had sustained the harmed. Victims played no official role at all in the process unless they were also a witness (Kanwar, 2001). Victims went from being major stakeholders in the process to being peripheral players.

By the late 19<sup>th</sup> Century the system of public prosecution was well established in the United States (McShane & Williams III, 1992), and the interests of the criminal justice system were focused exclusively on the offender. The prosecution was firmly committed to the conviction and punishment of the offender. The defense was equally committed to the protection of offenders against over-zealous prosecution and other violations of their constitutional rights (McShane & Williams III, 1992). Because they had no constitutionally protected rights, victims were passive participants in the criminal justice system (Kanwar, 2001). It was then that the label of victim was first used to describe an individual in relation to a crime. This brought victims in line with the historic concept of *victima* as the one who is sacrificed for the good of the whole, and who is damaged, vulnerable, and passive (McShane & Williams III, 1992; van Dijk, 2009).

### **The Birth of Criminology and Victimology**

The field of criminology and the subfield of victimology emerged in the 1930's when sociologists began to study crime and its role in society. In the early

years criminology was concerned mostly with the topics of law making, law breaking, and the reactions of society to crime. Victimology became an official topic of study as a subfield of criminology when sociologists began to recognize the limitations of understanding crime only from the perspective of the criminal (Fattah, 2000).

Durkheim (1938) made the argument that society needed crime in order to distinguish moral from immoral behavior. He further argued that society needed victims because of the role they played in reminding society of the damaging nature of immoral conduct. Other efforts to include victims in the field resulted in theories that might today be considered victim blaming. One of the first articles written on this topic, *The Victim's Contribution to the Genesis of Crime* (Hentig, 1948) outlines the variety of ways that victims contribute to their own victimization. This article, and the efforts by early victimologists to create a victim typology became the foundation upon which subsequent theories about victims were developed. These theories made a causal link between the behaviors of the victim and the behaviors of the offender (Holstein & Miller, 1990). They totally ignored the random nature of crime and its psychological impact on victims (Fattah, 2000).

The growing victim's rights movement in the 1960's influenced the field of victimology to broaden its perspective. Eventually researchers began to study the relationship between the victim and the criminal justice system, the relationship between the victim and the offender, victims and the media, the cost of crime, and victims and social movements (Karmen, 1990).

### **The Victims' Rights Movement**

The Crime Victims' Rights Movement benefited directly from the successes of other civil and human rights movements of the 1960's. By the late 1960's crime victims were becoming more vocal about their experiences and fought for the right to be recognized as significant players in the criminal justice process (Kurst-Swanger, 2007). Victim specific advocacy groups organized to enact legislation to create better protections for women and children. These legislative efforts established stiffer sentences for impaired drivers, sex offenders, and perpetrators of domestic violence. The Victim of Crime Act (1984) created a funding source for victim compensation programs and a wide variety of victim services including: crisis and shelter services for victims of domestic and sexual violence, child abuse prevention programs, and victim witness programs within prosecutors' offices (Friedman, 1985; Kurst-Swanger, 2007).

### **The Victim-Offender Relationship and the Criminal Justice System**

As the Victims' Rights Movement grew stronger, victims were allowed more involvement in the criminal justice process. This was thought to be therapeutically beneficial to the victim (Friedman, 1985). Allowing victims to present a victim impact statement in front of the offender reframed the power relationship and increased the victim's participation in the criminal justice system (Davis & Smith, 1994). At the same time, however, this practice raised objections from defense attorneys. They argued that allowing a victim to talk about the impact of the crime, especially in death penalty cases, was prejudicial and a threat to the defendant's right to a fair trial (Kanwar, 2001). This conflict highlights the tension between the

rights of the victim and the rights of the offender (Bandes, 1999) and is one possible explanation for why victims often feel unsatisfied and re-victimized by the criminal justice system (Sims, Yost & Abbott, 2006).

### **The Other Side of the Story**

While there are many who see the increased involvement in the criminal justice system as progress for victims' rights, some argue that the motives behind providing court-based support services have nothing to do with victims. They suggest that prosecutors need sympathetic and cooperative victims to get convictions (McShane & Williams III, 1992). While this might not be true in all cases it does raise these questions: Does the criminal justice system help the victim in the long run and does it help or hinder the process of severing the victim-offender relationship?

Participating in a court process, which has an intense focus on the offender, can contribute to the often detrimental strengthening and solidifying of the victim-offender relationship (Madeira, 2008). During the period between the crime and the trial, media coverage and the succession of court hearings keep the victim and the offender connected to each other.

Furthermore, most studies that look at the relationship between the victim and the court process measure a victim's satisfaction with the criminal justice system. Few study how participation in the criminal justice system contributes to the victim's overall well-being of (Carlson & Dutton, 2003; Davis & Smith, 1994). The limited data from studies of victim well-being suggests that those who participate in the criminal justice system are no better off psychologically than those

who do not participate (Sims et al., 2006). This limitation should be taken into consideration in future studies.

If participation in the criminal justice system has limited positive impact on the well-being of victims, why then has the criminal justice system become the primary institution for resolving the problems of crime? I would argue that it has something to do with the need for revenge.

### **“I’m going to get you for this”: Third Party Revenge and the Victim-Offender Relationship**

The court system and its influence with victims is predicated on two premises: the belief that 1) the court is the most civilized institution through which to satisfy society’s need for revenge and 2) revenge helps victims (Bandes, 1999; Madeira, 2008).

Revenge is defined as an act whose purpose is to cause harm to the individual who caused harm to someone else (Gollwitzer, Meder, & Schmitt, 2011). Implicit in the idea of revenge are the following: the intent to put back into balance the financial or physical losses experienced by a victim; help a victim regain a sense of power which was lost during the commission of the crime; restore a victim’s self-esteem; and allow a victim to temporarily escape from psychological pain (Orth, 2004).

There is some physiological support for why human beings turn to revenge. Brain studies show that the areas of the brain that experience pleasure and reward are activated when individuals feel they have been wronged and then plan or complete acts of revenge (Dominique et al., 2004; Knutson, 2004). This seems to

imply that revenge is an emotional rather than a cognitive response. and could explain the old adage that “revenge is sweet”. However the feelings of satisfaction felt during the initial stages of revenge do not seem to last (Gollwitzer et al., 2011).

Satisfaction of a victim’s need for revenge and its contribution to the victim’s sense of closure has been the major justification for encouraging victims to participate in the criminal justice system (Sims et al., 2006). It has also been used to justify long prison sentences (McShane & Williams III, 1992) and the death penalty (Bandes, 1999; Kanwar, 2001).

Engaging the victim in the criminal justice system, in the hopes of satisfying feelings of revenge and giving closure, may not yield the intended response. As noted earlier, involvement in the criminal justice system does not necessarily yield long-term psychological benefits for victims (Sims et al., 2006). Severe punishment alone does not satisfy a victim’s feelings of revenge in the long term (Orth, 2004), and the death penalty does not always provide closure (Bandes, 1999; Kanwar, 2001; Madeira, 2008; Vollum & Longmire, 2007). Participating in the criminal justice system not only increases the victim’s contact with the offender but can actually contribute to increased post-traumatic stress symptoms and depression once the criminal case is resolved (Kilpatrick & Acierno, 2003; Linden, Baumann, Lieberei, Lorenz, & Rotter, 2011; Madeira, 2008).

### **Post-Traumatic Stress: Victimization Becomes a Mental Health Issue**

Identifying Post-traumatic Stress Disorder (PTSD) as a legitimate psychiatric condition and making it a part of the Diagnostic and Statistical Manual III in 1980 (American Psychiatric Association & American Psychiatric Association Task Force



on DSM-IV, 2000) did two things for crime victims. First it increased general understanding about the significant negative psychological impact that crime can have on victims. This led mental health professionals to take the symptoms exhibited by many victims seriously. They developed specific interventions to use with those who were suffering from post-traumatic stress symptoms such as flashbacks, avoidance, numbing, and hyper-arousal (Carlson & Dutton, 2003; Kilpatrick & Acierno, 2003).

What was somewhat problematic about associating PTSD with the crime victim experience was the tendency to over-use the diagnosis or to make PTSD the catchall for all symptoms of distress (Bonanno & Mancini, 2008). This turned crime victimization into a mental health issue and brought the conceptualization of the victim full circle back to its historic roots of viewing victims as weak and damaged (Kilpatrick & Acierno, 2003; van Dijk, 2009).

The institutionalization of revenge through the courts, and the pathologizing of the victim experience through the diagnosis of post-traumatic stress disorder, contributed to the idea that the victim experience was grounded in the negative. Fortunately the growing field of positive psychology begins to offer an alternate framework for understanding the victim experience. It supports the idea that individuals can flourish even after experiencing a traumatic event. Positive psychology provides the foundation for building future-oriented interventions that increase resilience and encourage growth, in contrast to interventions that focus only on the traumas of the past (Ai & Park, 2005; Reivich & Shatte, 2003).

## Section Two: Positive Psychology

### **Background**

The tendency to focus on the enduring negative impact of the experience of crime and the resulting legacy of pathologies is consistent with the trend in mainstream psychology over the last fifty years. After World War II, psychology's major focus was on psychopathology and mental illness. To its credit much progress was made in the areas of measuring, identifying, and treating mental disorders and deficits. At the same time the other two stated objectives of the field, making untroubled people happier and studying extraordinary talent and genius, were essentially ignored (Seligman & Csikszentmihalyi, 2000). Psychology found ways to make unhappy individuals less unhappy, but the field was not doing much to address the fundamental question of what would fill the void once the mental illness or depression was gone? A lack of sadness, anxiety and depression did not necessarily mean that individuals would automatically experience pleasure, engagement, and meaning (Seligman, Parks & Steen, 2004).

In response to this, Martin Seligman took advantage of the platform he had as the President of the American Psychological Association, and in 1998 created the field of positive psychology (Peterson, 2006). Seligman's vision was to get the field of psychology to look at the second stated objective of the field; making untroubled people happier (Seligman & Csikszentmihalyi, 2000). He sought to make psychology more balanced through the study of human deficits and misery, and human strengths and thriving (Seligman, Parks & Steen, 2004). His ultimate goal was to create a means by which psychology would have something important to say about

the entire human experience; from the most challenging aspects of it to its most elevating (Seligman & Csikszentmihalyi, 2000).

Towards that end he and his colleagues created a network of scholars and practitioners who since its inception have been committed to the scientific study of what makes life worth living and how to achieve happiness (Diener, 2009). Researchers from all over the world are pursuing the study of the health and mental health benefits of positive emotions (Fredrickson, 2009), and the qualities that energize and make us happier and more productive at work (Dutton, 2006). Positive psychologists have found a connection between engagement, flow, and well-being (Csikszentmihalyi, 1990), and have identified the benefits of an optimistic explanatory style for one's ability to be resilient in the face of every day adversity (Reivich & Shatte, 2003). Studies also revealed a connection between certain character strengths such as zest, gratitude, love, and well-being (Park, Peterson, & Seligman, 2004), and found that hope can play a significant role for parents in the face of a traumatic event, such as the terminal illness of a child (Feudtner, 2005). The turn towards the positive also has influenced the development of theories pertaining to growth in the aftermath of a trauma, and provides a counterbalance to the idea that trauma can only lead to negative psychological consequences (Peterson, Park, Pole, D'Andrea, & Seligman, 2008; Tedeschi, Park, & Calhoun, 1998).

### **Applying Positive Psychology to Victimology**

While there are many constructs in positive psychology that could be applied to the victim experience, (see Appendix) I focus mainly on the following three:

resilience, post-traumatic growth, and the well-being theory of PERMA (Positive Emotions, Engagement, Relationship, Meaning, Accomplishment). They each have particular relevance for those who are facing an adversity such as a crime:

resilience, because it describes the process one employs to adapt to an adverse event (Reivich & Shatte, 2003); post-traumatic growth, because it provides a way to conceptualize the positive changes that can take place after experiencing a trauma (Tedeschi, Park, & Calhoun, 1998); and the well-being theory of PERMA, which identifies five distinct areas that are especially relevant to well-being and offer victims a context within which to thrive in the aftermath of a crime (Seligman, 2011).

#### **“All the King’s horses and all the King’s men...”: Resilience**

It can be difficult for some crime victims to imagine ever replacing their sense of sadness, fear, and anger with anything positive. It is not uncommon to hear the lament from those who have experienced a traumatic event that “life will never be the same” as if like Humpty Dumpty, despite all efforts, they will never be put back together again. This is a point of view that has been supported by the trend in trauma research to focus exclusively on post-traumatic stress and the negative psychological effects of a traumatic event (Bonanno, 2004; Harvey, 2007). This is where positive psychology and an understanding of resilience can make a powerful contribution.

I believe that while many victims may feel broken at first, after a period of time they are able to rally both their internal resources (personal strengths and

habits) and external resources (friends, family, and professionals) to regain their equilibrium. Most use their resilience to synthesize the experience to make life manageable (Bonanno & Mancini, 2008; Linley, 2003).

Resilience is the ability to adjust and adapt to a negative or adverse event. Resilient individuals utilize internal resources to regain a level of functioning similar to pre-event levels. Some of these internal resources existed before the event: others may be pulled together in the midst of it (Harvey, 2007; Reivich & Shatte, 2003). These internal resources can include: the ability to employ an optimistic explanatory style; see things from a different perspective; and change one's thinking and beliefs. In this way resilience is not static: one can increase resilience by practicing specific skills and changing the way one thinks about an event (Reivich & Shatte, 2003). For those experiencing a severe trauma, other resources that enhance resilience include the personality traits of hardiness and self-enhancement, a repressive coping style, and the ability to use positive emotions and laughter (Bonanno, 2004).

Most individuals, including crime victims, are able to employ resilience to maintain relative stability in the face of adversity, suspending normal functioning for only a short period of time before returning to a state of good physical and psychological health. Some may experience temporary symptoms of depression, and/or anxiety. For the most part these individuals do not require serious psychiatric intervention and return after a relatively short period of time to a normal state of functioning with no lasting serious negative effects (Bonanno, 2004; Harvey, 2007).

Resilience is that quality that rallies individuals and moves them away from a state of powerlessness in the face of an adversity. I suggest that through the employment of resilience, individuals transition from being victims to survivors. Survivor, an alternate label preferred by many victims, implies having employed power and strength to overcome an adversity. It is the embodiment of resilience.

There is a clear distinction in the trauma literature between resilience in the face of adversity and growth in its aftermath. Resilience implies a return to business as usual after an adverse event. Post adversity and post-traumatic growth, on the other hand, are defined as the ability to turn the struggle one goes through as a result of the trauma into a higher level of functioning than before the event (Harvey, 2007). This stands in contrast to the traditional view that crime has only an enduring negative impact on victims (Park & Helgeson, 2006).

### **Post Traumatic Growth**

Post-traumatic growth offers a way to conceptualize the positive changes that can emerge from adversity. In their ground breaking research on post-traumatic growth, Tedeschi and Calhoun (1996) identified five general areas where growth can take place after a traumatic event. These areas include: reassessing one's philosophy of life, identifying new possibilities for the future, appreciating one's personal strengths and how they were employed to cope with the trauma, experiencing a new spiritual awareness and appreciation for life, and engaging in new and improved relationships with others. This new dimension to the trauma experience provides a way for victims to recognize the ways their lives have changed both for the worse and for the better.

It can be a delicate matter to suggest to someone who has endured a negative event, such as a crime, that there could be positive outcomes from the experience. Before the proliferation of research on post-traumatic growth, the only way to cope with the experience was by processing it through the negative lens of traumatic events in the past (Bonanno, 2005). Introducing the concept of post-traumatic growth in a clinical setting and giving victims a language with which to understand and express the positive changes can be empowering and healing. It can lead to lower levels of depression, isolation, and anxiety. It can also increase levels of self-efficacy, connection, and positive emotions (Fredrickson, 2009; Tedeschi & Calhoun, 2004; Zoellner & Maercker, 2006).

The concept of post-traumatic growth is not meant to sugarcoat the victim experience or to suggest that victims should “get over it”. Instead it provides a context through which the negative aspects of the experience can be balanced by the resulting positive growth. By identifying and valuing post-traumatic growth those who have experienced a crime can move one step away from being a powerless victim and one step forward towards being a thriver - an individual who has grown in the face of adversity.

### **Well-being Theory and PERMA**

According to Seligman’s well-being theory of PERMA (2011) flourishing is the presence in one’s life of a high degree of positive emotions, engagement, relationships, meaning, and accomplishment (PERMA). Flourishing is the capacity to experience any one of these five elements as a means to elevate, energize, deepen,

and expand one's life. He argues that experiencing each element on its own, and not necessarily in concert or in balance with any of the other domains, is enough to flourish.

Crime victims experience almost every domain of PERMA as they work to create lives for themselves in the aftermath of the crime. They experience positive emotions such as pride in their own ability to cope, and gratitude towards those who provided help and support. Many victims become engaged in activities as a way to distract themselves or to become involved in an important cause. After experiencing a crime many victims create new and powerful relationships or deepen pre-existing ones. Many find meaning in spite of the pain. They create foundations, scholarships, and memorials as a way to express this meaning and to bring purpose into their lives. And finally, many have a strong sense of accomplishment. Some can express pride over having made it through a trial. Some feel accomplished for having managed to keep their life going despite the added intrusions. Others feel a sense of accomplishment for just getting up out of bed each morning despite the presence of enormous amounts of sadness and grief. According to well-being theory, crime victims can flourish in the aftermath of a crime and PERMA gives them a context within which to do it (See Appendix).

### **Relationships: The Special Challenges for Crime Victims**

Relationships play a significant role in the concepts of both post-traumatic growth, and the theory of PERMA. The Post-traumatic Growth Inventory (Tedeschi & Calhoun, 1996) contains a specific category, which measures six items that determine levels of growth in relation to others. It measures the respondents'



increased connection to those around them by how much they count on others, how close they are to others, how willing they are to share emotions with others, how much effort they put into relationship with others, how much they have learned about others as a result of this trauma, and how much they have accepted the need for others in their life. The theory of PERMA also suggests that positive relationships are critical to our well-being. This is not just because relationships increase positive emotions such as feelings of joy, pride, and awe (Fredrickson, 2009), but also because it is through relationships that we experience love, connection, and the joy of doing for others. As Peterson (2006) suggests, other people matter.

Given that positive relationships are an important element of flourishing, a major obstacle for the victim's healing process is the existence of a significant negative relationship, such as the one that exists with the offender. In order for victims to fully thrive in the aftermath of a crime, they have to extricate themselves from this relationship. Like other negative relationships, in order to do this, the parties have to go through a well-ordered dissolution process before moving on (Duck, 1996).

In the next section I lay the groundwork for identifying this process. I compare the nature of romantic and victim-offender relationships and discuss how relationships end. I outline how the relationship dissolution process can be applied to the victim-offender relationship and give examples of flourishing victims who have successfully "broken up" with the offender in their case.

## Section Three: Victim Initiated Positive Disengagement

### **Making the Case**

The previous section identified some of the factors that contribute to a victim's flourishing: resilience, identifying opportunities for post-traumatic growth, and engaging in the domains of PERMA. This section focuses on the unique nature of the victim-offender relationship. It lays the groundwork for the argument that a victim initiated positive disengagement process can play a significant role in how victims flourish.

### **The Unique Relationship Between the Victim and the Offender**

As stated before, victims and offenders are inextricably connected to each other. This connection creates a unique relationship that differs from other relationships in how it starts, how it is maintained, and how it ends.

Most healthy relationships are based on either attachment or equity (Peterson, 2006). Individuals are born into families where they develop emotional attachments. The quality of these attachments determines whether the child will grow up to establish healthy or unhealthy relationships as adults (Bretherton, 1992). Relationships can also be based on equity; a balance between what you give and what you get in return. Equity theory implies that individuals make cognitive choices about who to get into relationships with and when to end them (Adams & Freedman, 1976). Most healthy relationships are based on some level of reciprocity, choice, and reason. They are also based on other positive qualities such as love, mutual support, respect, safety, and loyalty. Social norms and rules dictate how individuals are expected to behave within healthy relationships. Individuals

are expected to take care of family, to treat friends with courtesy, and to protect and stay loyal to romantic partners (Peterson, 2004).

The victim-offender relationship differs significantly from these types of relationships. It is not based on either equity or healthy attachment. By perpetrating a crime against the victim, the offender creates an involuntary relationship based on fear, power, and trauma. There is no mutuality, safety, or respect. How and where the victim-offender relationship begins and the nature of it is determined and controlled exclusively by the offender. How it ends is usually controlled by the rules of the courts. I suggest that how it ends is also determined by the victim.

### **Why Use the Terms Break up and Disengagement?**

I have used the terms relationship disengagement or “break up” throughout this paper to describe the process that victims engage in to end the relationship they have with the offender. I chose these terms on purpose. They describe the process of ending an unhealthy relationship. I suggest that because the victim-offender relationship is a prime example of an unhealthy relationship, it is appropriate to use the terms disengagement and “break up” to describe the process victims go through to end it.

I use the terms “break up” or “disengagement” in relation to a victim-offender relationship as metaphors. They are meant to describe the healthy process a victim engages in to remove the offender from the center of the narrative about the crime. Introducing the notion of post-traumatic growth has given victims a way

to name the process of reaping positive benefits from a traumatic event. In the same way “breaking up” or “victim-initiated disengagement” gives a name to the process of moving the offender out of a victim’s life.

Before going on to discuss the specific strategies that victims have used to do this, I first describe the elements of a well-ordered relationship dissolution process and illustrate how these elements can be applied to the victim-offender relationship.

**“ .....Down Dooby Do Down Down ... Breaking up is hard to do”**

Ending a relationship is a process - not a singular event (Baxter, 1984). The process follows a well-ordered pattern of complex behaviors (Duck, 1982 ; Battaglia, Richard, Datteri, & Lord, 1998; Baxter, 1984). Break ups can be painful and cause psychological distress such as depression and anxiety. They can also lead to positive growth (Tashiro & Frazier, 2003).

Most studies about how relationships end are based on romantic relationships, and build upon Duck’s (1982) model of relationship dissolution. He suggests that there are four basic phases to the process: the intra-psychic, the dyadic, the social, and the grave-dressing.

During the intra-psychic phase, each party in the relationship grapples on their own with whether or not to end the relationship. This is a fairly private phase that involves a personal assessment of how satisfied the individual is with the other person. The process can involve looking around to determine if things might be better with someone else (Battaglia et al., 1998). It is during the intra-psychic stage that partners might begin to complain to each other and behave in ways that sends a message that they are unhappy or dissatisfied (Gottman & Levenson, 1992). During

this phase individuals might be talking to a friend or a therapist, but they are not communicating with their partner about what they are thinking.

Once the individual or individuals decide to share their thoughts about the relationship with their partner they enter the dyadic phase (Battaglia et al., 1998). This phase is the most complex, and the most interactive. What trajectory the dissolution follows during this phase depends on the following: whether each party is in agreement about the direction of the relationship, the level of acrimony between the parties, the desire and commitment to reconcile, and the type and level of communication (Baxter, 1984). Each trajectory involves a different decision point and a set of appropriate behaviors. Couples can cycle back and around many times during this phase: they break up, reconcile, and break up again. The dyadic phase is semi-private. It involves a good deal of interpersonal interaction and as a result it can be highly emotional and difficult.

The third phase is the social phase. This is the phase where the couple shares the news about the break up with others. It is at this point that the couple begins to deal with the outside repercussions of their decision to end the relationship. This is a public phase where friends and family members get involved to offer advice, lend their support, or take sides. It is also when the couple loses control over the narrative of the break up.

The final phase of the relationship dissolution process is called the grave-dressing phase (Duck, 1982). This is the phase during which couples come to terms with why the relationship did not work. They either grieve the loss of the other, or experience relief because the relationship is over. It is during this phase that

individuals spend time figuring out what went wrong and adjusting to life without the other person (Battaglia et al., 1998). The grave-dressing phase is also a period when individuals identify what they have learned from the break up and prepare to move on to the next relationship (Tashiro & Frazier, 2003). Some couples manage to sustain friendships after a break up. For others this is the stage where they adjust to being disengaged from the other person completely.

Successful relationship dissolutions follow a well-ordered interactive process that addresses the emotional and physical needs of the individuals involved. This structure might explain why participation in the criminal justice system is not a completely adequate strategy for ending the victim-offender relationship. First, the criminal justice system is structured more like an event, not a process. It consists of a series of events that take place over a protracted period of time. These events are dictated by the law and unfold in a public arena. The criminal justice system offers limited options for engagement in the dyadic or grave-dressing phases. Second, participation in the criminal justice system does not allow the victim to follow the “break up” order. Victims who participate in the courts go from the intra-psychic phase of deciding what to do, to the social phase, where others dictate the rules of the disengagement. The court process totally bypasses the dyadic and grave-dressing phases. Once the court proceedings are over, the victim goes home and back to his or her regular life, as if nothing ever happened. The court process does not offer any of the benefits of an interaction with the offender or a period of reflection. These are features of the dyadic and grave-dressing phases, which are important steps for a healthy break up.

In contrast a system based on Restorative Justice has at its core a dyadic process. Restorative Justice is grounded in the practice of repairing the harm to the victim and the community caused by the offender (Achilles & Zehr, 2001). Restorative Justice allows victims to be stakeholders in the process. Victims are encouraged to sit down with the offender, and can be directly involved in the outcome of the case (Strang & Sherman, 2003; Strang et al., 2006; Umbreit, 1989). Restorative practices address the victim's need to know that the offender fully understands the purpose of the imposed sanction, and the full impact of the crime (Gollwitzer et al., 2011; Umbreit, 1989). This engagement through a dyadic experience seems critical to the disengagement process and could explain why restorative practices are found to be more beneficial to the overall well-being of victims than the traditional system of retributive justice that is practiced by the criminal justice system (Strang et al., 2006).

Restorative justice practices, such as victim-offender dialogues and victim impact programs, which will be described in more detail later, are only two ways that victims disengage from the offender. I have chosen the following examples of flourishing victims to illustrate how these and other strategies have helped victims break up. Before I share their stories however, I am going to share how I came to know them.

**“Oh that must be very sad work that you do!”**

In my 33 years as a victim's advocate I have come to know many remarkably strong and resilient individuals. I started my career as a police social worker in the Nashville Police Department where I was assigned to the adult Sexual

Assault Investigative Unit. I met victims at the emergency room immediately after the assault. I accompanied them to line-ups and to interviews with investigators and prosecutors. I sat with them in court and followed up with them after the court proceedings were completed.

The middle part of my career was spent working in several different community based domestic violence and sexual assault programs. I worked as both a direct service provider and eventually as an Executive Director. I answered crisis lines, testified in court, raised money, created programs, and occasionally fixed toilets.

My most recent experience with victims has been as the Director of Victim Services for the Vermont Department of Corrections. In that capacity I work with victims of all types of crime including: domestic and sexual violence, arson, armed robbery, DUI with injury and fatality resulting, and homicide. I come in contact with victims mostly after the trial is over, the offender has been sentenced, and they have to find a way to cope with what many refer to as their, “new normal”. We offer a wide range of services and I am in a position to provide both direct services to victims and to create new programs to serve them.

My recent turn to the study of positive psychology has influenced me to think differently about the victim experience. Now when I talk with victims I use terms such as hope, resilience, and post-traumatic growth. I notice that being able to put a name to the positives aspects of the experience energizes them. Many are able to identify the ways in which they are experiencing positive emotions,



relationships, meaning, and the other domains of PERMA. Others are not. I became fascinated by the differences.

I noticed that the victims who are very focused on the offender seemed to be doing less well. They are isolated, angry, scared, and depressed. Many are exhibiting symptoms of post-traumatic embitterment, which is defined as an extreme reaction to the injustice or disempowering nature of a crime event (Linden et al., 2011). These victims tend to ruminate a lot about the crime and are quick to express anger towards the offender and the entire criminal system. They are not engaged in any of the domains of PERMA and are resistant to the suggestion that anything good can come out of the experience.

This led me to consider that perhaps the reason that some victims are doing well is the fact that they have found specific ways to create distance between them and the offender. This is how I began to think about victim flourishing as a by-product of a healthy break up from the offender.

I knew I was on to something when I began to purposely use the term “break up” with victims to name the process. The response to the term is almost universally positive. Victims confirm that it feels very much like a “break up” and appreciate having a specific way to refer to it.

I decided to see if it was possible to separate the strategies victims were using into categories. I came up with the following five:

- Unilateral: A strategy used by victims who resist being identified as a victim and who never really engage with the offender after the crime.

- **Direct Contact:** Activities that put victims in direct contact with the offender like a victim-offender dialogue or other restorative practices.
- **Catalysts for Change:** Activities that put victims in front of other offenders for the purpose of making sure that they understand the impact of their crimes. These prevention strategies include victim impact speakers and those who volunteer or go to work directly with offenders.
- **Continuing Bonds and Giving Back:** Activities that create memorials, scholarships, or foundations to honor the deceased loved that put the victim's story back in the middle of the narrative and allows something good to come out of the tragedy.
- **Forgiveness:** Using forgiveness as a way to move forward.

### **Unilateral Disengagement**

Some victims choose to break up with their offender unilaterally. They are often the victims who never report the crime. They have no interest in identifying themselves or having others identify them as victims. These victims start the disengagement process soon after the crime is committed. The purpose of this strategy is to prevent the offender from playing any further role in their life. In some ways, it is an example of an intense intra-psychic process that moves quickly through the dyadic and social to the grave-dressing phase. The following is an example of a victim who disengaged from her offender in this way.

I met this victim fifteen years ago. I was staffing our sexual assault program's hotline when she called. A few hours before her call, she had been kidnapped and

sexually assaulted by a stranger as she was walking to her car after a walk in a public park. She called the rape crisis line instead of reporting the crime to the police.

We talked for a long time that evening. She made it clear to me that she was not going to go to the hospital to do a rape kit. She was also not going to report the crime to the police, or tell her family about what had happened to her. She would not share the details of the assault with me. Nor would she give me her real name. In the aftermath of the assault she and I met on a regular basis. We never talked about the rape.

We could judge this victim and assume that by not taking the “normal” route of reporting this crime and seeking support from her friends and family she was showing signs of denial or mental defect. We might also assume that the trauma would catch up to her with negative results. It never did. Instead what she did was create a unilateral disengagement from the offender. She made the decision very early on in her relationship with this particular offender to completely distance herself from him. If she had reported the crime she would have been forced to recount every detail. She would have had to acknowledge him and the victim-offender relationship he had created with her against her will. This would have given her a label in relationship to him and the crime: that of victim. If they had found him, the court process would have created a new type of connection with him. She would have had to talk about what he did to her in front of complete strangers. She did not want any of that.

Instead, she chose a different way of defining the relationship. She chose a route where she had total control over any further connection to him. She took total control over every aspect of their relationship in the aftermath. She also took total control of how her relationship with me would be, including the content of our conversations and her real identity; which she revealed to me after eighteen months.

I should add that she was remarkably resilient. She went to work the day after the rape and everyday there after. At the time of the rape she was a foster mother to two infants. One of them is now a teenager and continues to live with her off and on. Since the rape she has purchased her own house, changed professions, and dealt with a series of health issues. She maintains a very close and involved relationship with her sisters and nieces. They still do not know about the rape.

In addition to distancing herself completely from the negative relationship she had with the offender, she replaced it with a long positive relationship with me. We speak to each other often and have over the last fifteen years. When she references that day fifteen years ago when she and I first met, it is never in the context of the rape. She uses that day to reference how long we have known each other. In retrospect, I was for her that transitional or rebound relationship: the one that individuals get into as a way to get over their last bad relationship. She started a relationship with me as a way to break up with him. I do not mind in the least!

**Direct Disengagement: “Hate left me that day”**

I believe that one of the most effective forms of victim initiated positive disengagement is the Victim-Offender Dialogue (VOD). This is a victim-initiated program that makes it possible for the victim and the offender to meet face to face. A Victim-Offender Dialogue is designed specifically to meet the needs of the victim. Each party meets with a trained facilitator who helps them prepare to meet. The preparation process gives the victim a chance to process the crime and its aftermath. Victims get to identify what questions they want to ask the offender, and identify their hopes for the dialogue. The preparation process gives the offender the chance to talk about the crime without being judged and to prepare to answer the victim’s questions.

The dialogue preparation period is the equivalent of the intra-psychic phase of the break up. During the preparation each party can grapple with what they need in order to break the connection with the other. The dialogue itself is an example of the dyadic stage. The conversation between the victim and the offender helps each party determine how best to break up with the other (Duck, 1982). This conversation can settle many of the victim’s unresolved issues. It also allows each to move forward and away from each other.

One of the first survivors to participate in a victim-offender dialogue in Vermont was a woman whose husband and oldest son were killed in a drunk-driving crash twelve years ago. She requested to meet with the offender because she was having some difficulties dealing with her anger and hate.

After the death of her husband and her son, she found herself becoming hyper-focused on the offender. She attended every hearing and was especially angry and frustrated that the offender never spoke to her and never expressed his remorse directly to her. She wanted to hear that he was sorry. She was not satisfied with the court process. The fact that he was sentenced to a prison term did not make her feel better. After the trial, she began volunteering as a DUI Impact speaker and spoke often to groups of offenders who were under supervision for driving while impaired. While sharing her story was satisfying, she felt herself being controlled by her hate. She did not like the person she was becoming as a result of it. She decided that the only way to get rid of her hate was to meet with the offender face to face.

At the time of the crash, the offender was about to graduate from college. By his own admission he had a serious drinking problem and on the night of the crash he had been partying hard with his friends. On his way home he drove his car over the yellow line and hit the oncoming car head on. He was preparing to head to law school after graduation. He headed to prison for three years instead.

The preparation and dialogue experience was transformative for both of them. She had the chance to hear from him directly what he had been doing while in prison to get and stay sober. She got to tell him about what the loss of her husband and son had done to her. She shared how it had impacted her surviving children. She got to tell him that she expected him to remain sober when he was released. She got to hear him tell her how sorry he was for killing her husband and son.

He got to tell how much he regretted not speaking to her directly during court and to explain that his attorney had ordered him not to address her. He promised that he would make every effort to honor her husband and son by being successful in the community when he was released. He acknowledged his responsibility to stay sober, and to not endanger anyone else.

She continues to speak to DUI offenders. He sometimes speaks to them too although not with her. They each talk about their own experience of how drunk driving changed their lives. They also talk about the victim-offender dialogue and how valuable an experience it was. They have not seen each other since the dialogue. Initially she was keeping up with how he was doing, but her inquiries have become less frequent since the dialogue. I think she said it best when, in response to my question about the value of the Victim-Offender Dialogue as a disengagement process she said, "hate left me that day".

### **Catalysts for Change**

Another common way for victims to reframe the relationship they have with the offender is to work with other offenders. One way to do this is through a victim impact program. Another is through professional or volunteer work that brings a victim into direct contact with an offender or a group of offenders. These strategies, unlike a victim-offender dialogue, are more like "break ups by proxy" since victims may not have direct contact with their specific offender. Even as a surrogate strategy it can be very powerful and effective.

The victim impact programs give victims the chance to share their stories with offenders and give examples of how they and their families were impacted by

the crime. Victims show up in wheel chairs or on crutches so that offenders fully understand the physical harm that can be caused. Some victims share pictures, and others share specific story of what the deceased loved one has missed out on.

Victim impact speakers engage in this type of positive disengagement for two basic reasons. The first reason is to stay connected to the memory of their loved ones. Telling the story from the perspective of the survivor keeps the memory alive and makes sure that the offender is not the focus of the story about the crime. The second reason is to try motivate offenders to change. They hope that their stories will help the offender understand the consequences of the criminal act and motivate them to behave differently based on this understanding (Gollwitzer et al., 2011). Believing that engaging with offenders in this way can prevent a crime in the future, is one way victims bring meaning to a loss and maintain hope.

Victims who volunteer or work professionally with offenders share that they are motivated by hope, meaning, and optimism. Like individuals who do not give up on love after a bad relationship experience, these victims find ways to see the potential in other offenders despite the harm that was caused to them by theirs.

There is a wonderful example of this in a woman who volunteers to teach creative writing in one of the State's correctional facilities. She has been volunteering for years and the inmates love her. This woman's brother was murdered over twenty years ago. She is what is called a homicide "co-victim": the surviving family member of a homicide victim. She does not advertise this fact to the inmates. When I asked her why she does this work she said it is because she



knows the man who killed her brother will never change but she likes having an impact on those offenders who actually do.

I happen to be working with an inmate who is in her creative writing class. He is very fond of her. She has helped him become a very good writer. The class has given him a chance to organize his memories and to write about them. This has had a very positive impact on him. He recently found out about her brother, which was particularly powerful news for him because he is in prison for murder. He told me he did not understand why she was being so kind to him considering what she had been through. We talked about what he could do to understand it better and he decided to ask her about it. His approach was to ask her if knowing what he had done would make her want to stop teaching him. She told him that as long as he was willing to keep learning, she was willing to keep teaching him. She added that she recognized in him the desire to be someone different than the young man he was when he committed the murder. He was enormously grateful to her for seeing his potential. He was not aware of the important surrogate role he was playing in her positive disengagement from the man who murdered her brother.

Another woman, whose adopted son sexually molested several of her other children, trained to become a group facilitator for domestic violence offenders. She stated that she did it because she realized she couldn't help her own son but hoped that she could help someone else's.

These are examples of courageous individuals who have not allowed their trauma-based experience with one particular offender to radically change their perspective on the world or on the potential of others. They use the relationships

they have with other offenders, which are not based on trauma, to break up from relationship that was.

### **Continuing Bonds and Giving Back**

Some victims find ways to disengage from the offender even while connected to the offender through the court process. An example of this is when scholarships or foundations are created in the aftermath of a tragic event like a murder.

I have worked with several families who have done this. When I asked them what had motivated them to take this route, they each reported that they felt moved by the enormous outpouring of love and support they had received after the murders of their loved ones. They felt it was important to give back. In addition they all felt strongly that they wanted have the victims' names and memories attached to something good. Creating something positive was a way to counteract the horror of how they had died.

Most homicide cases attract a good deal of media coverage. This means that the offender's picture and the story are in the news on a regular basis. It is not uncommon for the victim to be put "on trial" in the press. For many defense attorneys the only way to get sympathy for their client is to infer negative things about the victim. In reference to this one mother commented:

*"To me, setting up something in the name of my daughter was an important way for me to reclaim the truth about her and to put her back into the middle of the story".*

This form of continuing bonds seems to be a helpful way for families to keep the positive memories of their loved ones alive (Neimeyer, Baldwin, & Gillies, 2006).

At the same time they can do good work in the victim's name. Through these organizations they continue to support the types of work the victim cared about before the murder. This seems to be a very effective method of disengagement. An indication that these victims have disengaged from the offender, now that the criminal proceedings are, is that these families are no longer interested in hearing anything about the offenders or keeping up with them now that they are incarcerated.

### **Forgiveness**

Forgiveness is a complicated construct, especially when applied to the victim-offender relationship. Forgiveness is a pro-social way to continue a relationship after one party has committed an interpersonal offense against the other (McCullough, 2000). In a voluntary relationship forgiveness is considered relationship constructive. It decreases the feelings of avoidance and revenge and allows the relationship to continue (McCullough et al., 1998). Individuals are more likely to forgive those with whom they have had a previous close relationship. They are less likely to forgive those with whom they had a distant relationship or no relationship at all (McCullough, 2000).

I believe that some of a victim's resistance to forgiving an offender is rooted in the involuntary nature of the victim-offender relationship. Why put any effort or thought into repairing a trauma-based relationship that never existed before the crime? For victims who had a pre-existing relationship with the offender, the resistance to forgiveness may be rooted in the fear that forgiveness will be interpreted as permission to do it again. I think another obstacle to forgiveness is

the fact that forgiveness is often coupled with the mandate to forget. Forgiveness is not condoning, forgetting, or excusing the harm. Forgiveness also does not require that the harmer be released from accountability, that trust be automatically restored, or that the parties be reconciled (Armour & Umbreit, 2006) .

The idea of forgiveness is prominent in the Restorative Justice model. The model is based heavily on religious concepts of forgiveness, peace making, and reconciliation (Umbreit, 1989). Restorative principles are rooted in the belief that communities are restored when there is a sense of balance among its members, and between the victim and the offender. This balance can be achieved when forgiveness is offered. Besides community restoration, those who support forgiveness point to the significant health and mental health benefits of forgiveness. Forgiveness decreases anxiety, anger, and stress. Forgiveness also releases the victim from the negative power of the offense, which is the ultimate goal of a positive disengagement process (Armour & Umbreit, 2006).

This final example illustrates how a victim broke up with her offender through forgiveness. The victim in this example was brutally assaulted by her estranged husband during their divorce process. After a particularly unpleasant conversation she suggested that they continue communicating with each other through their attorneys. Two weeks after this conversation and without any warning, he returned to her home with a can of industrial strength lye, a baseball bat, and a roll of duct tape. He tied her up, beat her with the bat, and in front of her two daughters, covered her with lye. She received burns over 90% of her body. He

was immediately caught and later convicted of maiming. She was airlifted to a hospital in Boston where she underwent numerous operations.

I went to see her for the first time three years after the assault. She was interested in having a Victim-offender Dialogue with her now ex-husband. Despite her serious injuries and her ongoing struggles with pain, partial blindness, and serious scarring, she was incredibly positive. She spoke eloquently about her ongoing battle with depression in the aftermath of the assault and the surgeries. She was able to express her gratitude to the strangers and friends who had supported her both emotionally and financially after the assault. She spoke about the hope of writing a book about her experience and going on the lecture circuit.

She shared that she had experienced an epiphany the previous summer. She had the realization that she could either make something positive come out of this experience or she could just roll over and die from the pain and negativity. She chose the former. As part of this decision she felt she wanted to offer her ex-husband her forgiveness. She thought it would help him heal. I asked her what offering him her forgiveness would do for her. She told me at that point she was only interested in giving him a chance to feel better about what had happened.

I spoke with her ex-husband over the phone because he is incarcerated out of state. He said he would agree to meet with her. He was also willing to tell me “his side of the story”. He told me that he was sorry that she was in pain, but he was not sorry that he had done it. He stated that if God had wanted him to abort his plan to harm her he would have sent him a sign beforehand. When I asked what a sign from

God would have looked like he replied: *“I would have passed a police car on the way to her house.”*

I shared the content of this conversation with her. I was very honest with her about what he said, and how he felt about what he had done to her. I told her we could prepare to meet if she still wanted to, but in my opinion her forgiveness would not mean anything to him. He did not think he had done anything wrong.

She had hoped that by now he would have taken some responsibility for what he had done to her. She was not surprised or upset that he had not. Instead she told me that she no longer needed to meet with him. She then told me that she was going to forgive him anyway: not for his benefit, but for hers. She said she was going to forgive him so that she could “get rid of him once and for all.”

This was a clear example of a victim using forgiveness as a way to break up with the offender on her terms. She was not going to allow him to turn her into a bitter, angry, vengeful person. She was not that kind of a person before the crime and she certainly had no intention of becoming that person after it. Offering him forgiveness was her way of inoculating herself against those negative traits and distancing herself from him once and for all.

### **Reflections**

These are just a few examples of victims who have used strategies to positively disengage from the offenders who caused them harm. They got the offender out of their way, and used resilience and post-traumatic growth to get to a place of healing and well-being.

While all of these victim/survivors have found positive ways to break up with the offender on their own terms, it does not mean that they do not continue to experience moments of sadness and anger. Some are reminded of the losses they experienced every time they look in the mirror, or are lifted into their wheel chair. Some are reminded every year of their losses as they plant flowers on their children's graves, or attend mass on the anniversaries of their murders. They are reminded during holidays, weddings, and other milestones of who is missing. They are reminded every time they hear a news report about another victim. Despite it all, they have found ways to grow and thrive and are the first ones to offer their help and support to others who are hurting.

These are enormously courageous individuals who have found ways to synthesize their trauma experience so that the offender plays a supporting instead of a starring role. Roepke (2011) suggests that by opening new doors or engaging in new opportunities individuals can experience positive growth and avoid negative deterioration after a trauma. I agree with her, and add that for crime victims it is not enough just to open a new door. I argue that in their case there is a significant "old door" which manifests itself in the form of the victim-offender relationship, which has to be dealt with first. I believe that in order to open the new door it is necessary to mindfully close the old one. I contend that this is done by means of a victim initiated disengagement process. Taking this metaphor one step further, if this "old door" is not closed securely or properly it can bang open and shut incessantly, creating a constant and noisy reminder that it is still there. Victim

Initiated Disengagement is that process victims can use to close the old door securely behind them once and for all.

## Section Four : The “Now What” Stage

### **Thank you Dick Wolf!**

Dick Wolf’s popular *Law and Order* franchise has provided the television audience a front row seat into how criminal cases unfold from the time of the crime through their successful prosecutions. Justice is always served up quickly and cleanly. This series embodies all that is true about how the system gets revenge on behalf of the victimized. This series also embodies all that is missing from the system’s response to the needs of victims.

When each episode is over the screen fades to black and Dick Wolf’s name appears on the screen under the heading of Producer. What you never see on this series is what happens next. You never see how the victim feels the next morning, the next week, or the next month. You never see how the victim is responding on the anniversary of the rape or the death of their loved one. You never see a victim’s advocate at all. It mirrors reality in many ways but totally squanders the opportunity to educate the public about the full range of needs that victims of crime have beyond the conviction.

Many of the activities that flourishing victims are involved with actually take place during what I call the “Post Dick Wolf Fade to Black- Now What” phase of the victim experience. This phase begins after the court process is over and the offender is in the custody of a Department of Corrections. I would suggest that it



is during this phase that the most effective work can be done to help victims heal and flourish. As we saw earlier the work done by victims during the “now what” phase equates to the work done mostly during the grave-dressing phase of the relationship dissolution process.

Most post-conviction victim services that are not provided by therapists are provided through Departments of Corrections. Every Department of Corrections in the country has a Victim Services program. They range in size and in the scope of work. The most common type of service that these programs provide is victim notification. Victim notification keeps a victim informed of changes in an offender’s custody status. Many programs also provide information about how the Department of Corrections works. They are also charged with making sure that victims are aware of their rights within the State. Some provide other direct services such as accompaniment to parole hearings, and participation in offender treatment teams and release planning. For the most part post-conviction victim service programs provide services that keep the victim focused on and connected to the offender.

Departments of Corrections are especially well positioned to offer the types of programs and services that can help victims initiate a disengagement from the offender. In recent years a growing number of states have begun to provide opportunities for victims to participate in Victim-Offender Dialogues and Victim Impact Programs; two highlighted programs that were helpful during the disengagement process.

Towards that end I recommend that Corrections-based victim services and their staff take a more active role in shifting the paradigm of the victim- offender relationship away from activities that encourage engagement towards activities that encourage disengagement. I recommend that they offer programs that both keep the victim informed and also encourage victim initiated positive disengagement from the offender.

I have created a preliminary list of recommendations (Appendix). These recommendations are based both on my personal experience of witnessing flourishing victims and on the science that supports the idea that individuals can grow from adversity, find meaning and purpose in the aftermath of a crime, and experience a wide range of positive emotions. My hope is that in the future more rigorous empirical research can be done to assess the effectiveness of these recommendations.

### **Limitations and Recommendations for Future Research**

The information presented in this capstone has some significant limitations. I did not administer any surveys or assessments to gather data from victims. I used information that I received during conversations with victims in the course of my work as a victim's advocate. The stories within were my observations of their experiences. My hypothesis about victim-initiated disengagement is based on these observations. While my colleagues may share some of these opinions they cannot be generalized to the greater population of victims.

I hope that future research will take on that the topic of the victim-offender relationship. It offers a rich landscape from which to gather empirical data in order

to understand what helps victims flourish. It will be important to understand the following: the dynamics of the victim-offender relationship, the elements of a good positive disengagement strategy, and the particular characteristics and strengths of those who can initiate disengagement. It will also be interesting to determine where the disengagement process originates and if it is intrinsically motivated out of some need to remove oneself from the source of pain. Further research should look into whether individuals naturally seek to move beyond their experience of pain, and if it is necessary to resolve the negative relationship with the offender from the past before being able to take full advantage of positive experiences in the future. My hope is that this initial discussion will motivate others to search more deeply into this topic.

In the meantime I have high hopes for the future of positive victimology. This hope is that positive victimology, like positive psychology, will provide a framework through which the victim experience can be evaluated and studied not just through the lens of the negative aspects of a trauma-based experience but also through the lens of the positive opportunities for growth, wisdom gaining, and flourishing.

## APPENDIX

The following is an outline of topic areas and suggestions for how post-conviction victim services can begin to help victims flourish in the aftermath of a crime. They are based on many positive psychology principles that are grounded in the belief that individuals have the capacity to gain wisdom and grow after a trauma. Offering options that leave room both for the negative and the positive impacts of trauma, provide victim/survivors with opportunities to grow from adversity.

### **Recommendations for Victim Advocacy Training, Skill Development, and Creating an Orientation towards the Positive**

Victim services staff should:

- Become well versed on the topic of trauma and its impact on victim's lives.  
Staff should be trained to identify the symptoms of post-traumatic stress and to recognize when to make referrals to appropriate mental health professionals.
- Become well versed on the topic of post-traumatic growth, resilience, and PERMA (Reivich & Shatte, 2003; Seligman, 2011; Tedeschi & Calhoun, 1995). Having an alternative to post traumatic stress can be a powerful tool for survivors as is the ability to conceptualize using internal resources, and understanding the various domains in which one can flourish (see below).
- Understand and be ready to talk to victims about the idea that one can actually benefit from adversity (Ai & Park, 2005; Bonanno & Mancini, 2008;

Frankl & Lasch, 1992; Helgeson, Reynolds, & Tomich, 2006; Joseph & Linley, 2006; Linley, 2003; Linley & Joseph, 2005; Park & Helgeson, 2006) .

- Become comfortable asking victims what they are hoping for now that the trial is over (Feudtner, 2009). This is a powerful question based on hope theory (Lopez et al., 2004) which encourages victims to look to the future, to imagine what kind of life they would like in light of having survived a trauma, and then to evaluate what resources they have to attain that life. Often this entails a good long look at who has been there for them, what worked in the past when they were facing adversity, and what they have learned about themselves and others since. Staff should be prepared to help victims look beyond the “hope for a miracle” to develop more realistic and attainable goals for themselves and their families.
- Explore their own understanding of the concept of forgiveness and begin to understand the health and mental health benefits of giving up feelings of anger, revenge and hate. Explain that forgiveness is not forgetting, reconciling, condoning, or excusing the offender’s behavior (Armour & Umbreit, 2006) but that forgiveness for the victim’s own sake can be a powerful way to disengage from the offender and to give him or her less power over the victim.
- Understand some of the positive benefits to the victim of moving away from a criminal justice/offender focus and engaging in their own disengagement or break up activities. The strategies for doing this will vary for each victim and victims can participate in more than one at a time. What is important is

to help the victim move the offender out of the middle of the narrative and to reclaim an identity separate from the one given to them by the offender.

### **Positive Interventions**

These are strategies that victim services staff can help victims employ that will allow them to get more of what they do want (positive emotions, emotional well-being, high levels of functioning) instead of just less of what they do not want (negative emotions, sadness, depression, and pain).

- The period after the conviction is the perfect time to intervene with victims and to utilize positive interventions that highlight character strengths (Niemiec, in press). A critical way to introduce the idea of strengths with a victim is to inquire about the strategies and character strengths the victim used to manage themselves and their families in the immediate aftermath of the crime, during the investigation and court process, and after sentencing. Many victims who are primed to think of themselves only as broken and damaged will welcome the opportunity to focus on what strategies they used to the benefit of themselves and others during specific situations (Biswas-Diener, Kashdan, & Minhas 2011). They will often disclose benefits that were derived from the traumatic event (Calhoun and Tedeschi, 2004). Helping a victim identify the various individual strengths and the constellations of strengths that they used to cope is just a gateway to introducing new ways in which other strengths can be employed in the future as they adjust to the aftermath of the crime. The Values in Action assessment tool (VIA) (Peterson & Seligman, 2004) can be used to not only identify what strengths the victim

- did use, but to identify what strengths they might want to employ more often in the future to help them achieve a greater level of well-being despite the trauma they have experienced (Niemic, 2012).
- Employ strategies that identify and build resilience. Victims often respond to what has happened to them without giving much thought to underlying beliefs and thoughts. They can feel trapped by their own emotional reasoning (Reivich and Shatte, 2003). Using cognitive/behavioral strategies such as the ABC Model suggested by Reivich and Shatte, is a way to intervene that is sensitive to the realities of the pain experienced by victims of crime and provides a way to move forward when old patterns of thinking about the trauma are causing further harm. It gives victims the chance to build their resilience and move forward. It shifts the focus to more positive forms of thinking such as honoring how far they have come in their recovery from the initial trauma of the event, and appreciating how they can use the event to help others in the future.
  - I recommend introducing victims to the domains of Post-traumatic Growth (enhanced relationships, changes in life philosophy, belief in a new future, belief in the self, increased spirituality, and a resetting of priorities). It can be used as a jumping off point in conversations with victims to help them identify in which areas they have experienced the most growth and in which areas they might want to look further. Having an alternative to post-traumatic stress can be an empowering way to reframe the experience and to foster growth and flourishing.

- Encourage savoring. Savoring is a way to capture and hold on to positive memories of a deceased loved one (Neimeyer et al., 2006). While savoring is usually done in relation to positive events (Bryant, 1989), victims report that it is the bond that they have forged with their deceased loved one through the savoring of the good memories that helps bring meaning to the loss and allows them to live on. Many times friends and relatives avoid talking to the survivors about their deceased loved ones. Many survivors enjoy reliving happy memories of their loved ones and appreciate having the chance to share it with others.
- Help victims create opportunities to experience continuing bonds with a deceased loved one (Neimeyer et al., 2006). Whether it is through speaking engagements, memorials, anniversary commemorations, or some personal ritual, allow victims to bring positive meaning to the memory and to the loss.
- Introduce the theory of PERMA (Seligman, 2011) and help victims identify in what domains they may be flourishing. While they might not be feeling all of them at once, some positive emotions are very appropriate to the victim experience of healing such as gratitude, pride, and awe. Help them also explore other elements of PERMA, such as engagement, positive relationships, meaning and accomplishments. Have them give examples of how they have experienced each element. Have them keep a PERMA journal so that they are aware of the all of the areas in which they are experiencing well-being despite the periodic feelings of loss and sadness.



- Suggest that victims write. Writing is proven to be very therapeutic for trauma survivors and may in fact be the reason that victim impact statements are so helpful (Pennebaker, 1997).
- Create positive ways to honor the victim experience and celebrate the growth. One example of the is the traveling exhibit called ***Saving a Place at the Table*** that was created in 2008 by the Victim Services Program in Vermont. The exhibit features donated place settings that have been created by victims and or their families. Each place setting contains personal items (plates, cutlery, pictures, stuffed animals, report cards), and a description of the victim that focuses on who the victim was before the crime took place. This exhibit does several things. It tells the story of the crime from the victim's point of view. In the case of a homicide or a DUI with a Fatality, it allows the families to create a living memorial and a bond with their deceased loved one. Living victims get to create a place setting that expresses how they feel about their experience. This is just one way that post- conviction victim services can reframe the experience to highlight both the challenge and opportunity for crime victim survivors. Staff should use their creativity to create other ways to help victims initiate a disengagement from the offender.

### **Evaluating Your Existing Program**

- Evaluate your existing programs to determine if there is a good balance between services that encourage victim connection with the offender (victim notification, parole board accompaniment, release and safety planning) and

those that encourage a positive disengagement from the offender (memorials or displays that honor the victim, Victim-offender Dialogue Programs, Victim Impact Programs, programs that focus on the victim's needs and not on the benefit to the offender).

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