

VICTIMS OF CRIME COUNSELING

Yubaraj Sangroula, Ph.D.¹

¹ Professor of Jurisprudence and International Law at Kathmandu School of Law,
Email : sangroula195@gmail.com

PROFESSOR OF PHILOSOPHY AND INTERNATIONAL LAW

Victims having had a traumatic experience undergo severe psychological stress. If not treated well in time, the traumatic experiences might affect their personality throughout their lives. If victims can have memories of well-treatment their pain would be alleviated each time they remember those hard and painful experiences. The lack of warm response will aggravate their pain. Lawyers are one those people who encounters the victim right after the 'happenings' that pose traumatic stress on victims. Hence, the legal counsel has more than to do, besides his/her legal representation. Traditionally, lawyers do fail to consider such issues. They generally approach clients through their amateur assistant and focus only on issues of law, not on humanity and the trauma facing the victim. The legal counsel must work hard for their emotional recovery and make him/her face the situation bravely and intelligently.

1. INTRODUCING CRISIS INTERVENTION PROGRAMS INTO THE CRIMINAL JUSTICE SYSTEM

The concept of crisis intervention in the field of criminal justice is not very long. In the beginning of the last century, there were quite few groups such as 'the National Save a Life League' in New York City that existed to help people who were on the verge of crisis in their lives including suicide cases. In Nov. 28th 1943, when a huge fire broke out in the nightclub called 'Coconut Grove' in Boston, 493 lives were lost. The report, which contains voices of families of the deceased, survivors and doctors, triggered deeper understandings towards pain and sorrow of losing loved ones. Furthermore, after the WWII, a number of patients with so called war neurosis increased rapidly. So the necessity of psychiatric health service began to be recognized. To respond to the recognition, the federal government and state governments started to establish psychiatric health centers. On top of that, there was a rapid development of telephone hotline to respond to the needs of people who were experiencing a life crisis. In the beginning, people thought crisis hotline would be for potential suicide, drug abuser and

people with various personal problems. In 1974, the district attorney established the first victim and witness program in New York City and Milwaukee. In the same year, victims/survivors established a support group called "Families and Friends of Missing Persons and Violent Crime Victims" and started to support victims. In 1978, 'Parents of Murdered Children' and in 1980, 'Mothers against Drunk Drivers' was respectively established and they started victim support activities including crisis intervention. There are also many crisis centers that provide female victims of similar services. These crisis centers can be of great help for lawyers to address the issue properly. In Nepal, we have hardly any such institutions that might take care of crime victims. Some rehabilitation centers probably do counseling for 'emotional recovery', but their service is more concerned with their security. This lacking is resulting on several pitfalls on the criminal justice system such as:

- a. Victims are afraid of appearing in the courts as witness,
- b. In lack of proper counseling, they fail to pinpoint the important issues they were supposed to divulged to the lawyers and judges
- c. They are traumatized and therefore may not be interested to cooperate with lawyers.

There might be similar several other such factors associated with their conditions which eventually will jeopardize their interest of justice. They loss the chance of benefiting from the course of legal actions and will finally be revictimized.

2. CRISIS INTERVENTION AS PART OF VICTIM ASSISTANCE

What those engaging in victim support are basically trying is to alleviate the pain that victims are experiencing. For this purpose, it's important to give proper kinds of assistance at a proper period of time in the aftermath.

3. IMPORTANCE OF CRISIS INTERVENTION IN THE CASE OF VICTIMS' ASSISTANCE

In general, victims generally experience strongest impact right after the traumatic event. And that's when they lose psychological equilibrium. Therefore, lawyers who get in touch with

victims through counseling, the consequent rapport and communication would be developed smoothly. Otherwise, if one misses the timing, effective support will not be easy. What is important is whether the counsel supports victims with proper crisis intervention in early stage.

5. CRISIS THEORY

Next I would like to summarize what crisis means. What kinds of ideas are there regarding the term, crisis?

Crisis intervention and victims of crimes

Crisis intervention

In general, crisis intervention could be understood as a generic term for timely intrusion into people's lives when their own coping mechanisms prove ineffective. The main goal of crisis intervention through legal counseling is to assist victims to return their original level of understanding for positive change. In other words, the primary function of counseling is to provide victims with first-aid legal treatment empower and help recover their self control.

Model for crisis intervention

a. Dr. Roberts' Seven-stage Crisis Intervention Model

Dr. A. Roberts' model is often quoted in the field of victim assistance.

- 1. Assessing lethality:** Conduct psychological assessments that include current and past traumatic experiences and psycho-social needs.
- 2. Establishing rapport and communication:** It's important to deal with victims with warmth, sincerity and empathy.
- 3. Identifying the major problems:** Set priority to major issues to work on, help clarify the dangerous part of the most important issue.
- 4. Dealing with feelings/emotions and providing support:** by listening to the victims,

clarify ambiguous parts; summarize the content of what they really want to say. Try to subtly understand the details of what victims are feeling and thinking internally. Avoid judgment/evaluation towards them from a viewpoint of a third party. And, this way, victims' ability to integrate themselves will begin to function.

5. **Exploring possible alternatives:** Discuss possible alternatives with victims so that they retain autonomy. Try to find a most appropriate alternative for the victims.
6. **Formulating an action plan:** Move to the safe places. Make appointments to get legal consultation for divorce, Participate in a self-help group. Through this kind of action plan, victims' recovery will surely be facilitated.
7. **Follow-up measures:** Make an appointment for a follow-up session after a certain period of time. Evaluate how well victims have recovered from the critical situation. Generally, it is important to have a follow-up session within one month after crisis intervention is over. If victims express their needs to have further assistance, it is advisable to assume that crisis intervention is over and refer them to other professionals/agencies/organizations.