



Victims who prepare for the realities of the courtroom find the experience more **helpful and healing**

TRIALS and CONSEQUENCES

When Allison Reboratti was a little girl, all she wanted for Christmas was a Cabbage Patch Doll. More than anything in the world, her mother, Barbara, wanted to get one for her. Barbara had to stand in line for hours in store after store just for the chance to buy it. But it didn't matter what she had to do—she wanted it that much for Allison.

On Christmas morning, squeals of delight and an explosion of hugs and kisses came from Allison when she discovered her doll under the tree.

Nearly two decades later, Barbara wanted something just as much for her daughter: justice. She wanted the man who killed Allison to be held accountable for his crime. And as before, she would do anything to get it.

But, when the sentence of two and a half to five years in a rehabilitation center—not prison—was handed down, there were no hugs and kisses. There was no Allison. There was only a brokenhearted mother standing in a courtroom stunned with grief, disappointment and a sense of failure.

And she is not alone.

All across the country, victims of crime look to the criminal justice system to help tilt the scales of justice back in their favor. But if victims are not prepared for the realities of a criminal trial, its emotional ramifications and the vastly different perspectives of justice within the courtroom, there is great potential for victims to be harmed, rather than helped, by their experience.

BY MICHELLE PARKER, EDITOR IN CHIEF

Managing Expectations

“Very often victims put a lot of their expectations on what is going to happen at the trial,” says Trudy Gregorie, director at Justice Solutions, a nonprofit organization dedicated to enhancing rights, resources and respect for victims and communities hurt by crime. “And when it doesn’t meet their expectations, that frustration and sense of letdown can really set them back in their healing journey.”

And having unrealistic expectations is understandable. The portrayal of the justice system in television, movies and books paints a dramatic, but inaccurate, picture.

Rarely does a defendant take the witness stand only to crumble under cross-examination, revealing the dark secret that sends him away for life. The law doesn’t require defendants to testify, and they very seldom do.

MADD Victim Advocates are so important. They can help victims have a better sense of reality.”

Gregorie says that victims’ unrealistic expectations often center on getting answers to many of the questions they have about the offender and the crime. When that doesn’t happen, it can be very upsetting, which is only heightened by the stress of the trial itself.

“The actuality of going through the trial—hearing the facts, seeing the evidence, viewing images that are part of the descriptions of what happened—puts victims in a very vulnerable position with their journey because so much is being brought back to mind,” Gregorie explains. “They are re-experiencing so much of what was a part of their emotions immediately after the crime occurred.”

“There have been a number of studies over the past 20 years that look at the complicating factors for victims’ grief that stem from their interaction with the justice system,” Gregorie says. “Prosecutors are a major factor, in part because they are seen as the victim’s champion—the one who is going to win the case for the victim.”

“If a prosecutor has a sense of a victim’s grief, the trauma and journey victims are forced into, the need for sharing information, and is sensitive to making sure all of the victim’s rights are respected throughout the process, victims are going to feel justice is being done—even if the end result of the case is not what they would have preferred. They at least feel they’ve been a part of the process, and that they have been treated with dignity and respect. When that doesn’t happen, victims feel completely



how my family and I were suffering, what he did, and the person he took away from us and the world,” Barbara says. “Allison might not have been in the courtroom, but she wasn’t forgotten.”

“Victim Impact Statements are critical to a victim’s healing,” Gregorie says. “That is the time the victim’s voice will be heard in the courtroom. And it may be the only time the victim’s voice is heard.”

After the Trial

One of the universal, and most unexpected, experiences victims have as a result of a trial is a “suspension of healing.”

In the time leading up to and throughout the trial, victims focus their energy on the court process and don’t allow themselves to spend any of their energy on the grief process.

“I was channeling my energy into the trial,” Barbara explains. “I used to cut articles out of newspapers and print stories from the Internet of people who were charged with drunk driving, how their trial went and what their sentence was. In retrospect, I’m not so sure why I did that. I think I wanted some kind of homework, I wanted to be prepared. It was a constant vigilance of mine.”

“Being in that suspension means the grief is just that much stronger at the end of the court process,” Gregorie says. “Then victims are faced not only with dealing with what happened in court, but also with their reactions to the crime itself and what has been brought up emotionally.”

In fact, many victims are distressed to discover that after the trial they feel as if they have gone back to “square one” in their healing journey.

“I thought that after the trial I would be done with the grieving and get back to my normal self. I was shocked when that didn’t happen,” Barbara says. “After the trial, I logically came to this point: ‘It is over.’ But, emotionally, it wasn’t over. I still didn’t have Allison with me. I realized I did all that work and it still didn’t bring her back. And the grieving, the deep void, was just awful. I started back at square one from the grieving perspective.”

While an advocate can help prepare victims for this experience, the truth is that it simply cannot be avoided.

Seeing the offender will take you back to what you experienced the moment you learned of the crash. It can be a real flashpoint for victims.

As heart-warming as it is on screen, courts do not bend over backward to accommodate victims. The fact is, there’s an unequal balance of rights within the judicial system and most of them are in favor of the accused.

Nor do trials move swiftly and effortlessly. Very few cases go to trial, and even those are riddled with continuances that delay court proceedings for weeks, months and sometimes years. And plea agreements often negate the need for a trial at all.

If a trial does come to fruition, the victim doesn’t grandly stand, turn and face the offender with a steely-eyed look of justice having been served. Most victims are so overcome with grief, exhaustion and the finality of it all that they can hardly focus on anything but getting out of the courtroom.

“Victims who don’t have a good understanding of what will and can happen in the courtroom are at a great disadvantage. It’s not what they have heard, seen or read in television, movies and books,” Gregorie says. “That is why

Respect and Communication

The biggest and perhaps most potentially harmful expectation is that of justice.

“There are a lot of definitions of justice, and often the final outcome is not what the victim feels is justice,” Gregorie says. “Those realities, when juxtaposed against the expectations a victim has going into the courtroom, can often be very complicated and frustrating for victims.”

“It wasn’t a tragic accident; it was a tragic crime,” Barbara says of the May 2001 drunk driving crash that took her daughter’s life. “I wanted [the offender] to have to face the consequences of his actions, of his choice, that killed my daughter. After it was all over, I was not pleased. He wasn’t going to spend any time in prison.”

Although her victim advocate had prepared her well, Barbara’s frustration was born from an entirely different source: her interaction with the prosecutor. How a prosecutor or the prosecutor’s office interacts and communicates with victims is a critical aspect in their feelings of justice (see “Working Together” on page 19).

closed out, and their sense of justice and participation is one of being denied.”

And that’s exactly what happened to Barbara.

“I finally went to the DA’s office, stood at the front desk and said, ‘I am not getting the answers I need and I’m going to sit in this waiting room until an attorney talks to me. Call security if you need to, but I’m going to see that certain things are done on my behalf,’” Barbara says of her breaking point after more than a year of virtually no response from the prosecutor’s office.

But is such a bold move a good idea?

“I would say it depends on the situation,” Gregorie cautions. “But, certainly, if I were a victim and the prosecutor was not being responsive to me, I would take whatever actions I could to ensure that he or she understood I needed information and that I would do whatever possible for their office to understand how important this was to me, my family and the community.”

This is particularly important when it comes to plea agreements.

“In plea bargain situations, it again depends on whether the prosecutor has

been sharing information with the victims and explaining legal aspects of certain decisions,” Gregorie explains. “It doesn’t take away the pain or what the victims would like to see happen, but they understand better why the prosecutor is making the decision he or she is making.”

In the Offender’s Presence

The judge is seated. The defense and prosecuting attorneys are in place. You, your family and victim advocate are in the gallery. And, the offender is in the room.

“In the weeks leading up to the trial, my biggest fear was of seeing him in the courtroom,” says Barbara of the offender. “I was a ’60s peacenik and have been a pacifist ever since. But I was afraid I was going to leap over the benches and strangle him with my hands. That feeling was awful; that I could have the potential to be so violent. I told my victim advocate,

‘Please, if you see me move, sit on me. Don’t let me get to him.’”

Of course, Barbara didn’t attack the offender. But her thoughts and feelings—and her fear of them—are quite common.

“Seeing the offender will take you back to what you experienced the moment you learned of the crash,” Gregorie says. “The presence of the offender is so tied with the trauma and the complications of the grief that came as a result of that trauma—it is going to be a real flashpoint for victims. And if that offender had never indicated or offered any type of remorse, that is another complicating factor for a victim.”

But the presence of the offender can actually help victims in their healing if they are allowed to read a Victim Impact Statement aloud in the courtroom.

“I wanted him to hear me through my Victim Impact Statement, to know

“Even with all the preparation in the world, there is going to be a real resonance in their heart, mind and spirit of what they have lost through the crime. It is stronger for a while because everything comes back so profoundly,” Gregorie says of emotions brought on by a trial. “Victims should be prepared for a real upsurge of grief after the trial is over.”

Part of this is because victims feel that, once the trial is over, no one is going to remember their loved one anymore.

“For me, any reporter who approached me, I would talk to,” Barbara recalls. “The more Allison’s name was in the news, the more people weren’t forgetting her.”

“Most people who have experienced a death find a real phenomenon that, after the funeral and the family and friends go away, it becomes less and less often that anybody ever mentions that person’s name again,” Gregorie says. “I think it’s even more acute for those whose loved one died as a result of a crime. This is a sensitive point for those going through a trial because there is this feeling that once their name isn’t in the newspapers anymore or being talked about in court, it will be as if their loved one never existed.”

Any Closer to Closure?

Although a trial certainly helps bring a close to certain aspects of a crime, it by no means brings closure.

Well-meaning people say to victims, “Now there is closure.” Even court officials throw the term around with statements like, “We want to bring this to trial so you and your family can have some closure about this.”

The fact is, there is no such thing as closure.

“Closure is a term that many of us who’ve been in victim services wish could be taken out of our lexicon,” Gregorie says. “The word ‘closure’ is one that just does not apply to a victim’s experience. The impact it leaves on your life never goes away. It becomes easier over time, but you never close on the life of a loved one.”

“My friends and family would say, ‘This will bring you closure,’” Barbara says. “When [the offender] was removed from the courtroom, I was thinking that two



and a half to five years is not a very long time. Allison is gone for life. I wondered, ‘Where is this closure?’ Grieving the way I was, I think I was looking for relief. I was looking forward to the closure, but there wasn’t any.

“Now, I am not surprised,” Barbara continues. “I have learned that no matter what other people or circumstances want to influence you in your grieving process, it is not going to be that way. I am on my own timetable. There isn’t an artificial timetable for this process.”

Helpful or Harmful

With all of the hurdles victims must overcome, the question becomes whether a trial helps or hurts the healing journey.

“It can help,” Gregorie says without hesitation. “Especially if victims get the kind of assistance they need to go through a trial. It is even better if court officials have been trained to be sensitive in dealing with victims. When those two things meet, then the court process can help victims through their journey. It’s when those things don’t happen that there is real potential for victims to be harmed by their experience with the court system.”

“I feel I did the right thing,” Barbara says of her experience. “You are never going to have a party-like feeling at the end. And a trial won’t bring back your loved one. But I fought hard and gave it all I could on my child’s behalf, just as I did when my child was alive.” ■

Proceedings Prep

Going to trial can be helpful for your healing journey, but only if you are prepared for the realities of the proceedings. Keep these things in mind so that you can be involved in, prepared for and educated about the trial process.

- Talk to a MADD Victim Advocate.
- Tap into your community’s victim assistance programs.
- Learn about your state’s victims’ rights.
- Find out about your local court’s process.
- Visit your local courthouse to familiarize yourself with the surroundings.
- Talk to the prosecutor.
- Ask to be informed about the proceedings.
- Take care of your health—physical, mental and spiritual—throughout the trial. Get enough sleep and eat well. The trial can be exhausting.