

Collaborations

The Maryland Crime Victims' Resource Center, Inc.

Volume 12, December 2005

California Appellate Court Equates Traditional Hmong Healing Ceremonies with Western Medical Treatment and Upholds an Award for Restitution for Hmong Victims.

Restitution for victims is a concept that has its roots in many faith traditions and is a basic tenet of criminal law. The following California case stands for the principle that immigrants with different faith traditions can request restitution for costs associated with healing ceremonies and other spiritual practices. As many of you are aware, the Hmong have established a strong community in St. Paul, Minnesota, one of our demonstration sites.

In May, a California appellate court upheld restitution awarded for traditional healing ceremonies conducted by Hmong victims of an assault. The facts indicate that after the defendant pled no contest, the trial judge held a sentencing hearing and awarded the victims restitution for traditional Hmong healing ceremonies and herbal medicine.

The trial judge wanted to hear from experts who could explain the importance and significance of the Hmong healing ceremonies because the trial judge did not typically grant this type of restitution. At the restitution hearing, the first expert witness testified that Hmong people believe a person has many souls and if assaulted, one or more of the souls can leave the body. The expert went on to say that when a soul leaves the body the Hmong people believe that the absence of their soul will make them ill. To remedy this, the Hmong people conduct a ceremony to call the soul back called a Hublee. The ceremony includes the use of flowers, candles, strings, and the sacrifice of animals. The second expert confirmed the beliefs and ceremonies conducted by Hmong people after an



“One person can make a difference—and every person should try.” Stephanie Roper

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assault. The trial court awarded restitution in the amount of \$ 6,183, which included Moua's \$ 1,334 in medical expenses and \$ 1,524 in Hublee expenses; Vue's \$ 1,730 in medical expenses and \$ 925 in Hublee and herbal medicine expenses; and Lee's \$ 670 in Hublee and herbal medicine expenses.

On appeal, the defendant claimed the trial judge abused his discretion in awarding restitution for the Hublee ceremonies. The appellate court, however, points out that in California the intent of the statute allowing restitution is clear. Victims who suffer a loss are entitled to restitution. The appellate court noted that the trial judge not only obtained receipts and other documentation, the trial judge also held a hearing to verify the traditional healing ceremonies conducted by Hmongs. Both courts equated the Hmong healing ceremony with the western medical expenses. The appellate court also said there was little, if any, difference between healing ceremonies conducted by the Hmong and western psychological treatment provided by a therapist. The appellate court concluded that the nature of these ceremonies were medical, the victims provided factual evidence of expenses incurred and therefore, the grant of restitution was proper.

HOPE II

OVC, through a cooperative agreement with MCVRC, will solicit proposals from faith based and/or community organizations to establish forty eight subgrantee sites in urban, high crime areas across the United States. MCVRC will subaward each of the selected sites up to \$50,000 to: (1) increase the number of crime victims served in the target community; (2) increase training opportunities for service providers assisting victims of crime; and/or (3) increase the ability of agencies providing services to crime victims to collaborate and form networks with victim service agencies.

The required application forms, HOPE II Request for Proposal and Mandatory Profile (each document is a separate link and is essential to the completion of the application) are located on the MCVRC website:
www.mdcrimevictims.org

Resources:

Raising Resources: More Than a Fundraising Workshop Handbook. This handbook serves as a comprehensive financial plan resource for non-profit organizations. The intent of the handbook is to improve the efficiency, effectiveness and sustainability of the non-profit sector. The handbook is more than just a grant-writing tool, it seeks to provide guidance on how to gather all resources necessary to develop a complete strategy of fundraising. Check it out: http://www.acton.org/cec/raising_resources.pdf

The Nonprofit FAQ (Frequently Asked Questions) is based on questions and answers about nonprofit organizations exchanged on the Internet since 1994. Suggestions and corrections are always welcome. <http://www.nonprofits.org/>. The subject-matter of the questions and answers range from board of directors to volunteer recruitment.

Responding to Victims of Terrorism and Mass Violence Crimes: Coordination and Collaboration Between American Red Cross Workers and Crime Victim Service Providers. (<http://www.ojp.usdoj.gov/ovc/publications/infores/redcross/welcome.html>). This booklet, jointly published by OVC and the American Red Cross (ARC), provides information on how ARC staff and volunteers can better assist victims of terrorism and mass violence crimes. It focuses on victims' rights and needs, OVC resources, victim compensation and assistance, and key differences between the needs of victims of crime and victims of natural disasters.

(continued on page 3)

Resources continued:

The Community Capacity Development Office (CCDO) has redesigned its Web site so you can get information even faster. The streamlined site makes it easy to navigate and find out everything you need to know about Weed and Seed, reentry, partnerships, and more. Important new features include:

- A Site Network Center for Weed and Seed sites to collaborate and discuss strategies and key issues
- Access to site contact information is made easy in the searchable Site Directory
- Information for faith-based and community groups

Check out the new site (<http://www.ojp.usdoj.gov/ccdo/>) now!

Ethics in Victim Services: Ethics in Victim Services is designed to help victim assistance professionals identify, analyze, and resolve the many ethical dilemmas they face in their daily work. The book offers an abundance of ethical challenges to be resolved and a toolbox for applying ethical standards in the real world. <http://www.valor-national.org/valorethics.html>

How to Build a Successful Mentoring Program Using the Elements of Effective Practice. (http://www.mentoring.org/program_staff/eep toolkit/index.php) Whether you are new to mentoring or an old hand, this tool kit will save you time and effort, because it contains materials and information you need to start or maintain a quality mentoring program. The tool kit is written to follow the format of the Elements--but it allows you to take portions of the tool kit in a different order, depending on where you are in starting or strengthening your mentoring program.

Directory of International Crime Victim Compensation Programs: 2004-2005. (<http://www.ojp.usdoj.gov/ovc/publications/infores/intdir2005/welcome.html>). This OVC directory (NCJ 206874) provides Americans who are working, traveling, and studying in other countries the eligibility criteria and contact information for 35 countries and territories (and Taiwan) that have crime victim compensation programs. Most offer financial assistance to Americans and other foreigners victimized by crime within their borders

This Project was supported by Grant No. #2002.VF.GX.K017 awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

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