

# Victims, survivors can teach us justice, in all its diversity

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CONTRIBUTING COLUMNIST

A few years ago, I worked with kids from the Warm Springs Indian Reservation. I was invited to a summer training to lead activities designed to inspire youths' creative expression around sharing what is beautiful and what is difficult in a way that

honors their culture. They were shy, playful, energized – much like most kids I'd worked with in the past. But what really stood out was their unwavering support and encouragement of each other as each of them

stepped out of their comfort zone. They held a strong moral compass for themselves and others, and I'm quite sure I learned more than they did.

As I got to know one youth in particular, she confessed that her father was battling addiction and that she was sometimes afraid of being driven in a car with him. The girl was worried about a possible accident, but her bigger fear was that if she told someone, her parent could be incarcerated, and she would be placed in foster care. She knew that was the routine "protective" measure for the peers in her community, and she was right to be concerned. According to the Oregon Department of Human Services, Native American children are placed in foster care six times more often than white kids, and Native American adults are disproportionately sent to prison and jail. It made sense that this girl had learned to lie about a possible risk because it was a survival strategy that was safer for her than the alternative.

In that context and many others, I've observed countless scenarios of hurt people risking further harm by protecting someone they love who is hurting them. Their reasons were many, but most often, they protected

someone who put them at risk because they felt that the people trying to help them could never see the whole picture. They felt they never got to say what they needed unless it fit into the precise box being offered to them by a person representing a construct that was not of their culture.

Before that summer and since, I've spent years working directly with crime victims and their families, and hundreds of survivors' stories later, I see a system that says it's committed to bringing justice to those at risk or impacted by crime but that often doesn't respond to the diversity of victim needs that are as multifaceted as the individuals themselves.

So many of my colleagues who were part of that system felt troubled by knowing they couldn't provide safety in the way they had intended. Whether it was public safety or child welfare, the frustration persisted. And typically, the course of action was to apply a remedy that was temporary but would often compound the situation. We were a group of well-meaning people very blind to the needs of some, specifically the people most harmed by the system's shortcomings.

One woman I worked with was being abused by her husband, so she reached out to law enforcement seeking safety for her children and herself. The court issued a "no contact" order. My client didn't speak English fluently, and without an interpreter, both public safety and the court failed to account for her cultural needs when responding with a blanket court order forbidding contact.

The order gave her a measure of safety because she wanted the abuse to stop, but she didn't necessarily want him completely removed from her life. She, their kids, and their extended family depended on him for all the reasons that family members rely on each other: they share a car and finances and childcare responsibilities. The new restrictions caused immense difficulty for her entire family. She wanted to be safe, but with the "no contact" order, she was now in fear of

getting in trouble with the system that she hoped would make her life better.

These stories and too many others like them are what motivated me to look to more systems-wide solutions to crime survivors' needs. That search landed me at Partnership for Safety and Justice as the new Crime Survivor Program Director. In this role with PSJ, I see real opportunity to work more closely with system players from diverse disciplines to engage them in meaningful dialogues about what is possible when we derive solutions from those we aspire to serve.

Nothing could bring greater meaning to this role than elevating the voices of young people and the ones who will bear the burden of our miscalculations. For too long, the voices of victims and survivors have been overlooked by the criminal justice system.

Thankfully we are evolving. Today we know leaders and advocates across the state that see the complexities in public safety and are no longer spinning a singular story to define all who have been hurt or all who have caused harm. They know that it's time to shift our assumptions of who is a crime victim and who causes harm. It's time to be accountable to the racial disparities that are deepened by the blind spots of our current criminal justice system. It's time to address the structural aspects of how we determine who is hurting who and why. It's time to ask all crime survivors what justice looks like for them and fight to address those diverse needs. Their voices hold the answers if we are willing to listen.

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Amy Davidson is the Crime Survivors' Program Director at Partnership for Safety and Justice, which advances policy solutions to crime that ensure justice, equity, accountability and healing to achieve safe, strong communities in Oregon.

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