

Va. lawmakers OK victim visits with condemned

By DENA POTTER Associated Press Writer

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RICHMOND, Va. - Lorraine Whoberry tried for years to meet face-to-face with her daughter's killer before he was executed last month. She was repeatedly denied her requests.

So the day after she witnessed his execution, Whoberry sat down with Gov. Bob McDonnell and asked for his help. A bill was making its way through the Virginia General Assembly that would allow victims of violent crime to meet with the perpetrators, but it excluded those on death row and juveniles.

McDonnell amended the bill to allow victims to meet with inmates on death row. On Wednesday, the General Assembly unanimously approved the change.

Although more than half of the states have victim-offender mediation programs, advocates said Virginia would be one of the first to cement it into state law. Virginia also becomes one of only a handful that allow meetings with death row inmates.

"Even though it's not going to affect us, at least we've got something done," Whoberry said when told about the change.

Even in states that offer victim-offender meetings, "there are a thousand bureaucratic road blocks put in the way," said Pat Nolan, vice president of Prison Fellowship, a national prison ministry.

"The system has a paternalistic view that they know better than the victim, they're trying to protect the victim," he said. "In most cases, the victims have great difficulty getting in to see the offenders."

And while many states allow the meetings only for nonviolent offenses, more are warming to the idea of letting victims of violent crimes visit with inmates, even on death row, said Lisa Rea, a California restorative justice consultant and founder of The Justice and Reconciliation Project.

One reason, she said: More and more victims are demanding the right.

Rea said the meetings likely are more beneficial for victims of violent crime because of what they have lost.

"The victim should come first--the needs of the victim and how you hold an offender accountable," Rea said. "Merely serving out a life sentence or even the death sentence, what does that do to heal the victim?"

Virginia's Department of Corrections routinely refuses to allow victims to meet with their attackers. A department spokesman refused to comment on the legislation, saying only that the agency supported the governor.

Currently, victims must request a meeting in writing, and requests are approved or rejected based on the type of

crime committed, the inmate's behavior and security level, mental health issues and the reason for the visit. On average, the department receives 10 to 15 requests a year and half are approved.

But meetings with condemned inmates are forbidden.

That came as a shock to Whoberry when she was denied after her daughter's killer, Paul Warner Powell, agreed to meet with her. Powell attempted to rape her 16-year-old daughter, Stacie Reed, and then stabbed her when she fought him off in 1999. He waited for her 14-year-old sister to come home and then raped and stabbed her, but she lived.

"I was under the impression I had rights," she said. "But I keep finding out I don't. The offender has more rights than we do."

Powell's attorney, Jonathan Sheldon, tried to arrange a meeting, but also was denied. In the end--a day before Powell died by electrocution March 18--Sheldon arranged to have Whoberry and her family come to his office and talk to Powell for more than two hours over the phone.

For Whoberry, "it brought that monster into being a human being," she said.

They talked about his newfound faith, his life in prison and how he dealt with what he had done. The family asked questions, and Whoberry said she left with a feeling of peace that had avoided her in the 11 years since her daughter Stacie's murder.

"As a victim and survivor there's things you want to say to them that only you can say to them, and they need to hear it," Whoberry said. "They need to hear it from you."

The more serious or violent the crime, the more the victims benefit from meeting with the offender, Nolan said. Often, criminals take plea bargains. Even if they go to trial, victims often never really get their questions answered.

Supporters, including McDonnell, said the meetings could be restorative and therapeutic for both the victim and the offender.

"I think in those rare handful of cases where both agree, I think we ought to let them do it and I think it could be a good outcome," McDonnell said.

Whoberry said the meetings are not for everyone, but that it should be an option if both the victim and the offender agree.

The bill will become law July 1.

"I continue to be Stacie's voice," Whoberry said. "And this time Stacie was heard."