

VICTIMS OF CRIME

Meeting with a killer

In 1986, Ellen Halbert was raped, stabbed, beaten with a hammer and left for dead in her home in Texas. During her recovery, she began to speak out about victims' rights and what needed to change in our "offender-focused" criminal justice system. In 1991, she was appointed by Governor Ann Richards as the first victim to serve on the Texas Board of Criminal Justice, the board that oversees the massive adult criminal justice system in Texas.



This six-year appointment ended in March 1997. Ms. Halbert has won numerous honours and awards for her work. Due to her dedication to crime victims and tireless advocacy for rehabilitation of offenders, a 500-bed female substance abuse treatment prison honoured her in 1995 by naming the facility the Ellen Halbert Unit. In 1996, both the Texas Corrections Association and the Texas Crime Victim Clearinghouse established awards in her name to recognize her work on behalf of crime victims. In 1997, she won the National Crime Victim Service Award, the highest Federal award for service to victims. In 1999, she was named as one of Texas' Women of the Century. In 2001, she was the mediator for a Court TV documentary, "Meeting With a Killer – One Family's Journey." This documentary was nominated for an Emmy in 2002. Ms. Halbert is presently the Director of the Victim Witness Division at the District Attorney's Office in Travis County, Texas.

Q: By way of introduction, could you provide a brief overview of your experience as a victim of violent crime? What did you endure?

A: In 1986, an 18-year-old male broke into my home and spent the night in my attic. The next morning, he surprised me in my bathroom as I was walking from my shower to the closet to get a robe. He was dressed in a ninja suit and every part of his body was covered except for his eyes. In his right hand, held up high over his head, was the biggest knife I had ever seen.

During the next two hours, I was raped, stabbed four times: once in the chest, twice in the back of my neck and he hammered a knife in my head. In between the stabbings, he beat me in the head with a hammer and left me for dead on the floor of my bathroom.

I didn't know how many times he hit me with that hammer, but the plastic surgeon who put my head back together, said that I had 8 to 10 areas of impact and it took hundreds and hundreds of stitches to close the wounds. Eventually, I dragged myself through my home get to a phone and call my mother. My mom and dad came and so did the police and the ambulance. They arrested my offender at a bank trying to cash a

check he forced me to write. As for me, I was hideous, unrecognisable to my own family and in total denial about having been raped. It was just too much violence to comprehend! I had been ripped inside out in every way possible: physically, spiritually, sexually and emotionally. I didn't know how I could ever recover from such violence and I cried for many, many months. However, I wanted to heal so I reached out for help. Luckily for me, within my reach were my faith, other crime victims and counselling. It took time, but eventually I began to look at my life and set goals for myself. My very first goal was to release all of the rage and anger I held inside my heart; I knew I couldn't be the kind of mother, daughter or community member unless I let it go.

I wanted to come out of this trauma stronger than I was before I was attacked. I had to work hard and nothing was easy. I had surgeries to endure because of my wounds, my father grew new cancerous tumours in record time, and I began suffering from stress-related illnesses (and they lasted for years). In addition, my marriage crumbled and I was left without money or a job and there was so much recovery ahead of me! Yes, nothing was easy, but I did my best. And, today, years later, I can point to my recovery "with pride".

Q: Since your experience as a victim of violent crime in Texas, how have you been involved in working to change the criminal justice system?

A: I was able to be a part of many changes for victims that took place in Texas during my six years on the Texas Board of Criminal Justice. We created the Victim-Offender Mediation/Dialogue program, Victim Impact Program and other programs/processes during my term. In addition, victim services at the Texas Department of Criminal Justice became a division.

Since that time, I have created victim-centered programs as part of my position here at the Travis County District Attorney's Office. From time to time, I facilitate "conversations" between victims and offenders; we provide "Crime Victim Orientation Meetings" for new felony victims and hold monthly "Crime Victim Support Circles" for victims who have been through the system.

Q: How do you view restorative justice? Do you think it is good public policy for victims of crime?

A: When I was on the Texas Board of Criminal Justice, I had the opportunity to educate myself about the criminal justice system. I took advantage of that opportunity and turned a part-time unpaid position into a full-time unpaid position. I spent six years studying prisons, probation and parole in a very hands-on way. I went to conferences and sat in endless workshops; I visited most of the prisons here in Texas and talked to everyone I could; I got involved in sex offender treatment issues and began to understand more about what works and what doesn't work in treatment of sex offenders. I spent a lot of time learning about probation and parole as well and, in summary, I became a very educated board member.

However, I found myself searching for something more, but I had no idea what that was. When I toured my first prison, I remember standing in front of one of those tiny cells for two and thinking, "Well, this is definitely punishment, but what kind of person will we be putting back into our community?" The answer came to me when I heard a speech about restorative justice at an American Probation and Parole Conference in the mid 90's. At that moment, I knew that restorative justice was what I had been looking for and I began searching for a way to get involved. It didn't take long for me to become an "restorative justice groupie" like so many others. Restorative justice is the more peaceful, hopeful and healing vision of the criminal justice system that I had been searching for.

However, no matter how great restorative justice is, it isn't for every victim. Some victims will never embrace an restorative justice process, and we need to respect those who feel that way. From my observations though the years, I believe these victims don't want to let go of the rage and pain they feel because it is the "way" they honour a loved one who has died. Somewhere deep inside, they believe if they let go of those feelings, it would somehow send the message that the loss they suffered wasn't that bad or it would dishonour their loved one.

Q: Why do you think victims of violent crime nationally have such a hard time embracing restorative justice? Do they? Or what do you think? Do you think support of restorative justice is growing nationally and, if so, why?

A: I do know some victim advocates don't understand restorative justice and they refuse to learn more about it; they view any process that gives an offender a voice as a bad process. I am told that those same people (crime victim advocates or victim advocates) often discourage other victims (who are interested) from participating in. In my many years of doing "victim work," I have listened to advocates – especially those who have not been victimized – say that they know what is best for a victim.

However, despite some of the negative voices, I do feel restorative justice is growing nationally. I believe the growth is, in part, due to the power of the victims' voices that have taken part in a restorative justice process.

Q: Forgiveness is certainly a very tough issue for victims. How do you view this subject vis a vis restorative justice? Do you think some of us in the restorative justice movement stay away from the topic of forgiveness out of fear of offending victims?

A: I can speak from experience when I say that the word "forgiveness" is just a word. It means different things to different victims. For some, it means the release of anger; for others, it might mean a sense of peace. I do not think forgiveness can be easily defined; it is a personal issue with each victim and it should stay personal. I would never ask a victim to forgive, as it is their decision; we do not walk in their shoes. However, I do feel that restorative justice processes help create a safe place for forgiveness to take place.

Q: What more do you think can be done in our laws to further restorative justice in the criminal justice system? Do you think there is public support for taking restorative justice to a new level? What would that look like? What vision do you have?

A: I have learned to be realistic when trying to change the law to require more restorative justice programs/processes in the criminal justice system. We can change the law, but until we get systems and programs funded that prevent crime in the first place, we will be hitting a brick wall - even with new legislation. Our world is upside down, isn't it? We don't do enough to help children in their early years and we see what happens when they grow up: children, who are victims of their birth, grow up to victimize us. I'll bet all of your readers feel the same way. We must keep pushing for more legislation and funding, and we need to keep writing and getting the word out. For the most part, the public doesn't have a clue about what "restorative justice" means or the work we do. I do think the word is getting out, though. After all, Oprah did a restorative justice show last year; Hollywood should be calling soon.

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