

Report on the Meetings with Governor Kaine and the Virginia Tech Victims Family – November 22 and 23, 2008

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Executive Summary

On November 22 and 23, 2008 a meeting was held between the victims' family members of the Virginia Tech shooting of April 16, 2007 and the Governor of Virginia. During this meeting, certain themes emerged that speak directly to the continued distress and emotional pain of these families. These themes involved many perceived harms and generally revolved around the violation of certain victims' rights by various authorities in the case thus retraumatizing the families repeatedly and distracting them from a healthy grieving process.

Most notably, the families felt strongly that they have been marginalized by the Virginia Tech administration and that an unfair balance of power has been maintained in order to manage them. This has created a rift that has hurt them deeply. Lack of communication and information regarding their case, the inability to consult with knowledgeable parties, being treated insensitively by those with whom they have met, and the feeling that they are being attacked and unfairly treated has resulted in magnifying the trauma they experienced a year and a half ago and has led to serious complications in their bereavement processes. The victims feel that they are seeing events spin out of their control and influence and when a recent incident involving the discharge of what sounded like gunshots was not sent out through the new alert system in a manner that they deemed timely or effective, their concern that nothing has really changed at Tech reached another crisis point.

Throughout the conversation, many points were made by the families and acknowledged by the Governor. Some misunderstandings were cleared up and some difficulties were explained. As an aid to these meetings, recommendations are made herein to address the ongoing emotional distress of these families, the campus community's well-being, and the adequate availability of reasonable and appropriate resources to all parties involved. These recommendations include:

- Evaluate the campus for post-traumatic stress and symptoms and behaviors related to it and do sensitivity training campus wide about post traumatic stress issues. Provide ongoing trauma support through specialists in the Cook Center.
- Hire a professional victim advocate experienced in trauma and victim relations in the Office of Recovery and Support. Provide access to victim advocates at the county and state levels.
- Facilitate the families' access as allowed by law to public documents or non-confidential information contained in official police reports and other case-related documents that would otherwise be available to the public, the media, or Virginia Tech administrators upon request.
- Ensure that the Virginia Tech administration abides by the binding settlement agreement with regards to meetings and requests for information by the families.
- Ensure that all authorities and agencies that work with the victims understand the unique nature of victimization and treat the families with sensitivity and compassion.
- Facilitate the publishing of an Addendum or official revision to the committee's report that corrects factual errors and includes omitted information related to the case.
- Make a concerted effort to change the campus climate and culture to one of an environment where the campus community can grieve in a healthy way.
- Accept offers of help and resources from the professional victim community and organizations that were refused following the tragedy.
- Audit the Hokie Spirit Fund contributions to make sure that the givers' intents were honored.

It is hoped that with this input the Governor and others in responsible positions regarding this case will be able to rescue the relationships that have been harmed here, reduce the trauma on the families, and achieve an outcome that the university, the state, and the victims can be proud of.

Introduction

On November 22 and 23, 2008, the victims and victims' families of the Virginia Tech shooting on April 16, 2007 met with Virginia Governor Kaine and his staff to discuss their ongoing concerns in the aftermath of the tragedy. This meeting was preceded on the Saturday date by a short preparatory and orientation meeting with Will Marling, Executive Director of the National Organization of Victim Assistance; Bill Jenkins, author of this report; and Jennifer Bishop-Jenkins from the Brady Campaign. The Saturday meeting was attended by 35 to 40 interested parties, primarily the parents of the murdered victims. Sunday's meeting was attended by 25 to 30 and included several surviving victims of the shooting. In addition, both meetings included members of the Governor's staff; Larry Roberts, Governor's Counsel; and a representative of the Attorney General's office who were valuable in answering questions specific to their fields and experience in the case. One of the Governor's staff, Kate Paris, was tasked with note taking so that the Governor could give his full attention to the families' concerns.

Additionally present, at the request of the families, were Jennifer Bishop-Jenkins, Program Director for Victims and Survivors for the Brady Campaign to Prevent Gun Violence and gun violence victims' family member (her sister, brother-in-law, and their unborn child were murdered in Winnetka, Illinois in 1990); and myself, a homicide victim family member for eleven years since my son's murder in Henrico County, Virginia in 1997, author of the book, *What to do When the Police Leave: A Guide to the First Days of Traumatic Loss*, and an Assistant Professor at Dominican University near Chicago, Illinois. Both Jennifer and I have been involved with the national victim movement and training advocates and law enforcement in victims' issues for many years and have received several awards from this community, including the Edith Surgan Award for Victim Activist of the Year awarded to me in 2006 by the National Organization of Victim Assistance. Jennifer took copious notes during the meetings for the record that are being transcribed for distribution. When quotations from the meeting are referenced in this report they are quoted from these notes.

After attending the meetings, spending time with the families before and afterwards, and seeing the interaction between the families and the Governor and with themselves, at the request of some of the families I offer my impressions of the proceedings and my personal recommendations as an unofficial and experienced advisor to the victims. It will be in some measure educational as many of those involved have had, even in the year and a half since the tragedy, no context for their victimization and no integration into the larger victim community or movement. They are, in fact, an island unto themselves and it is to their credit as remarkable, intelligent, motivated, and caring people that they have progressed so far on their own and against daunting obstacles.

This report is freely submitted in a spirit of cooperation and designed to bring a broader perspective to the Virginia Tech Victims' Family (as they call themselves – not “families”), effectively address their concerns, and assist the Governor and his staff in developing their own recommendations and action steps. This report is being sent directly upon completion to the families and the Governor's office to use and distribute as they see fit. It is hoped that the report, or significant portions of it, will be shared with the parties mentioned herein, including the Virginia Tech administration.

It is likely that this report will not fully represent the desires of the families, as the group is not monolithic, nor are all their desires fully able to be reasonably realized. It is certainly meant to be supportive of their position, however, and present realistic compromises whenever possible.

Similarly, this report does not rely upon, nor does the author have first-hand access to Virginia Tech's perspective in this conversation. Ideally, it would be best to spend several weeks investigating and corroborating the statements made by the families with regards to all the parties involved. As this is not possible, I have attempted to comment and make recommendations based solely on the evidence and statements presented by the families in the short time I spent with them.

It is important to note that one must take into account the families' *feelings about* what happened as well as the actual events, themselves. For trauma victims, their experience with what happens is as real to them as any factual evidence as it goes directly to their well-being and health. How people feel about an event carries greater weight when working with victims and their families. It is this area that is so easily

missed and ignored by the larger community that makes some issues that would otherwise be very minor seem to the trauma victim significant beyond measure. Many people who have never experienced trauma at this level simply “do not get it,” but it is a very real part of the trauma victim’s life, nonetheless, and is an important component in providing effective victim services.

Because of this, I do not want to spend a lot of time on “who did what to whom” issues. Rather, I would like to present an evaluation of where these families are right now and what can be done to alleviate their pain and prevent further traumatization.

It is not the intent of this report to ignore Virginia Tech’s concerns, however. And hopefully, with the author’s background of twenty years of teaching in private and public institutions, a fuller understanding of the university’s perspective can be represented to the families. This may be true especially in the area of the separation of powers and limitations placed on state government with regards to the Governor’s influence regarding academic institutions. Understanding that the university’s universe is not as susceptible to political pressure as other state agencies under the direct control of the Governor, and that this is an established practice that is intentionally designed to minimize political abuse and patronage might be helpful to the discussion as a whole.

The limitations of this report are obviously time-based. As noted, a full investigation of all the families’ claims cannot be undertaken and there is a sense of urgency to get these recommendations to the Governor in a timely manner so that he can use this document in his deliberations. As a result, the conclusions contained herein are based solely on the events of this weekend and the limited information that has been provided by the families both verbally and in writing. When further investigation is warranted, it is hoped that a mechanism will be made available whereby this can be accomplished.

Throughout this report, the term “victims” is used interchangeably to refer to both the surviving shooting victims and the deceased shooting victims as well as the family members of those attacked, as they by law are also legally considered victims of the crime and are given specific protections as outlined in the Virginia State Constitution. When necessary, I have tried to make a distinction between the needs of the various types of victims and family members when they differ.

I appreciate the input of the families who have provided me materials and information, and I appreciate the generous and sincere caring demonstrated by Governor Kaine and his staff during the meetings with the families. It was not easy being in a room where the victims’ pain was so fully palpable and still be open to hearing their concerns so fully and willingly. It deserves mention as something that I rarely see when victims’ families interact with officials and administrators in this manner and should be noted as a model for future communications with these families.

Observations

Victims' Rights and Virginia Tech

During the course of the weekend, several themes began to emerge in conversations between family members and each other, and family members and the Governor. Interestingly enough, these themes, for me, manifested a microcosm of the chronic problems that have plagued the national victim movement since its inception in the 1970's. Though addressed by various victims' rights statutes and Constitutional Amendments, these rights are routinely violated and ignored, either intentionally or unintentionally by those in authority and who should certainly know better. While the crime victims' rights statutes primarily address the integration of victims into criminal trials, as this is the forum where victims are most vulnerable to authoritative abuse, the themes of victim empowerment and participation in the process are universal. Crime Victims' Rights such as restitution, notification, open communication with authorities, to be informed, to be free from intimidation, to be present, and to be heard can be easily extrapolated to this situation even though a trial is not pending.

It is my considered opinion that, had the spirit of these victims' rights been respected from the outset accompanied by a more concerted effort to compassionately respond to the families of those shot on April 16, 2007, these families, the Virginia Tech leadership, Virginia's elected leaders, and Virginia's taxpayers would not be in the predicament they are in now.

The victims in the Virginia Tech shooting are largely unaware of their rights as victims. They appear to have had no real or significant contact with a trained professional victim advocate. They are not connected to the larger victim community except through sporadic contact with unofficial resources. The more than fifty free victim resources that were offered to the administration of Virginia Tech on September 21, 2007 by the National Coalition of Victims in Action (NCVIA), the Federal Office of Victims of Crime (OVC), the National Organization of Victim Assistance (NOVA), and other nationally recognized professional leaders in the victim field were summarily rebuffed, as reported by those who offered those resources.

The families' access to information has been sporadic and disconnected. The murderer is dead and the victims in this case are not going to be hearing the facts of the case presented in a trial. All investigative efforts are directed towards summary findings rather than developing evidence related to prosecution. Consequently, there will be no trial, no discovery process, and no presentation of evidence in court. There is even now a question of whether certain police reports have been prepared and what right, if any, the families have to access investigative information. As a result, some of them feel that their relationship with the State Police has become tenuous and their attempts to obtain the vital information necessary to their well-being and peace of mind have been severely compromised by circumstances beyond their control.

Essentially, no one seems to really know what to do with these victims. The university seems to have lost all interest in them now that memorials have been set up and rituals have been held. They seem to feel that they are met with the exasperated attitude of, "What do these people want now?" every time they come to the school with a request or concern. This apparent resistance to cooperation and communication

on the part of the university is alarming and steps must be taken immediately to create a more cooperative spirit between the two groups lest long-term and irreparable harm sets in.

Infrastructure that meets the needs of both the school and victims must be put in place to build upon what has already been established. Adequate staff qualified to work with crime victims and victims of trauma are essential to the health of the families and the campus community. It is additionally regrettable that many of these resources, even in the short term, could have been met by off-campus experts and organizations if their offers of support had been accepted.

It appears that the university did not, when establishing and staffing the Office of Recovery and Support, fully understand the fundamental needs of victims. Nor did they understand to what extent victims would be interacting with the program or the special skills necessary to work with victims of trauma. As a result, it appears that the university chose to implement an understaffed office with unqualified personnel in this critical area. Granted, victims of trauma can place great demands on institutional resources, ask any professional victim advocate, but in a year and a half of experiencing this effect first-hand and not adapting the infrastructure or behavior of the administration to the obvious needs as presented by the families was a serious misstep.

In the Office of Recovery and Support's managing of their interactions, the families have come to suspect that there is a "divide and conquer" mentality as they have been parceled into groups of surviving and deceased, even to the point of being set against each others' interests. Several times during the weekend I heard the comment that "Tech just seems to want us to go away," followed by a list of incidents and conditions that clearly tend to support that impression. This must be corrected, and soon.

As long as the university continues to create a world where the victims feel ignored and walled off from the community, the victims will attack that wall and try to tear it down, especially when there is a critical mass of highly motivated and intelligent individuals who have bonded into a protective group such as this. It is well within the university's power to make amends and restore this relationship by tearing the wall down from their side. In return, they will most likely see the victims grow to focus less on the university and restore the relationship to a more balanced one. It is my observation that many of them are longing for a more collegial relationship in this regard.

Additionally hurtful, in the media and the public forum the families have been vilified by a few very extreme voices for their attempt to seek truth and accountability and have been cruelly treated by those who have pontificated on their greed and bloodlust without a shred of accurate information about their case, how they have been treated, or how important the underlying issues that they are addressing are to the community at large. And clearly these fringe critics have never had a child murdered, much less in such a tragic, complicated, and high profile way. That most of the families were unable to speak publically for months while litigation efforts were pending worked against their interests and led to even deeper misunderstandings with the public.

Only now that the settlement has been resolved are their voices beginning to be heard, and the response often is that the public is weary of hearing about this and why won't the victims just be quiet and leave President Charles Steger alone? These are only two of the less cruel sentiments that were leveled at these

families in the feedback section accompanying the story reporting on the meetings of this weekend in the Richmond Times Dispatch's website, and it is clear that their voices have been severely compromised.

These families have lost their family members, are dealing with long-term injuries, and through no fault of their own have been thrown together as a group to sink or swim. To their credit, they have bonded across all demographic lines to become a very close-knit family that is highly motivated in purpose and agenda. They claim to have received little to no resources commensurate or adequate to their losses and injuries and, if their claims are accurate, they are victims not only of the worst criminal act in Virginia's and the nation's history, but are also victims of gross human rights and victims' rights violations by the university and perhaps other authorities, as well.

As I listened to the families articulate their concerns, it became evident that these basic victim rights violations have had a profound impact on their ability to grieve and progress through their trauma. Many of the families I interacted with have been so re-traumatized and re-victimized that their affect and appearance is one of people who are dealing with the immediate aftermath of their loss rather than being more than a year out from the tragedy. The essential unfairness of the death and injury has been compounded by being revictimized again and again by people in authority who have been insensitive to their needs and requests. This has reopened old wounds, redirected and refueled anger, and has generally created an impossible environment in which these families must grieve.

Their trauma has been maximized in this case, not minimized. This has led to long-term physical, mental, and emotional effects and a fragility that even threatens their well-being and health. Several of the families with whom I met are still dealing with issues of shock and trauma that should have been relieved long ago, and yet it is still with them. This is alarming and needs to be addressed immediately. If the external factors assailing them are not ameliorated soon, additional tragedy could easily follow.

Victims, Crime, and Trauma

Each criminal incident of violent intent creates victims. How close they are to the event has a direct bearing on the amount of trauma inflicted. The primary victims are typically those against whom the action of the crime is directed. Secondary victims are immediate family and friends in whose lives catastrophic changes take place as a result of the crime. Tertiary and Quaternary victims may be further removed from the incident but still be deeply affected. Witness the response of the entire country to the shooting, or to the events of September 11. These victims, who are further from the center, may be witnesses to the crime, clean-up crews, first responders, colleagues, administrators, fellow students, the entire campus community as a whole, or even anyone exposed to the media coverage. Everyone is affected differently. Everyone recovers from the trauma at his or her own pace.

Additionally, certain legal protections apply to victims of crime and, in cases of homicide, the victims' surviving families. This legal status is non-negotiable and should apply to all victims in all cases, whether they are going to trial or not. Victim services available to these families should, but are often not, based on the needs of the victim, not the status of the offender. It is not only directly harmful but a violation of the rights of crime victims under the Virginia State Constitution to avoid the issue of providing adequate victim services or denying them their legal status as victims of a crime.

As I become more familiar with the Virginia Tech massacre, I see a consistent pattern of recognizing only the primary and secondary victims, and then only reluctantly. They have not, as in other cases such as the Northern Illinois University shooting earlier this year, been brought into the fold and inside the circle of wagons. Instead, as the victims saw it, the school, in a patently obvious attempt to protect itself from litigation, betrayed the trust of these families and locked them out in the cold. The university circled the wagons all right, but they put the victims on the outside and no one on the inside had any skills in traumatic loss or victimology. As a result, based on what the victims report to me, the entire campus community has been put at risk and the families and victims have been horribly abused. It was reported that students have been observed walking in a “zombie-like daze” and no doubt many of the faculty and staff, the more permanent fixtures of Virginia Tech, have unspoken pain and trauma along these same lines that they dare not articulate.

It is clear from talking with the families this weekend that there is a culture of denial on campus: Denying grief’s powerful and long-term effects. Denying the need to acknowledge and integrate the event into campus life and history. Denying the need to be extra-sensitive to the campus community and veterans of this crime when subsequent incidents occur. Denying the need to set up adequate support systems and resources for the families and community. Denying the long-term emotional toll that this is taking on the campus.

It is similar to what we see when an individual victim, typically a man steeped in masculine tradition, tries to deal with the loss of a loved one with stoicism and denial. All appearances are that they do fine for some time as they try to “be a man” about it, then the cracks begin to form in their façade. Ultimately, they wind up having a nervous breakdown that requires critical management and care.

It is my opinion that, from the descriptions I heard this past weekend concerning certain members of the campus community, Virginia Tech may well be hurtling headlong into an institution-wide post-traumatic episode. This could manifest itself in many ways but significant employee and staff turnover, morale crises, profound emotional episodes and the inability to cope and perform, suicide, and increased incidence of destructive behavior and acting out are all likely and possible scenarios. We saw these presented following the Oklahoma City bombing in the victims, the first responders, and the witnesses. There were delayed reactions that made everyone who did not receive post-trauma care a ticking emotional time bomb.

Needless to say, this would have a devastating effect on the university as a whole, specific campus populations in particular, and the community at large. The regrettable point is that this is, or was, largely avoidable. Whether it can be successfully derailed with timely intervention now is uncertain. What is certain is that until the current campus climate and culture of “We will prevail, we will prevail, we will prevail,” and a stoic and self-sufficient sense of “Hokie Pride” are pushed aside in favor of the campus community recognizing that it has been deeply hurt and must humbly and openly accept resources and post-trauma counseling, the wound will continue to fester and grow.

It is vital to the health of the institution that all necessary pressure is brought to bear on the President and Board of Visitors to effect changes in the way this issue is handled on campus. It is essential that the Virginia Tech Victims Family be brought in to help with this process, as they are now the best experts Tech

has in its arsenal. It is so very important that the culture of denial on campus be changed, by whatever means necessary, to one that is fostering a healthy response to this tragedy.

Some have suggested the removal of President Steger as the only way this can happen. I will take no position on this point as there are many who are far more qualified than I to evaluate his performance in this matter. However, suffice it to say that what I have seen as evidence for this outcry concerns me greatly and I feel that it should be given serious consideration. Whatever the conclusion, it must be handled in a way that can bring about the best possible outcome for all concerned. In and of itself, replacing the man at the helm will do no good unless the new captain is prepared to alter course, and would perhaps be needless if the old captain could be convinced to do so in a timely manner.

Some will argue that the course correction needed here is beyond the current president's abilities and interest. Can Steger rise to the occasion? He has not to date. This will require careful planning and investigation, perhaps with a lot of behind the scenes efforts, to effectively bring about changes that both respect the sovereignty of the institution against undue governmental influence and bring health back to the campus.

It would be a sad legacy of April 16 if most of what we learn from this tragedy is what *not* to do rather than what *to* do.

Victims and Virginia Tech

From virtually the very first moment that anyone knew something was very wrong on campus that morning, victims testify that they have been misunderstood. It is reported that one of the first steps taken by school administrators was to call the lawyers. In the days and weeks that followed, victims felt that the lawyers called the shots, especially when it came to revealing information and handling the families involved. Victims have noted that no sincere and official and/or personal apology – indeed, not even an expression of regret – has been forthcoming from the university and that attempts to elicit such an apology have failed. Their attempts to communicate with the university and find out essential facts have been met with resistance and they feel that they have been treated as second class throughout the process.

It is important to note that in serious tragedies such as this, victims typically want very little. When confronted with such horror, a victim's first thought is rarely, "how much can I get out of this?" or, "who can I sue?" Instead, a sense of community and bonding typically sets in and, having suffered such a crisis, they are actually reluctant to inflict pain or crisis on another. Indeed, most victims can be completely trusted to be fair and reasonable in their efforts to recover from a loss and tend to limit their claims to only what it takes to get them back on a level playing field again, often to a sacrificial level. It is common to find that many victims are far more concerned with the well-being of others than with that of themselves. Their primary concern is that no one else be victimized for they know how much it hurts first-hand. That is almost always at the core of their activism, not monetary gain.

Civil litigation is generally the last resort of a victim, not the first, and only when it becomes obvious that accountability – or in the case of a criminal proceeding, additional accountability – is necessary to resolve questions surrounding the case, recover reasonable damages not volunteered or forthcoming, or to change

the behavior of others with whom the victim must interact. Regrettably, most people simply do not understand this counter-intuitive position. This inevitably leads to adversarial conflict, lack of communication, hurt feelings, and damaged relationships.

Unfortunately, in this situation, victims feel mistreated and distrusted by the university from the outset and this may well have precipitated the litigious response from the families. The lack of communication is attributed to the unwillingness of the university to expose itself to litigation or vulnerability. This lack of trust has festered and grown in two clearly identifiable directions.

First, it has caused many of the families to believe that a cover-up or conspiracy is taking place in order to hide mistakes and misdeeds. Sadly, even if this is not the case, the mere suspicion of such behavior is all that is necessary to color everything the victim sees, hears, and believes about his or her case.

I often teach in my workshops that victims can understand when information can't be revealed because officials either don't know or can't tell due to legitimate legal reasons. But what victims cannot abide is someone withholding information because they choose not to tell the victim. This creates a myriad of scenarios, all of them bad, in the mind of the victim and brings us to the next direction.

In the second direction, the victim subsequently begins his or her own search for the truth and investigation. Not having a living murderer to focus their attention on they identify another bad guy, in this case the one who is hurting them the most – Virginia Tech and its leadership. This has clearly happened here. The Virginia Tech families have embarked on their own search for truth and many of them are poring over the committee's report, archive materials, and every available scrap of information they can find. Several times they expressed to me how many of them are looking forward to the digital archive being completed next month so that they will be able to examine all the documents pertaining to the case more efficiently. Their findings are being collected and reviewed. Many are working well beyond their personal health resources, and one expressed the very real possibility that he may lose his job if he continues spending so much time on this effort.

This is clearly unfair and an egregious abuse of these families. Making them do the work that should be available through other resources is an enormous burden on them. By discovering information in bits and pieces, these people, many of whom are still in shock and grieving, are forced to do the complex mental tasks of synthesizing and collating data and documents in order to make sense of what happened, not to mention the horrific emotional toll this takes on someone who has a vested interest in the case.

Clearly, the final report of the committee could have been a reliable source for this information, but the victims and families have clearly identified errors and omissions in the report that the families are even now working to consolidate into a submission for the Governor's staff. This, of course, should not be their job but in the wake of the distrust resulting from their mistreatment by school officials, it is understandable that they have moved to a more independent position. I was very impressed by the Governor's willingness to add their insights and corrections to this important historical record, thus recognizing their inestimable value to the truth-telling process.

Information is a vital lifeline to victims' families – this is true in virtually all violent and lethal crime. Of course, the more the families want to know, the more bothersome they can appear to be to the university officials already facing substantial criticism for their decisions that day. The more bothersome they are, the stronger the natural tendency to resist and withdraw on the part of officials. The more the officials withdraw, the greater the frustration and suspicion on the part of the victims. It quickly becomes a vicious circle with great potential for hurting those who are most vulnerable. Victims have expressed that they have experience this response not only from the university but from the Virginia State Police, as well.

Government and institutions such as Virginia Tech are at their best when they help people who, through no fault of their own, have suffered significant loss in their lives. Hurricanes, natural disasters, homicides, all create major upheavals in lives that were otherwise healthy and happy. Picking these people up and helping them get back on their feet is a unique quality that is only possible through the pooled resources available at the governmental level.

This is how the Virginia Tech families should have been treated: Recognize that they have been struck down by devastating loss and tragedy. Pool resources and adequately and immediately provide direct services to those most devastated. Provide reliable information and follow-up that relieves questions about how their loved ones died and in so doing enables the best outcomes by relieving unnecessary emotional stress. And draw them into a healthy community of caring and compassion that can support them in their need rather than leaving them to their own devices to support one another, groping their way through grief as best they can.

The Virginia Tech Victims' Family feels short-changed on many of these points.

The Report, the Records, and the Settlement

Victims of crime are keenly focused on two primary things: Accuracy and Accountability. Indeed, this is why our society has both an investigative component and a trial component in place in our criminal justice system. Not surprisingly, both of these issues have become paramount in the minds of the victims of the Virginia Tech tragedy, especially as they relate to two particular instruments, the Report and the Settlement.

The victims have spoken often to me of a lack of accountability in this case. The Governor spoke during the meetings of how the settlement acknowledges "our obligation to you [the victims]." The Governor clearly communicated that the settlement is a way of holding the state accountable for what took place. The settlement is a recognition of responsibility on the part of the state to the families and contains four basic programs: Compensation, Medical Expenses, Hardship Fund, and Charitable Purpose Fund. The victims' families were instrumental in conceptualizing this agreement and it is notable that it reflects what was discussed here earlier about the self-sacrifice and fair-mindedness of victims in general.

However, I perceived this weekend a disconnect that should be addressed. When the victims' families speak of "accountability" they are actually addressing issues of "personal accountability." What people did,

what responsibility they bear for their actions, and what rewards or sanctions resulted from those actions. When the Governor speaks of “accountability” it seems that he is speaking of “corporate accountability.” The accountability of the state and its agencies to those against whom wrong has been done. This is similar to my advice to victims in my book to not seek comfort in a courtroom because the community’s sense of justice is often very different from the individual victim’s sense of justice.

For these two parties to truly understand each other, it is important for the families to recognize the settlement as an acknowledgement of accountability on the part of the state and its agent, Virginia Tech. As such, the university may no longer be under any obligation to accept responsibility for wrongdoing or feel a need for apology and may take no action in this regard, though it would be regrettable if they chose to do so. For the Governor, it is important to understand that the families are talking about making sure that those who made egregious mistakes during the day of the murders are appropriately treated from a personnel standpoint. The families have seen those whom they evaluate as culpable for gross errors in judgment and even negligence receive promotions and awards. This conflicts with their basic values of fairness and justice and is quite hurtful.

Of course, the Governor may not have the ability to influence these outcomes at the university level, but in the immortal words of Willie Loman in *Death of a Salesman*, “Attention must be paid.”

With regards to issues of accuracy, it is critical for people to understand just how much of a lifeline information is to a victims’ family member. Surely some second guessing will take place and more questions may arise, but mostly families just want to know what happened and put their loved one’s death in an historical context. The report, admittedly short on time, had a number of factual errors and omissions in it. This is very difficult for the families to deal with in an enduring document such as this. I have seen family members who were deeply disturbed by an incorrect age given in a newspaper article. For a report of this magnitude to be found with errors, no matter how small, it can have a singularly devastating effect.

It was admirable that the Governor perceived this quickly in the meeting and spoke right away to the press of how this report had been to him primarily about the recommendations for change that he was pushing to get to the state legislature on time. But to the families, he said, he now understands it is a historical record of a life-changing event.

Certainly, there are those who feel that the investigation should be reopened and the report fully revised. This, of course, would pose significant logistical and financial problems. Others feel that it would be acceptable to simply correct the mistakes and include the significant omissions. This is perhaps a more realistic approach. Whether this would affect the findings and conclusions is debatable, but it is certainly reasonable to request corrections to the official record. The significance of accuracy in this report cannot be underestimated even though many may feel that the crime is “over and done” and no more need to be made of it.

This report is the historical record of the last day of their loved ones’ life, a realization that dawned on the Governor during the Saturday meeting. He acknowledged that he had been looking at it as a policy and legislative tool which is certainly understandable given his position. This recognition is welcome and

hopefully, it will motivate him to solicit help from members of the original committee to assemble an Addendum to the document correcting the errors and citing the omissions.

This Addendum should not be treated as an Appendix, for appendices are not generally considered an essential part of a document. And if the report is ever re-published or reprinted, these corrections should be integrated into the whole and referenced as the "Revised Edition." Once completed, the Addendum should be published in a companion manner to the original such that a complete body of official information is available to all concerned.

One last note on this issue should be considered. It would perhaps be helpful if the Virginia Tech Victims' Family would take a different perspective on this document once it is corrected and published. I came away with the distinct impression that this document is a very significant symbol to them, its content vital to not just their, but society at large's, understanding of the events of April 16, 2007. University safety protocols and national standards may be derived from it, researchers will use it as primary source material, and its overall impact could be immeasurable. However, it is, nonetheless, a document that has been created in response to this tragedy by a committee with finite resources and schedule. Much may still be learned in the future but the document at some point must be closed.

After a correction is published, it would be in the best interests of the families to recognize the report as a final public document. At that point, if one or more family members (or others) want to proceed with further investigation and privately publish additional material, even material contradictory or critical of the report, they should feel free to do so. It should not be hard to find a publisher and writing assistance for such a project given the high profile nature of the crime. I am hoping that with a corrected version of the report as a matter of public record, that the enormous amount of energy directed this way will finally be able to be used for more positive efforts in other areas.

Another source of information that must also be addressed here is that of the State Police. Family members have made several informational requests from the Virginia State Police with varying levels of response. There have been briefings, answers to specific questions, and other considerations made for the families. In some respects, the families have received more attention from the Virginia State Police than is typical for crime victims. There is still discontent, however, regarding access to what some are referring to as the Police Report or alternately the Police File.

It is a common occurrence that people from different backgrounds will communicate with different vocabularies. This seems to be causing problems here. The Police File is different from a Police Report, to the police, not necessarily to a layperson. The Police File is typically privileged information containing investigators' notes and progressive details that are accumulated throughout the course of the investigation and completely confidential and protected by law with good reason. Police Reports, on the other hand, are generally generated as official documents summarizing evidence and actions taken following a crime. Moreover, there are several types of documents that could be considered Police Reports so some clarification is needed for all to understand the request.

Victims in the US have the right to be informed about matters pertaining to their cases. This typically means that they have a right to request copies of any public document related to their case – police

reports, medical examiner reports, trial transcripts, etc. – directly from the agency rather than submitting a FOIA request. In some cases, a charge may apply to cover administrative costs related to the request. This cooperation is almost always recognized but there is no universal standard and regional regulations can apply. In actuality, many police departments make it possible to request a police report online. I believe that the State Police misunderstand the families' intent and think that they are trying to force them to release information that they are not allowed to divulge and so have become uncooperative. I have been assured by several family members that this is not the case.

The important point here is, again, a question of fairness. The families believe, rightly, that they should have access to any information that would be considered a matter of public record, would be presented at trial were there to be one, or would be available for review by other parties in the case, including the other victim – the university. It is reasonable for them to request access to information based on that criteria and someone to act as a point of contact in the State Police who can help them obtain that information and guide them through the requesting process.

It is not uncommon for many victims to be in a state of shock when certain critical events take place. This can severely impair their ability to receive and retain information, especially when presented verbally. I perceive that this was the case with the police briefings that were held. It would be additionally helpful to the families to have the minutes of those meetings, if notes were taken, and/or the information presented in the briefing for further review. This is not unreasonable and will go a long way towards re-establishing a trusted relationship.

One glaring example of how matters have worsened was for the families to see in their recent meeting, as prescribed by the settlement, where they could ask questions of the university administration that the university officials were allowed to have their attorneys present but the families were not allowed to bring in anyone – not their attorneys or even victim support. This is not only an absolute violation of their rights as crime victims, but insensitive and unethical. This sort of treatment negatively informs the families' attitudes of fairness and trust and it is not surprising that the families have responded poorly and feel that there is an imbalance of power that they must fight at every step.

Finally, the families are at a distinct disadvantage when it comes to the records of the case. They are not going to trial. The killer is dead. The reporting on the case may be handled differently since it is not being turned over to a prosecutor. And even though the case is still officially open pending the acquisition of certain elusive evidence, it is certainly "solved" in the minds of the authorities. Nevertheless, the families are in need of a comprehensive summary of evidence and events of the attack comparable to what would usually be contained in a standard post-investigation police report. If one has been prepared, their right to see it as a matter of public record with appropriate edits for privacy of individuals named in the report should be respected. If one has not yet been prepared, as this is apparently still an open case, it is reasonable for them to request that at such time as the case is closed, an administrative summary report of the case be prepared so that the archives will contain an official report from law enforcement. It would not be complete without it.

A final element in the accountability issue that has proven to be harmful to the families is in the way that the Hokie Spirit Fund has been handled by the university. The families report that there have been many problems with the fund from the outset and there is much dissatisfaction around this issue. These problems are primarily seen to be centered on the university's fundraising timetable and the desire to maximize capital campaign donations. The families point directly back at the university's financial interests in the process and note that it is ironic that they have been accused of being motivated by profit when the university seems to them to have been the one that has allowed money to cloud reason.

The families also state that they suspect that checks that came in following the tragedy that were undesignated were placed in the school's general fund rather than being allocated to the families even though the timeliness of the contribution and the intent stated by some who contributed checks in this manner would indicate otherwise. The families see this as an unwarranted diversion of funds that should be at the very least audited and backtracked through interviewing a certain percentage of random contributors to discern their intent.

As an interested observer who resides in far away Chicago, I can report that it was a common understanding to many I spoke with that donations to the Hokie Spirit Fund were going to go to the victims' families, at least in part, with or without stating so on the check. I would go so far as to speculate that the majority of the nation felt that way, as well.

Additionally, it is reported that several potential donors in this time frame received advice that suggested they contribute to the school after the Hokie Fund was closed out. Whatever the motivation behind these actions, it is important to the families' sense of fairness that this is sorted out. It is important, once again, to note that this is not about money as much as it is about fairness and making sure that what people intended was carried out by those whom they trusted.

The Accountability and Accuracy issue is certainly a touchy one, especially a year and a half out from the shooting. However, to not address these basic issues of fairness and transparency would cause even further harm to the families whose health so hinges on these points. They have suffered more than enough unfairness in their lives. To compound that by withholding information and treating those who have consistently shown themselves (in the minds of the victims) to be undeserving of the recognition and awards that they have been given has created serious resentment and, once again, a feeling of being on the outside looking in.

The Way Ahead

Now that the settlement has been accepted and signed and the university is virtually secure from future litigation, as noted in the meetings on Saturday and Sunday, this should usher in a new period of cooperation between the families and the school. The lawyers can step aside and the families can interact honestly and fully with those that they yearn to meet and have an ongoing relationship with. It is critical to the families' well-being that Virginia Tech and these families and students once again begin to work together towards common goals. The families need to feel that they are being brought in from the cold and treated with honesty, sensitivity, and sincere care and concern. Only in this way will relationships begin to be restored and trust rebuilt.

This will not be an easy road as many perceived violations have taken place in the lives of these people. They feel that they have been callously treated and they distrust what they see is a pattern of inappropriate behavior from the highest levels of the administration on down. This needs to be mended and it is best done in the spirit of reconciliation and restorative justice – acknowledging the harm and then working to redress it.

The families have many suggestions on how the university can improve conditions and the overall situation. I found them acutely aware of the campus temperament and sincerely concerned for the campus welfare. If the university could seriously effect a *rapprochement* with the families, so many good things could come of this tragedy. Most notably, the families themselves will finally be able to get up and walk out of the shadows again.

Recommendations

The following recommendations are provided in no particular order of importance. Most of them are issues that must be resolved in the very near future to prevent further harm and trauma to the victims and carry an equal priority. These recommendations are specifically designed to reduce the stress on the families that they suffer on a daily basis. People cannot grieve properly when distracted. These families have been distracted for over a year and a half now and have suffered great hurts and retraumatization. Alleviating this unnecessary distress should be the immediate goal of all involved.

Certainly not all these recommendations may be able to be implemented for various reasons but in such cases creative compromises should be sought where every effort is made to accomplish the goal and spirit of the recommendation as it will go a long way to helping the families grow, recover, and grieve in a healthier and less distracted way.

It is hoped that the Governor, the Virginia Tech administration, and the others involved will seriously consider these suggestions and bring about as much open communication, reconciliation, and trust as possible. My recommendations are as follows:

- Evaluate the entire campus community for post-traumatic stress symptoms and to identify ongoing needs that have not been met. Waiting until someone comes to the Counseling Center or the Office of Recovery and Support is too late and will not identify those most in need of care. Subsequently, provide adequate counseling for these students, faculty, and staff commensurate to their level of trauma. Provide intensive training to all counseling and Student/Residence Life staff as well as all administrators and supervisory staff on trauma and its effects. Additionally, the university should ensure that there are certified trauma specialists available through the Cook Center on an ongoing basis. Trauma is a specialized field in the counseling profession and those who have not trained extensively in it are not adequate to the task of working

with victims such as those produced by this tragedy. It has been reported by several of the students who have visited the center recently that the counselors there, while very caring and sympathetic, do not possess the skills or training necessary to meet the needs of the victims.

This service should be made available as a proactive measure to all members of the campus community in order to achieve the greatest level of voluntary participation. Grief has long lasting effects, especially grief associated with trauma. It is additionally difficult for trauma victims to know what is normal and typical and often they are left feeling uncertain as to whether they should seek counseling for things in their lives that they may not associate with the trauma but which may very well be derivative of it. For trauma counselors to be available only through the end of the school year following the shooting is an inadequate measure. Certainly, it is not necessary to have as many counselors, and services may be offered on a part-time, on-call, or shift basis, but continued support in this area is vital to the ongoing health of the campus.

- Make available through the Office of Recovery and Support a professional victim advocate with trauma experience and provide adequate staff as needed to meet the needs of those with whom this person interacts and supports. This individual will be responsible for being a liaison with the victims and their families and should be considered a valuable resource and advisor to the administration with regards to future incidents that would potentially traumatize the campus community.

This person should be placed in a bureaucratic position of authority that transcends the day to day operations of the school and should have an all access all the time relationship with those at the highest levels of the administration. He or she should be expected to provide suggested courses of action in crisis based on best practices in victim services and be prepared to assist in emergencies or as part of a crisis response team.

This person should have access to all information regarding the shooting of April 16, 2007 and any future cases of a traumatic nature including suicides and accidental death in order to present appropriate details in context to victims and their families and should work closely with Campus Police to ensure that the university establishes and meets basic victims' rights protocols in order to minimize trauma and provide an environment for the best possible outcome.

- In addition to the above recommendation, it would be of great help to assign a victim advocate with the appropriate local jurisdiction who would be familiar with the details of the case and who would be responsible for assisting family members with concerns not addressed specifically by the university's victim advocate.
- Work with the State Police to provide to the families whatever information that is customarily available to victims of crimes resulting from their investigations. Furthermore, a single point of contact/liaison/victim advocate with the Virginia State Police should be appointed in this unique

situation who can help the families with requests for information and answer any follow-up questions they may have. This person will also assist the families in obtaining any information concerning the case that is a matter of public record or otherwise available to the public, media, or other victims in the case, i.e. Virginia Tech administrators, with appropriate edits for privacy, as well as minutes of and any available information presented at the police briefings.

It is understood that some of this information may not be available until the case is officially closed. At such time, an administrative summary of the investigation and the facts of the case should be prepared for review by the families and inclusion in the archives.

In consideration for the time and resources of the State Police, the families should agree that all requests to the liaison will be made in writing and will come from a single representative of the group as a whole rather than individually.

- The university must accept and abide by the binding conditions of the settlement with regards to communicating and meeting with families as specified. These meetings should take place with full transparency and disclosure, and in a spirit of total cooperation with mutual victims in this tragedy.

In return, the families should agree to respect the time and resources of the university and make all requests for meetings and information as efficient and collective as possible, going through appropriate channels and liaisons to make all necessary arrangements.

- All authorities involved in the case, to include the Virginia Tech administration, the Virginia State Police, the Office of the Chief Medical Examiner, the Office of the Governor, the Department of Criminal Justice Services, and any other agency or group that has information related to the case or interacts with the victims and their family members should be advised and required to treat these citizens with the utmost dignity, respect, compassion, and understanding. They should always willingly and helpfully supply adequate resources to address the needs of the victims to the extent they are able and have the means within their purview.

These authorities should also strive to treat all their interactions with the families with complete transparency and to supply all requested information as completely as allowed by law. When conflicts between the victims' requests for information may occur, every effort should be made to adequately and fully explain the reasons why this information may not be divulged and, if possible, alternative methods or compromises should be offered to meet their needs. The ultimate intent of this cooperation is to make the historical archive that is being assembled a fully complete record with information contributed from as many authoritative sources as possible for the victims' and posterity's benefit.

There should be no question that any document that is considered a matter of public record or is otherwise available to the public, media, or other victims in the case, i.e. Virginia Tech administrators, with appropriate edits for privacy should be available to the victims and their

families. It would also be of great help and very appreciated if clerical help could be provided to assist in the collection and compilation of this information.

- Develop better protocols for the campus alert system that acknowledge the extra sensitivity inherent on this particular campus. Define what is a timely notification and test the system regularly in order to make sure that it is functioning within stated parameters. Continually refine these protocols as needed based on experience gained through use during incidents and input and debriefings from those affected by the alerts.
- The final report of the investigative committee has several errors and omissions that the families strongly feel should be corrected. The families are willing to submit their corrections and inclusions and it is understood that Virginia Tech has made a similar request. It would be immensely helpful if the burden for this project were to not fall fully on the families. Assistance from personnel tasked with helping to assemble and present this material would be greatly appreciated.

It is recommended that an *ad hoc* sub-committee be seated with members to be deemed appropriate by the Governor's Office in order to create an Addendum to the report that would be published as a companion to the original. The families feel that there are members of the original committee who will be more than willing to participate in this endeavor. If the report is ever re-printed in its entirety, the Addendum material should be integrated into the whole and the entire work should be published as the "Revised Edition."

It is also recommended that once the corrected materials are finally compiled and published, that the families should consider the report a closed document. If they feel that further investigation is warranted they should feel free to pursue that investigation and solicit assistance in publishing their own commentary in book form. In this way they can draw their own conclusions, tell their own stories, and agree or disagree with the report and its findings as they see fit.

- Give serious consideration to the request by the families that the culture and climate of the university be steered in healthier directions at the highest administrative levels, to include the Board of Visitors, the President, and the President's Cabinet. This consideration should include, but is not limited to suggestions from many of the families that President Steger be removed; training and guidance for the President and academic and administrative personnel on the best practices when working with crime victims and their families; working through the Board of Visitors to effect change in the campus climate; facilitate conversations with outside experts and officials whereby the university and families can communicate more effectively and make needs known; adopt policies of transparency and trust that will build relationships rather than harm them; and make a greater effort to recognize the grief resulting from this tragedy and integrate it into the campus community in healthy and appropriate ways.

Above all, make a greater effort to more fully recognize the heroic efforts of those who were killed, not just those who responded. Keep their lives, memories, and legacies alive on a daily basis for those left behind in as many ways as possible. These are heroes of the highest order who faced death and crisis and who made critical decisions with as much bravery and clarity as any soldier. You cannot honor them enough, and to let their memories fade into stone without giving life to their stories in order to support the attitude that “we must try to get the campus back to normal so we can put all this behind us” does them a singular disservice and additionally hurts the families very deeply while further denying the campus its right to grieve.

It bears repeating – you cannot do too much in this regard. Finding creative ways of integrating this tragedy into the ongoing life of the campus is crucial to helping the students, faculty, and staff to grow beyond it. The students will age out, to be sure, but brothers and sisters will be coming up behind them. The faculty and staff are more permanent fixtures and will play a vital role in campus life for years to come. Accommodating the basic human need to value and remember the lives lost and to acknowledge what they have witnessed is critical to their emotional health and stability. To attempt to move on and put all this in the past, as it is perceived and reported by the families, is a perfect example of how the university climate and culture is headed in the wrong direction and needs immediate corrective action.

The campus, like the families who have lost loved ones, must begin to find a “new normal,” not recover the old one.

With regards to the families, remember that little things can have great impact – football tickets, phone calls to some families and not to others, being charged “outsider” rates at the campus hotel, etc., all continue to provide increased pain and irritation to a mother or father who handed their child over to the leadership of Virginia Tech University in trust that they would be well cared for, only to have that child murdered in what many believe was a somewhat avoidable tragedy.

It was stated in this report that the Virginia Tech campus as a whole may very well be headed towards a post-traumatic episode if timely intervention is not made. The end of the spring semester 2009 would be one possibility for a “perfect storm” of such a magnitude. This is a very real danger to the campus community and every effort necessary should be made to change course immediately so that the campus becomes a healthy environment in which to grieve. Stoicism, denial, and appearances of strength do not work against grief. It is time to consult experts and implement programs that will be effective. These programs must be fully supported and participated in by every administrator and campus leader, from the President on down.

- Go back to the resource offers that were made in September of 2007 and evaluate them in light of implementing new programs, training, and support for the campus community. Discuss options with the administrators of those programs and organizations and see what can be managed at this time. Accept as many offers of support as are available after a suitable vetting process.

- Provide a means to fully audit the Hokie Spirit Fund and the Virginia Tech Foundation and provide full accountability for the funds, backtracking a certain percentage of the gifts made during that period that were unspecified and thus diverted to the general fundraising efforts of the university. Interview a number of donors who fall into this category to determine the actual intent of the giver. Additionally, it is important to look at the fundraising efforts and communications from that period to discover any attempts to deprive the families of donations or re-direct monies that would otherwise be used as resources by the families for their overall health and welfare. If it is discovered that funds were, in fact, redirected without cause, an adjustment to the accounts should be made in all fairness to the victims and their families.
- Make a concerted effort to re-establish lines of communication between the families and the university in a caring, supportive atmosphere and bring the victims in from the cold. The victims' families are feeling ostracized, marginalized, and excluded from the school and would like to restore that relationship. To this end, an application of Restorative Justice practices would be in order: Recognize and acknowledge the harm, and redress the harm. If necessary, a professional mediator or an expert in Restorative Justice should be engaged in order to make this experience as mutually beneficial as possible

The families have some concerns of their own that they intend to express to the Governor, and I'm sure that the administration of Virginia Tech has some, as well. Hopefully, everyone will make every sincere effort to heal the wounds that these murders have caused and the families will again be able to move towards a "new normal" in their lives – a balanced, stress-free, and integrated life that is free from distraction, traumatization, disempowerment, marginalization, and insensitivity, and contains large measures of hope, peace, and positive memories.

Thank you for your attention.