

CRIMINAL MASS CASUALTY TRIALS: ENHANCING THE PSYCHOLOGICAL HEALTH OF VICTIMS AND WITNESSES

Criminal trials are an integral part of the US criminal justice system. They involve multiple parties participating in many diverse roles. The goal at trial is to ensure just outcomes for all involved. The participation in trials by victims and witnesses is an integral part of these processes. While the testimony of victims and witnesses is often central to achieving just outcomes, few victims and witnesses have experience with these proceedings. They may have a very limited understanding of the process and players. Victims may have very unrealistic expectations of what trials will be like or how the outcome may affect them. For these reasons, victims and witnesses may experience significant stress before, during, and after trials. These

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stresses are likely to be exacerbated when the events precipitating a trial involve numerous deaths and/or widespread injury, are especially symbolic or meaningful (such as the deaths of children or first responders), or where trials are likely to generate intense and prolonged public exposure and attention. Behavioral health

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The information presented below broadly defines the term, 'victim', and may include family members of deceased victims, injured survivors, first responders and witnesses to an incident.

Before the Trial

- Provide information on mental health services, including informal support services (e.g., Victim Advocates, Chaplains and peer support)
- Inform and assure access to victim assistance staff in various agencies (see Resources section)
- Establish a mechanism to identify and respond to unmet needs that may have resulted from the incident
- Provide victims with spiritual/religious support when applicable. Often, it is through the lens of these beliefs that victims begin to find understanding and meaning in what they have experienced. The faith community of the victim's choosing can be a frequent source of support to victims in all phases of recovery
- Screen and evaluate spontaneous offers to assist and support victims. Focus on appropriateness of the offers and the group offering in order to reduce potential for exploitation
- Educate victims on dealing with the media. Assist, if needed/requested, in shielding victims from unwanted media attention
- Coordinate access to prosecutorial staff who can provide case status, explain processes and legal terms and their implications
- Anticipate logistical concerns that may impact trial participation (e.g., transportation, lodging, child care, access to closed circuit television)
- Help victims identify their expectations of the trial and its various results. Educate to ensure these expectations are realistic. Help prepare victims for undesired outcomes (such as a not-guilty verdict, a plea bargain, or dropped charges)
- Prepare victims for information they may hear/see at the trial that may be inconsistent with their understanding of what occurred (e.g., witness may learn that a deceased victim suffered before death when they believed that person died instantly)

Continued

- Prepare victims for the reality that victim impact statements may have little or no bearing on sentencing. Preparation of victim impact statements, while often therapeutic, can also be enormously stressful

During the Trial

- Organize and coordinate medical and mental health services for victims. This includes support immediately available to victims during the trial in case it is needed
- Prosecutors should keep victims updated on trial activity and progress throughout the trial period
- Dispel misunderstandings about the justice system and provide realistic expectations (e.g., the relationship between victim and prosecutor is not the same as relationship between defendant and defense attorney)
- Inform victims and families that unless they are actually testifying, the only real input they might have in the judicial process will be in the form of a victim impact statement

Following the Trial

- Assure access to medical and mental health services for victims and their families
- Educate victims in understanding post trial legal processes (e.g., sentencing phase, associated civil trials, a reduced sentence, probation and parole, release dates)

- Know the psychosocial aspects of restitution to victims, where applicable (e.g., concerns about timing, nature, and fairness of funds for victims)
- Include victims in planning memorials, anniversary events, and remembrances. Symbols and rituals are often comforting to victims. They cross boundaries of culture, language, profession and class
- Facilitate opportunities for victims to gather in group settings for mutual support if they wish

Special Issues for First Responders to Criminal Events

First responders to criminal events often experience exposure to events quite differently than most victims. They may simultaneously be witnesses and victims. Their exposure is the result of specific responsibilities and occupational roles during and following events. They may, but not always, have the benefit of specialized training and more experience with trials.

At the same time, stigma concerning mental health and the psychological response to traumatic events is often high in first responders. Sometimes, this stigma is intensified by concerns about “fitness for duty” assessments that may affect a first responder’s ability to continue doing their job. This assessment may directly impact a first responder’s income, employment, and workplace support and status. Attending to these concerns of stigma and practical impact are important to assure care and support for first responders.

Resources

1. Responding to Terrorism Victims: Oklahoma City and Beyond, Office for Victims of Crime, Office of Justice Programs, USDoJ, NCJ 183949, 2000.
2. Office for Victims of Crime — Directory of Crime Victims Services
<http://ovc.ncjrs.gov/findvictimservices/>
3. National Organization for Victim Assistance (NOVA):
<http://www.trynova.org/victiminfo/>
4. National Center for Victims of Crime
http://www.ncvc.org/ncvc/main.aspx?dbID=DB_HelpfulContacts859