

Victim Outreach In Capital Cases

LaVarr McBride and Robert Autobee

1. "Innovative practices in criminal justice are most often viewed as being controversial at the outset and then...."
2. "after being time-tested and empirically investigated, can become the proven practices that are generally thought of as having been more obviously good ideas."

Duane Ruth-Heffelbower and Dr. Mario Thomas Gaboury,
Controversies in Victimology, 2nd Edition

“If one set out to design a system to invoke intrusive post-traumatic symptoms, one could not do better than a court of law.”

■ Judith Herman, M.D.,
Book: [Trauma and Recovery](#)





Eric Autobee
8/19/79 – 10/18/02 (eow)

Retributive vs Restorative

- **Retributive Justice**
 - What law was broken?
 - Who broke it?
 - What do they deserve?
- **Restorative Justice**
 - Who was hurt?
 - What are their needs?
 - Whose obligations are these?

Background to DIVO Work

- Timothy McVeigh
 - Howard Zeir, Richard Burr, Tammy Krause
- Both Federal and State courts
- Trial Work and Post Conviction

What Have We Learned from Survivors?

“Victims and family members of victims want answers to questions that have been haunting them that only the offender can answer.... Some want to know exactly what happened.”

-Dr. Marilyn Armour, University of Texas

DIVO IS:

- ◆ A bridge between victim survivors and the defense attorney
- ◆ Victims/survivors can have access to, interaction with, and potentially influence the defense process as well as the prosecutorial process
- ◆ Voluntary on the part of the victim survivor
- ◆ Give victim survivors greater information, more options, and more active roles in the system
- ◆ A way to potentially reduce the adversarial nature of the process and its negative impact on victim survivors

DIVO IS NOT:

- ◆ NOT a replacement or alternative to victim services provided by others
- ◆ NOT a mechanism by which the defense is able to gather information about or relay messages to the victim survivor
- ◆ NOT carried out by defense attorneys, mitigation specialists, investigators, or other members of the defense team

DIVO IS Not:

- ◆ NOT guaranteed to help the defendant in some way
- ◆ NOT a way for the defendant to avoid responsibility, conviction or incarceration
- ◆ NOT provided by someone without specific training in DIVO work

KEY PRINCIPLES:

- ◆ Works independently of the defense
- ◆ Communication is one-way except in response to a specific need
- ◆ Victim survivors choose whether or not to participate
- ◆ The VOS maintains confidentiality
- ◆ Victim / offender dialogue is NOT part of DIVO
- ◆ HOWEVER.....



"I lost 11 years of my life battling this hatred. I cried every day. I was in this downward spiral. It cost me my faith. I couldn't even pray anymore, and I'd grown up in the church." – Bob Autabee



"Even if he wasn't sorry, I needed to tell him I'd forgiven him. It's what God wanted me to do. It's what Eric would want me to do. Once I'd made that decision, all that hatred and bitterness just went away and I've been at peace."

- Bob Autabee



"You've got to be willing to heal, and you've got to let the hate go. To me the death penalty is a hate crime, a crime against humanity."



**“The fight that I put up for you
was in honor of my son.”**



**I will live with a sense of sadness and
will have to carry the burden of what
I did for the rest of my life. I want to
thank the Autobee Family for their
kindness. - Ed Montour**

- <http://kdvr.com/2014/02/13/father-protests-to-save-the-life-of-his-sons-killer/>
- <http://www.9news.com/story/news/crime/2014/03/06/montour-murder-plea/6115419/>

- <http://www.westword.com/news/video-bob-autobee-forgives-edward-montour-for-sons-murder-as-death-penalty-trial-begins-5882543>

As a victim's father who has been trapped in the labyrinth of the death penalty, and after seeing the real misuse of resources,

I am begging our elected officials to do away with our broken death penalty system. Colorado can do better by our corrections officials, and we can do much better by victims. I hope that we do.

- Bob Autobee

CONTACT INFORMATION

LaVarr McBride
Pennsylvania State University
Administration of Justice
100 University Drive
Monaca, PA 15061
801-953-4025 (cell phone)
lwm13@psu.edu