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CHAPTER 2

HISTORY OF THE CRIME VICTIMS' RIGHTS MOVEMENT IN THE UNITED STATES

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This chapter reviews the influence of ancient legal and social codes on today's victims' movement and provides an overview of movements that were precursors of the crime victims' movement. The six stages of the movement are then delineated. Finally, the major milestones at both the federal and state level are summarized.

Today's view of violent crime and victimization is quite different than in the 1970s. The nation's emotional and legal reaction to criminals has changed dramatically. Why have personal and political responses changed during this period? This chapter will first summarize the early legal codes from which today's victims' rights evolved; then it will focus on the historical development of the crime victims' movement and the reasons for the public's more recently altered perceptions of crime and the treatment of crime victims.

In the last three decades, the crime victims' movement has emerged as a powerful source of social, legal, and political change. Many early pioneers of the crime victims' movement were influenced by the cultural environment created by the civil rights and antiwar movements. Meanwhile, the women's movement, as well as the law and order movement, led more directly to the emergence of a clearly defined crime victims' movement. The history of the movement can be divided into six stages, each denoting

NVAA Module 2 Learning Objectives

- Identify the major social/political movements that contributed to the rise of the victims' rights movement.
- Describe three major federal victims' rights laws.
- Describe and be able to access the OVC Oral History Project.
- Describe at least three landmarks in the history of the victim assistance field.

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new developments in victim involvement and services, changes in service providers' attitudes, new theoretical concepts, and ongoing legal changes. This description is, by necessity, not inclusive of all historical facts; rather, its purpose is to acquaint the reader with the *zeitgeist*, or spirit, of each stage of the crime victims' movement.

Early Legal Codes

Modern legislative codes primarily have evolved from earlier legal codes as an attempt to define and deal with deviant behavior. The focus has predominantly been on the criminal and his or her motivation, not on the victim and his or her needs. Max Weber stated that the primary purpose of the law was to regulate the flow of human interaction in order to make the behavior of others predictable (as cited in Rheinstein, 1954). Historically, laws also serve other purposes: banishing private retribution, reflecting public opinion, deterring criminal acts, punishing offenders, and providing socioeconomic control (Siegel, 1989). These various purposes almost exclusively focus on altering the criminal's behavior.

The question is how other systems have made room for the victim in this discussion of the purpose of the law. Roscoe Pound, a great modern legal scholar, believed that the law was malleable and a tool of social engineering (Pound, 1968). Pound believed that the law should change with societal changes and the advent of new ideas. He espoused a series of *jural postulates* that reflected the shared needs of society. In this context, the needs and rights of crime victims are appropriate aspects of any legal code, especially today, as victim issues have emerged since the 1970s. The following sections will detail how several ancient and modern societies have attempted to protect crime victims' rights.

Code of Hammurabi

King Hammurabi ruled Babylon around 2000 B.C.E. (Before the Common Era) for about 55 years. He was the sixth king of the First Dynasty of Babylon, which was the commercial center of the known civilized world. Babylon's strength and the length of Hammurabi's reign created a time of great stability. To enhance this stability of both social and commercial life, Hammurabi created a code that established rules for all aspects of his subjects' lives (Gordon, 1957).

This code was intended to replace clan blood feuds with a system of laws sanctioned and administered by the state. The code contained five sections (Gordon, 1957):

1. A code of basic laws.
2. A manual of instruction for judges, police officers, and witnesses.
3. A handbook of rights and duties of husbands, wives, and children.

4. A set of regulations establishing wages and prices.
5. A code of ethics for merchants, doctors, and officials (Masters and Roberson, 1985).

In essence, the Code of Hammurabi was a set of laws, an administrative manual, a set of Old Testament-type commandments, a collection of commercial regulations, and a statement of professional ethics. Western society has all of these, but they are often found in separate volumes under the jurisdiction of separate administrative entities. This code was indeed a broad undertaking to provide order and stability in its time.

The code established three major changes in society's view of the law that directly affected the stability of society and the treatment of crime victims. Again, these changes were directed at terminating the clan rule by the blood feud, which often was perpetuated for generations and affected the basic continued existence of an entire society (Wallace, 1998). The three major changes were:

1. **An assertion of the power of the crown or state.** This was the beginning of state-administered punishment. Blood feuds between private citizens were banned under the code.
2. **Protection of the weaker from the stronger.** Widows were to be protected from those who might exploit them; elderly parents were protected from sons who would disown them; and lesser officials were protected from harassment by higher officials.
3. **Restoration of equity between the offender and the victim.** The victim was to be made as whole as possible, and, in turn, he or she was required to forgo vengeance and forgive the offender.

Of significance for the later victims' movement was that this was one of the first victims' rights statutes in history. Punishment of the offender and restitution to the victim were equally important in Babylonian society. Two other ancient societies also attempted to deal with victims' rights. Both of these influenced English and American law.

Roman Law

The next major attempt to codify the law to avoid personal disputes and blood feuds was Roman law. During the period known as the *Pax Romana*, Roman law affected most of the civilized world, including England. These laws were derived from the Twelve Tables, which were written in about 450 B.C.E. As with the Code of Hammurabi, these tables delineated a set of basic rules pertaining to family life, religious practices, and economic endeavors. For the first time in Roman life, written laws now applied to all classes of society (Wallace, 1998).

Later, Emperor Justinian I codified these tables into a set of writings. The Justinian Code distinguished two types of laws:

- **Public laws.** These dealt with the organization and administration of the Republic.
- **Private laws.** These addressed issues such as contracts; possession and other property rights; injuries to citizens; and the legal status of various persons, such as slaves, husbands, and wives.

This code contained elements reflected later in both English and American civil and criminal law. From 100 B.C.E. to about 400 C.E. (Common Era), Roman law and customs were forced on the English people and influenced the development of English legal practices into the Middle Ages.

Jewish Law

The oral tradition of the Mosaic Code probably began several centuries B.C.E., and it was written for the first time in the fifth book of the Hebrew Bible, Deuteronomy, around 100 B.C.E. This covenant or contract between Yahweh and the 12 tribes of Israel has had a long-lasting effect on all Judeo-Christian societies, especially England and America. The Ten Commandments' prohibition against murder, perjury, and theft became the basis for the laws in these two societies (Wallace, 1998).

Of equal influence was Deuteronomy's prescription for the punishment of these and other crimes: "an eye for an eye, tooth for tooth, hand for hand, foot for foot" (Deuteronomy 19:21 TNIV). This early pronouncement of basic justice owed to victims was not meant to be taken literally, according to rabbinic tradition. Rather, it was interpreted to mean that the victim of a crime should receive from the criminal the value of an eye, a tooth, a hand, a foot, and so forth. This was the first formalized proposal of victim restitution since the Code of Hammurabi.

English Law

From the Middle Ages until the Norman conquest in 1066 C.E., England was a decentralized country with multiple kings and nobles holding power over their individual lands. There was little written law, and crimes during this period were viewed as personal wrongs, not the concern of the state as in the Code of Hammurabi. Restitution for the offense (known as *wergeld*) was paid directly to the victim or the victim's family. If the offender failed to make payment, revenge was exacted, and often a blood feud ensued. The victim's right to equity was preeminent, but the stability of society was very tenuous.

However, with the advent of William the Conqueror's rule in 1066, royal administrators rode the circuit and rendered justice. To make this new system more palatable, these administrators combined Roman law with local custom and rules of conduct to guide

their judgments. This system of standing “by the decided law” would have a direct effect on the later development of English common law (Wallace, 1998).

Common law was recognized before William’s rule. This traditional body of unwritten legal precedents created by court decisions (as distinguished from written statutory law) was used by the royal judges as they started their deliberations. They would review past decisions that were similar to their current case and apply them when possible. Then, in the 11th century, King Edward the Confessor (1042–1066) proclaimed that common law was the law of the land, and court decisions were then recorded that could be used by lawyers in pleading their cases. Common law was the melding of existing legal practices known as Dane law and Mercian law with West Saxon legal practice. The concept of common law greatly influenced the development of American law and its early emphasis on restitution and victims’ rights.

The final step in the codification of laws in England was the signing of the Magna Carta in 1215. This was a written statement of the basic liberties granted to English noblemen and the people. The U.S. Constitution and its unique statement of individual rights and liberties, and American legal practices in general, were greatly affected by the way this document evolved as a claim of everyone’s rights against the state.

United States Law

This focus on the development of law builds upon an almost 4,000-year history of some attention to victims’ rights. American law combined common law, written statutes enacted by a legislative body, and the foundation of the Constitution. From the time of the earliest settlers in this country in the 16th century until early in the 19th century, victims served as police officers and prosecutors (or hired them) and prosecuted crimes done to them in much the same way that they might seek redress in civil courts. The main form of punishment imposed was an order of restitution, just as in common law. The victim often arranged for a posse to capture the thief, paid an attorney to prosecute the case, and may have even paid the expenses for a circuit judge to come to that jurisdiction.

The most significant development in the treatment of crime victims was the establishment of public prosecutors. “The office was first established by statute in Connecticut in 1704, whose example was soon followed by the other colonies. However, it was not until shortly after the Revolution that this office emerged as the predominant method of prosecution” (McDonald, 1976, p. 660). According to one scholar, the “monopoly of criminal prosecution by the district attorney is more the result of a misunderstanding of history than of explicit legislative direction” (Goldstein, 1982, pp. 518-9), in that most statutes at the time authorized the district attorney to prosecute criminal cases but did not explicitly preclude victims or anyone else from prosecuting on their own. Nevertheless, courts subsequently interpreted—or misinterpreted—English precedents, eventually leading to the standard that only district attorneys could conduct criminal prosecutions (Goldstein, 1982).

Between 1850 and the early 1970s, the victim's central role faded and then was lost. It is difficult to clearly distinguish why this radical change occurred. As with most social processes, it must have been a slow, gradual process. Before the 1850s in America, two major changes may have influenced this decrease in attention to victims' rights. Government began turning law enforcement and prosecution over to new public servants, in part because the system of private prosecution favored those with means. The general welfare of the community became the focus, breathing new life into the traditional English theory that crime was primarily a wrong against the public and only secondarily against the individual. The fact that the newly created public prosecutors were elected reinforced their self-image as serving the greater good.

In this changeover, restitution was seen as being owed to society, not to the victim, in the form of fines, a principal form of punishment in the years predating the widespread use of prisons. This led to the second major change. In the same period, the mid-19th century Philadelphia Quakers constructed a special kind of jail where convicts were expected to do penance for their wrongs (hence "penitentiaries"). This was the advent of building more and larger penitentiaries as the primary mode of punishing or correcting offenders. If a debt (time more than money) was owed to society, more places were required to pay this debt. Restitution to the victim became an afterthought that was now seen as the purview of the civil court. With fewer stringent guidelines and even fewer resources, victims' rights languished within the civil court system for almost 125 years.

Starting in the 1970s, the societal view of criminals' and victims' rights began changing dramatically and not always on parallel tracks, given the differing kinds of reforms that advocates sought for victims. In 1972, an assistant district attorney in Milwaukee County, Wisconsin, published an article in the *Notre Dame Law Review* that described the "pattern of blindness and neglect" with which witnesses were treated (Ash, 1972, p. 399). The article drew attention to the critical role of crime victims in the criminal justice system and encouraged the development of what was then referred to as "witness appearance-control projects" (Ash, 1972, pp. 411-12).

Victim issues gradually moved back into the mainstream of the criminal justice system and led to the creation of entirely new kinds of social services. The following sections delineate the reasons for these changes and describe the movements that helped precipitate this return to the victims' rights of the late 1700s and early 1800s.

Emerging Social Movements

It was not until the 1800s that women like Susan B. Anthony began to rebel against male domination and abuse. Most known for her zeal in promoting the right for women to vote, Anthony was also creating the first women's movement in this country by addressing domestic violence, the victimization of prostitutes, and the battle for equal pay for women. She published a newspaper edited by and for women, cautioning workers about

sexual harassment while railing against substance abuse and pointing out that women beaten by their intoxicated husbands were its most common victims (Sherr, 1995).

Friends, when we come before you to advocate the Cause popularly termed “Women’s Rights,” we simply ask that woman not be wronged. We ask for her justice and equality—not favor and superiority—the rights and privileges her humanity charters to her equally with man, not arbitrary power and selfish domination. (Sherr, 1995, p. 50)

In 1866, the American Society for the Prevention of Cruelty to Animals was formed, followed by the Society for the Prevention of Cruelty to Children in 1975, both predating any formal organization to prevent cruelty to women in the United States. In spite of the noble efforts of Susan B. Anthony and Elizabeth Cady Stanton, and, one generation later, Jane Addams, who founded Hull House in Chicago, not much changed for women in the United States until the first protective shelters for battered women were established 100 years later.

Beginning in the early 1960s and preceding renewed focus on crime victims, four social/political movements set the stage for the crime victims’ movement as it exists today. The first two—the civil rights movement and the antiwar movement—created a cultural environment that, along with the inspiration of President John F. Kennedy’s “New Frontier” idealism, greatly influenced the philosophical, legal, and tactical background of many pioneers of the crime victims’ movement. Two other movements—the women’s movement and the law and order movement—had more direct bearing on the evolution of the crime victims’ movement.

The Civil Rights Movement

Dr. Martin Luther King, Jr., and other leaders of the civil rights movement changed this country’s view of civil disobedience, clarifying that all Americans have rights under the U.S. Constitution, and focusing on nonviolent change. Even though this country has had a long history of civil disobedience dating back to the Boston Tea Party and 19th century literary figures like Thoreau and Whitman, this approach diminished as a result of 20th century patriotism engendered by two world wars. Civil disobedience was, therefore, not new in 1963 but reemerged and was applied to a new group: American minorities. The civil rights movement enabled society’s disenfranchised minorities to exert power over American governmental and private institutions and demand equal rights and equal access to society’s opportunities and institutions. This movement helped establish the principles that constitutional rights should apply to all citizens, and that nonviolent methods of advocacy can be productive in changing American society (Karmen, 2004).

The Antiwar Movement

This movement organized to oppose American participation in the war in Vietnam. It pointed to America's propensity for violence and the influence of the military-industrial complex, as President Dwight D. Eisenhower called it. A key component of this movement was distrust of authority, which continues today. Through its well-orchestrated marches in cities across America, the antiwar movement showed that grassroots politics could influence and even overpower conventional politics. More importantly, the movement raised questions not only about governmental decisionmaking but also about the moral implications of these decisions.

Even more than proponents of the civil rights movement, antiwar proponents used the media, especially television, to publicize their issues and concerns. The women's movement later used this tool efficiently in publicizing the plight of rape and domestic violence victims. Both of these populist political movements empowered citizens, especially young people, to speak out publicly for what they believed was right. Both served as incubators of grassroots organizations that would awaken groups and organizations concerned with sexual assault, domestic violence, and homicide.

The Women's Movement

A focus on child abuse and neglect led to attention to women as well. This child protection concern initially focused on physicians, social workers, and public-sector personnel. The attention of child advocates and Congress to the work of Dr. C. Henry Kempe, who made his first presentation about the "battered child syndrome" in 1961, led to the creation of the National Center on Child Abuse and Neglect in the Department of Health, Education, and Welfare in 1974.

Attention to women as a group had diminished after they were given the right to vote by the 19th Amendment to the U.S. Constitution. Not until the early 1970s did the women's movement reexamine American family values and traditional male/female roles by spotlighting sexism in bureaucracy (including, very importantly, the criminal justice system) and economic discrepancies between men and women. This perspective and insight have been considered the most significant precursor ("the mother") of the crime victims' movement. "The idea that women should organize to combat rape (and domestic violence) was an invention of the women's movement" (Burgess, 2004, p. 4). The victimization of women and the bureaucratic facilitation of this violence in all areas of society were clarified and politicized. The long overdue recognition that women were entitled to equal social, political, and economic opportunity and power became a national focus.

Susan Brownmiller's book *Against Our Will: Men, Women and Rape* gave credence to the sexual assault movement. It broadened the understanding of "rape" from a crime against "sexual morality" to one of "physical assault" and called attention to society's and, in particular, the criminal justice system's maltreatment of sexual assault victims (Brownmiller, 1975).

A direct result of this increase in women's power and attention to women's issues was the formation of rape crisis centers and domestic violence shelters in the early 1970s (Burgess, 2004). These community-based grassroots programs were started by rape and domestic violence victims in their own living rooms and basements. The common agenda was to right the wrongs for other victims, but the programs met strong resistance. In one community after another, rape crisis counselors faced countless negative encounters with the criminal justice system and other bureaucracies. Meanwhile, they developed descriptions of "crisis counselors," as they called themselves. "They began with no role models and became role models for themselves and for other crime victims" (Burgess, 2004). This important manifestation of the women's movement led to some of its earliest, most publicized political events, such as Take Back the Night and numerous candlelight vigils for women's rights to facilitate consciousness-raising.

The Law and Order Movement

The law and order movement in 1968 slightly predated the beginning of the crime victims' movement (often marked at 1972, when the first three official crime victim service agencies were formed), and its alliance with the women's movement did not develop until 1974. The law and order movement focused on increasing the rights of the common citizen to achieve parity with the rights of the criminal. However, many supporters felt that common citizens could manage their own protection and believed that justice should be accomplished without expanding governmental assistance and monetary support (Karmen, 2004). Law and order supporters believed that criminals should be punished more rigorously; potential victims should be more careful; and victims, once victimized, should be self-sufficient and not dependent on the government for assistance.

The mid-1970s brought the development of victim/witness assistance programs located in prosecutors' offices. The earliest programs were designed to help victims who were witnesses in criminal cases navigate the criminal court system and to encourage them to cooperate and thereby improve conviction rates. The emotional distress of many victims led some members of the victim/witness staff to offer counseling as part of their job. As they tried to make the road through the justice system smoother, some of them began to see themselves as advocating on behalf of victims as well.

By the early 1980s, a shift developed placing more emphasis on victims' needs. Programs emerged to respond to the crises of all victims of violence—some in grassroots settings and some in law enforcement agencies. The support for increased offender accountability and a back-to-the-basics constitutional approach produced a new emphasis on restitution and individual rights. The law and order movement has been particularly influential in the later stages of the crime victims' movement. Its call for participation by victims as a way to protect their own interests was hastened along by new victim activists—including some within the system who were allied to this cause, as were an increasing number of veterans of the law and order movement who broadened their focus from the offender to the victim.

Sometimes in unison, more often in parallel ways, the women's movement and the law and order movement greatly accelerated the pace and success of the victims' movement in the 1980s.

The following section outlines and describes six stages of the crime victims' movement, detailing critical events in its history. This description denotes changes concerning victim involvement and services, service providers' attitudes, new theoretical concepts, and ongoing legal changes. The changes associated with these stages did not always occur in neat, discrete epochs but evolved out of earlier developments and continued through subsequent stages.

The identification and role of broad movements should not overlook or diminish the contributions of individuals, not necessarily acting in concert with others, to the development of the crime victims' movement. For example, Margery Fry originated the concept of government-run crime victim compensation programs and invented domestic violence shelters. Also important, was the power of personal stories, such as those of Candy Lightner, John Walsh, and Roberta Roper, in fostering a broader appreciation and support for crime victims' rights and services.

Historical Stages of the Victims' Rights Movement

Stage 1: Response to Crime

In the early 1960s, crime rose steadily in the United States, reaching its highest point in 1981 (Federal Bureau of Investigation [FBI], 1981). Its effect on American life was evident. In response, the crime victims' movement mobilized on multiple fronts (Young, 1988).

In 1965, the first crime victims' compensation program was established by the California legislature. However, the major strides of this period were accomplished not by legislatures but by the energy of volunteers, many of whom were crime victims themselves. In many cases, they had been victimized again due to less-than-adequate assistance and services within the criminal justice system.

In 1972, volunteers founded the first three official victim assistance programs that still exist today:

- Aid for Victims of Crime, St. Louis, Missouri (now the Crime Victim Advocacy Center of St. Louis).
- Bay Area Women Against Rape, San Francisco, California.
- Rape Crisis Center, Washington, D.C.

Throughout the 1960s and early 1970s, many state and federal commissions were established to study crime and urban riots and their consequences. Following these efforts, the federal government took two significant steps to address the problem: the creation of the first national victimization survey, *National Crime Survey*, in 1972 (renamed the *National Crime Victimization Survey* in 1990) and the formation of the Law Enforcement Assistance Administration (LEAA) (Young, 1988).

The *National Crime Survey* gathered crime data from randomly selected individuals and households all across America, an approach that was very different from the FBI's *Uniform Crime Report* (UCR), which compiles only crime statistics reported to law enforcement agencies. The new information made it devastatingly clear that the rates of rape and other violent crimes were much higher than those reported to law enforcement. The *National Crime Survey* showed that actual crime rates were three or four times higher than the UCR's published official rates (Bureau of Justice Statistics [BJS], 1998).

LEAA monies were intended to combat victimization by increasing law enforcement funding and establishing the first victim/witness programs across the United States in 1974. Funds were also used to help educate and increase the sensitivity of police officers in dealing with victims.

In 1974, the first battered women's shelter was established in Denver, Colorado. It was operated by volunteers who used their own funds and a few donations. Their major focus, as in the women's movement, was to provide victim support using the approach of self-help groups. Their goals quickly expanded to target insensitive and unfair treatment of victims by the criminal justice system (Young, 1988), an evolution from helping to advocacy and activism that was occurring in other sectors of the movement.

- LEAA called together leading victim activists to discuss methods of increasing victim assistance and created some pilot victim/witness programs in 1974.
- James Rowland, chief probation officer in Fresno, California, developed the first victim impact statement used by the criminal justice system to clearly ascertain and specify a victim's losses.
- In Fort Lauderdale, Florida, and Indianapolis, Indiana, the first law enforcement-based victim assistance programs were established.

In 1975, Frank Carrington's book *The Victims* promoted "the proposition that the victim's current sorry status in the criminal justice system *need not be so* [italics added] and that something can and must be done to enhance the rights of the victim" (Carrington, 1975). The National Organization for Victim Assistance (NOVA) was founded in 1975.

In 1976, about 100 leaders met at the Second National Victim Assistance Conference in Fresno, California.

During this first stage, mental health providers had limited involvement at the grassroots level. However, practitioners working with victims of sexual assault recognized

characteristics common to many victims. In 1974, Ann Burgess coined the term *rape trauma syndrome* (Burgess and Holstrom, 1974). Although not universally accepted until years later, its initial use during this time would later facilitate better services for victims in both the mental health and criminal justice systems.

By the late 1970s, mental health providers became more aware of victim trauma. Research began to show the efficacy of peer support groups; some research indicated that these groups were often much more helpful than mental health professionals, partly because the professionals had little training in the grieving process and crisis therapy. *The Crime Victim's Book*, written by Morton Bard and Dawn Sangrey and first published in 1979, was an early, influential primer on understanding and recognizing victims' emotional responses to crime victimization.

As specialized service providers gained new insights into victimization, mental health practitioners began to acknowledge their lack of expertise and began to listen to advocates and victims. For example, the description of the "battered woman syndrome," formulated by Lenore Walker in 1979, provided a theoretical framework for working with victims of domestic violence.

During this period, a number of the pioneers in understanding and treating the mental health problems of crime victims began comparing notes with colleagues treating Vietnam veterans suffering from what seemed to be related aftereffects of trauma.

By the end of this stage, the groundwork was laid from two sources for the development of a full-fledged movement. The women's movement created grassroots rape counseling and domestic violence programs, and within the criminal justice system through LEAA funding, victim assistance programs were emerging.

Stage 2: Conflict and Unstable Funding

At the outset of this second stage, it appeared that many of the gains of the fledgling victims' movement might be lost. In 1979, LEAA was defunded by Congress, and thus the first stream of federal support abruptly ended. As is often the case when limited funding is paired with too many needs, community-based and government-based programs began to compete for limited resources (Young, 1988).

Professionalism and training emerged as competing themes, partly to define differing approaches to victim services and partly to propose that their own perspective was most worthy of the dwindling dollars. Despite their common purpose of assisting victims, the contrasting perspectives, purposes, structure, and operation of grassroots victim programs versus criminal justice-based programs increasingly became issues. This was exacerbated by the frequent complaint of grassroots victim advocates that the criminal justice system did not adequately support victims of rape and domestic violence. Even today, some of

the residual tension from this grassroots-versus-system perspective remains, as do critiques of both perspectives from those without ties to either camp.

In 1978, sexual assault programs and domestic violence programs created their own national organizations to pursue their specific agendas (Young, 1986). These organizations include the following:

- National Coalition Against Sexual Assault (NCASA).
- National Coalition Against Domestic Violence (NCADV).

Believing that change in rape and domestic violence law was not happening quickly enough, these organizations decided not to work within the criminal justice system, which, they felt, was not listening. At the same time, however, they fought successfully for the first round of victims' rights reforms, namely rape shield laws and a ban on the exemption for marital rape.

During this period, program leaders and administrators debated the strengths and weaknesses of the various programs.

Many movements fail (including some of the precursors of the victims' movement) because no "second generation" is trained to continue with the original fervor and energy. Fortunately, this was not true for the victims' movement. In spite of the dissension among the established programs, the system-based programs were proving their worth, and important new grassroots organizations arose. Often led by victims, these new groups directly challenged the indifference of the criminal justice system and the stigmatizing approaches of the mental health system.

Two new grassroots programs grew in response to a void in services to family members of those killed. The cumulative effect was a new infusion of energy into the movement. These two programs were:

- Parents of Murdered Children (POMC), founded by Robert and Charlotte Hullinger in 1978.
- Mothers Against Drunk Driving (MADD), founded by Candy Lightner and Cindi Lamb in 1980.

In 1979, Frank Carrington founded the Crime Victims' Legal Advocacy Institute, which was renamed the Victims' Assistance Legal Organization (VALOR) in 1981, to advocate for the legal rights of crime victims. While his main contribution was getting the civil courts to make it easier for victims to get monetary redress, Carrington was also among those seeking reform in the criminal justice system.

On the legislative front, crime victim advocates pressed for reforms, and state legislators enacted laws that increasingly supported victims (NCVC, 1994a), such as the following:

- In 1977, Oregon passed the first law mandating arrest in domestic violence cases.
- In 1978, Minnesota enacted legislation to allow warrantless arrest in domestic violence cases, regardless of whether there was a prior protection order.
- In 1980, Wisconsin enacted the first statutory bill of rights for victims and witnesses of crime, including state funding for county victim/witness assistance programs.

In 1981, Ronald Reagan became the first president to proclaim National Victims' Rights Week. Later that year, the Attorney General's Task Force on Violent Crime issued its report. The task force, which included Frank Carrington, recommended that a separate task force be created to consider victims' issues.

Stage 3: Public Awareness

As the revitalized crime victims' movement learned better ways to access the news media, public awareness of victims' issues increased. The 1981 Uniform Crime Reports had clearly shown the increase in victimization, and the movement actively used these new statistics for its cause (FBI, 1981).

In response to the Attorney General's Task Force recommendation, President Reagan appointed a Task Force on Victims of Crime in 1982. Chaired by Lois Haight Herrington, this task force made 68 recommendations to improve the treatment of crime victims. The recommendations were directed at all segments of the public and private sectors, including the criminal justice system. The report included, for the first time, a recommendation for a constitutional amendment for crime victims' rights and federal funding for state crime victim compensation and victim/witness assistance programs.

Later that year, Congress passed the Victim and Witness Protection Act. Borrowing from new victims' rights precepts in state laws, this act provided for witness protection, restitution, and fair treatment for federal victims and witnesses of violent crimes (NCVC, 1994a).

Likewise, changes at the federal level encouraged legislative changes at state levels, including victims' bills of rights, proposals for training and education, and expansion of existing victim/witness programs. The single greatest legislative event in the victims' movement to date was the 1984 Victims of Crime Act (VOCA). This act established the Crime Victims Fund to provide funds for local victim assistance programs and state victim compensation as well as services for victims of federal crimes. The fund was made up of money from federal criminal fines, penalties, and bond forfeitures.

The Office for Victims of Crime (OVC), created in the Department of Justice in 1983 to implement the 68 recommendations of the President's Task Force, was designated to administer VOCA, including the distribution of VOCA funds to states for existing victim programs (NCVC, 1994a).

With increased public awareness and high-level political support for victims' issues, numerous programs were started and laws passed during the 1980s. The greatest increase in victim/witness programs occurred in this third stage. Some highlights of this stage were:

- National Conference of the Judiciary on Victims of Crime (1983).
- Missing Children's Assistance Act, which included the establishment of the National Center for Missing and Exploited Children by Congress (1984).
- Attorney General's Task Force on Family Violence (1984).
- Family Violence Prevention and Services Act (1984).
- National Institute of Mental Health (NIMH) and NOVA national colloquium, "Aftermath of Crime: A Mental Health Crisis" (1985).
- National Center for Victims of Crime (formerly Sunny von Bulow National Victim Center) (1985).
- NOVA Constitutional Amendment Meeting (1986).
- President's Child Safety Partnership (1987).

Changes in rape and domestic violence laws during this period helped to influence attitudes in the criminal justice system and local communities. However, grassroots rape counseling and domestic violence advocates felt that citizens were still inclined to view these crimes in morality terms rather than criminal terms (Burgess, 2004).

As the movement spread to bring services to other victims as well as victims of domestic and sexual violence, second-generation grassroots organizations—including the newer ones—feared that increased governmental involvement and new competition for funding of victim programs would lead to dissension as in previous years. These fears were not realized, however. A floor amendment to VOCA in 1984 had mandated that priority be given to victims of child abuse, but this led to complaints from groups representing victims of spousal abuse, sexual assault, and other crimes. And so a fourth priority, for "previously underserved victims of violent crimes," was later added. In 1988, VOCA was reauthorized, and the OVC was established permanently. Crime victim compensation was expanded to include victims of both domestic violence and drunk driving.

In addition, during this stage, theoretical concepts were put to more practical use in both the criminal justice and mental health systems. The concept of *second victimization* as originally enunciated by psychiatrist and former New York City police officer Martin Symonds—that victims were often harmed as much by the system's response as by the crime itself—became generally recognized and accepted. Even dealings with friendly justice professionals could generate acute stress in victims, leading many in prosecutors'

offices to learn the same crisis intervention techniques as were used by colleagues who saw victims much closer to the original trauma.

The various syndromes identified earlier were being discussed within the context of a new diagnosis—posttraumatic stress disorder (PTSD). With the identification of PTSD, a general diagnosis was now developed that did not stigmatize the victim but, rather, clarified and legitimized the victim's normal response to an abnormal situation. In 1980, this diagnosis was recognized when the description of PTSD was placed in the *Diagnostic and Statistical Manual* (third edition) of the American Psychiatric Association (APA), the authoritative diagnostic tool of mental health professionals.

In addition, better training in trauma and crisis intervention enabled mental health professionals to learn about victims' issues. Mental health professionals also began to provide better supportive services. Peer support groups began to be seen as a useful adjunct to successful individual therapy.

A major development occurred in 1986 when NOVA was asked to send a team of experienced crisis counselors to help the community of Edmond, Oklahoma, immediately after a mass murder. Tens of thousands of caregivers have been trained in the NOVA model that emerged under the rubric of Community Crisis Response Teams. A similar set of short-term services, called Critical Incident Stress Debriefings, emerged at about the same time, which focused principally on the stresses of first responders in cases of mass violence. Volunteers from both disciplines became the victims' movement's special contribution to disaster services.

During this period, the crime victims' movement came of age, becoming more focused and sophisticated (Andrews, 1992). The first 10 years had been initiated and perpetuated by strong leaders with forthright personalities; however, in this period, an important paradigm shift was taking place. The movement expanded beyond the dynamics of individual-level politics to group-level national politics, resulting in the change into a more formalized profession.

Stage 4: Expanding Legislative Agenda

In the 1900s, three major legislative issues emerged:

- Victim service funding.
- Victims' rights.
- Law and order concerns.

The growing sophistication of the victims' movement enabled advocates to exert power and influence on several fronts. Thanks to state networks and coalitions, political efforts

during this time became much more organized and presented clearer and more cohesive agendas, such as:

- Removing the limit on deposits into the Crime Victims Fund for VOCA to provide expanded and more stable funding for state crime victim compensation and victim assistance programs.
- Expanding victims' rights through more extensive and effective state legislation.
- Adopting crime victims' rights amendments in state constitutions.

Successful results of this agenda at the federal level included the following:

- As of 1995, all 50 states, the District of Columbia, and three territories had enacted crime victim compensation programs.
- As of 1998, 33 states had passed constitutional amendments.
- The U.S. Congress passed major legislation that addressed hate crimes, campus security, child protection, violence against women, sexual assault, kidnapping, and gun control.
- The U.S. Supreme Court upheld the use of victim impact statements in capital cases.
- Currently, all states have passed victims' rights legislation in the form of a victims' bill of rights or a series of statutory protections.

This legislative agenda has continued to grow and expand. The recent serious congressional consideration to a federal constitutional victim rights' amendment exemplifies this. The women's movement's rape and domestic law reform agenda has been embraced by both women and men in the lawmaking professions (Burgess, 2004). Activities and issues in this stage continue into the sixth stage.

Stage 5: Emerging Professionalism

One of the most salient issues in recent years has been the emerging professionalism in the field of victim services. As with other grassroots movements, there is some apprehension about professionalizing a community-based service system that originated and developed its strength through the dedication of volunteers who extended themselves personally to victims in need. Most victim service programs, however, have not diluted their passion and are led by dedicated professionals who have years of experience working with victims in specialized settings while still relying heavily on trained, committed volunteers.

The historical distrust of other professionals who have no specialized training or experience in victim treatment issues has persisted in many areas. Experience has made some of these concerns both legitimate and urgent. However, salary issues, increased availability of training, and a growing interest in program evaluation and quality services have led to significant professionalism in the field.

Victim service providers work in very diverse settings. Advocates typically perform a variety of tasks that require an understanding of social, psychological, and legal principles. In addition:

- The areas of expertise and the training needed are multidisciplinary in nature.
- There is a growing recognition that to be accepted by other professionals, certification or some other form of credentialing is necessary.
- Increased professionalization of this field will potentially create professional-level salaries for experienced victim advocates and administrative staff.
- Credentialing by victim groups, with help from allied government agencies to support training called for in the credentialing program, is seen by many as a way to overcome the fear of traditional degree-centered credentials that might be imposed on the field by one of the licensed professions. The trend toward credentialing by advocates' groups and their allies in government has been hastened by (unsuccessful) proposals in a few states that only members of a licensed mental health profession should be allowed to perform certain counseling services.

The changes in this area have often been small but significant and growing. By the early 21st century, a dozen or more states have established their own credentialing systems, with the required educational units designed and taught mostly by peers. (States with such systems include Ohio, Florida, California, Connecticut, Kansas, and South Carolina.)

In 1987, the NOVA Board of Directors adopted a *Code of Professional Ethics for Victim Service Providers*, which covers practitioners' relationship with clients, colleagues, other professionals, and the public. Using NOVA's Code as a template, MADD developed a Code of Ethics for its victim advocates in 1988.

Academic programs were offered in increasing numbers during the 1990s. California State University (CSU), Fresno developed the first academic program in victim services/victimology in the United States. By the summer of 1989, CSU, Fresno had started the first Victim Services Summer Institute to make its certificate program available to professionals in other states. By 1990, the number of graduates from this program had more than tripled. Finally, by 1991, CSU, Fresno developed the first victimology major in the nation and then began developing the first doctorate in 1996 (NCVC, 1994a).

Eight states have established clinics to offer free legal services for victims seeking to enforce their rights. Nurturing this development is the National Crime Victims Law

Institute, founded in 2000 at Lewis and Clark Law School in Oregon, which also fosters teaching courses on victims' rights in law schools around the country.

Academic credit and the development of more degree programs will continue to be important for the next phases of the crime victims' movement. Some victimology programs have developed legal advocacy components in addition to their training, technical assistance, and educational activities, such as the Center for the Study of Crime Victims' Rights, Remedies, and Resources of the University of New Haven in Connecticut. This program, part of the School of Public Safety and Professional Studies, provides amicus briefs in selected appellate cases dealing with victims' rights issues.

Based on the template for performance ethnics and standards developed by the National Victim Assistance Standards Consortium, the next potential step could be the development of curriculum standards for education at the national and state levels. The National Victim Assistance Academy (NVAA) curriculum was created to offer this opportunity. The original NVAA began in 1995 by offering a 45-hour core course of work in victim services that could be taken for academic credit. It formed the basis for the first state-level academy in Michigan in 1998. Then, OVC initiated a multiyear funding strategy for the development of state victim assistance academies in 1999. As of 2006, state victim assistance academies have been offered or are in the process of development in 30 states, most which have received OVC financial support and technical assistance.

A sign of the growing recognition of the need to enhance the professional status of victim service providers was the creation in 2003 of the National Advocate Credentialing Program (NACP) by a consortium of national victim organizations. By 2006, more than 500 victim service providers have received NACP credentials based on their experience and training.

In 1996, the National Domestic Violence Hotline (1-800-799-SAFE) was established to provide crisis intervention information and assistance to victims of domestic violence.

OVC launched a number of international crime victim initiatives in 1996, including working to foster worldwide implementation of a United Nations declaration on victims' rights and initiatives to better assist Americans victimized abroad.

In 1997, OVC representatives joined the U.S. Delegation to the United Nations Commission on Criminal Justice and Crime Prevention. OVC played a leadership role in the development of an International Victim Assistance Training Manual to implement the United Nations *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*.

In 1997, the National Center for Victims of Crime (formerly National Victim Center) used its extensive legislative database to create the *Legislative Sourcebook*, a comprehensive compendium of victims' rights laws in all 50 states and the District of Columbia.

In 1998, *New Directions from the Field: Victims' Rights and Services for the 21st Century* was released to the field by OVC. The report was developed with support from OVC and input from more than 1,000 individuals across the nation. It assessed the nation's progress in meeting the recommendations set forth in the *Final Report* of the 1982 President's Task Force on Victims of Crime and issued more than 250 new recommendations from the field for the next millennium. OVC disseminated the 1998 report widely to many programs across the nation.

Stage 6: Advancing Advocacy

During this stage, additional significant developments have occurred on the national and state levels with respect to victims' rights constitutional amendments, legislation, expanded VOCA funding, and creation of national **programs affecting crime victims**.

U.S. Victims' Rights Constitutional Amendments

In the spring of 1996, bipartisan federal victims' rights constitutional amendments were introduced in both the U.S. House of Representatives and the Senate. The amendment was reintroduced in the Senate in January 1997, but no formal action was taken. Hearings on the amendment were then held in Congress in 1996, 1997, and 1998. In 2004, after being unable to break a potential filibuster on their proposal, Senators Jon Kyl and Dianne Feinstein crafted—and Congress passed—a federal statute modeled on their proposed amendment that allowed the general rights of restitution, notification, allocation, and protection with specific measures to enforce its provisions. Additionally, by 1998, a total of 33 states had adopted crime victims' rights constitutional amendments.

EXHIBIT 2-1
STATES' PASSAGE OF VICTIMS' RIGHTS CONSTITUTIONAL AMENDMENTS

State	Year Passed	Electoral Support
Alabama	1994	80%
Alaska	1994	87%
Arizona	1990	58%
California	1982	56%
Colorado	1992	86%
Connecticut	1996	78%
Florida	1988	90%
Idaho	1994	79%
Illinois	1992	77%
Indiana	1996	89%
Kansas	1992	84%
Louisiana	1998	69%
Maryland	1994	92%
Michigan	1988	84%
Mississippi	1998	93%
Missouri	1992	84%
Montana	1998	71%
Nebraska	1996	78%
New Jersey	1991	85%
New Mexico	1992	68%
Nevada	1996	74%
North Carolina	1996	78%
Ohio	1994	77%
Oklahoma	1996	91%
Oregon	1996 (overturned 1998)	59%
Rhode Island	1986	passed by Const. Convention
South Carolina	1996	89%
Tennessee	1998	89%
Texas	1989	73%
Utah	1994	68%
Virginia	1996	84%
Washington	1989	78%
Wisconsin	1993	84%
33 States	Average	79%

Landmark Federal Legislation**1994**

In 1994, the landmark Violence Against Women Act (VAWA) was passed. This has been the most significant legislation in the victims' rights field, other than VOCA. This act doubled the maximum federal sentences for sex offenses and domestic violence and required that temporary restraining orders (TROs) be honored by all other jurisdictions. Domestic violence perpetrators with TROs were prohibited from possessing firearms. For the first time, information shared by domestic violence and rape victims with an advocate was considered to be privileged communication. This act also established the Office of Violence Against Women and doubled the available funding for domestic violence and rape counseling programs.

1996

In 1996, the Congress passed "Megan's Law," the Community Notification Act, as an amendment to the national Child Sexual Abuse Registry legislation. This law provided that local communities be notified of the residential addresses of convicted sex offenders.

In 1996, the Antiterrorism and Effective Death Penalty Act included the Mandatory Victims' Restitution Act, under which limited kinds of restitution were made mandatory in all federal misdemeanor and felony cases. Compensation and victim assistance services for victims of terrorism both at home and abroad, including victims in the military, were expanded.

The Interstate Anti-Stalking Punishment and Prevention Act of 1996 was enacted by Congress. This legislation created a uniform federal law to protect stalking victims when they travel across a state line or on federal property, including military bases and Indian reservations. This law made it a felony to cross a state line to stalk someone or to violate a restraining order in another state.

1998

The Identity Theft and Deterrence Act of 1998 was signed into law in 1998. This landmark federal legislation outlawed identity theft and directed the U.S. Sentencing Commission to consider various factors in determining penalties, including the number of victims and the value of the loss to any individual victim. This act further authorized the Federal Trade Commission to log and acknowledge reports of identity theft, provide information to victims, and refer complaints to appropriate consumer reporting and law enforcement agencies.

2000

The Blood Alcohol Concentration Bill of 2000 required states to adopt a 0.08 blood alcohol content (BAC) as the legal limit for drunk driving by 2004; failure to do this would lead to an annual reduction in federal highway appropriations.

The Trafficking Victims Protection Act was passed in 2000 to combat the trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, through prevention, prosecution, and enforcement against traffickers and by increasing the protection, assistance, and mandatory restitution for victims. This act established programs by the U.S. State Department in foreign countries to assist in the safe reintegration or resettlement of trafficking victims.

Rights Milestones: A Summary

- 1962 Battered child syndrome (Kempe)
- 1965 First crime victims' compensation program in California
- 1972 First three victims' programs
- 1972 National Crime (Victimization) Survey
- 1974 First battered women's shelter in Denver, Colorado
- 1974 LEAA Victim Assistance Conference
- 1974 LEAA pilot victim/witness programs
- 1974 Rape trauma syndrome (Burgess)
- 1975 *The Victims* (Carrington)
- 1976 Victim Impact Statement (Rowland/Fresno)
- 1975 Founding of National Organization for Victim Assistance (NOVA)
- 1976 First NOVA Conference in Fresno, California
- 1977 National Association of Crime Victim compensation boards
- 1977 Mandated arrest for domestic violence in Oregon
- 1978 National Coalition Against Sexual Assault (NCASA)
- 1978 National Coalition Against Domestic Violence (NCADV)
- 1978 Parents of Murdered Children (POMC)
- 1978 Victim Offender Reconciliation Program (VORP)
- 1979 *The Crime Victim's Book* (Bard and Sangrey)
- 1980 Wisconsin Bill of Rights for Victims and Witnesses of Crime
- 1980 Mothers Against Drunk Driving (MADD)
- 1981 National Victims' Rights Week (President Reagan)
- 1982 President's Task Force on Victims of Crime (68 recommendations)
- 1982 Federal Victim and Witness Protection Act
- 1983 Office for Victims of Crime (OVC) (Herrington)
- 1983 Wisconsin Bill of Rights for Children Victims/Witnesses of Crime
- 1984 Victims of Crime Act (VOCA)
- 1984 Missing Children's Assistance Act
- 1984 Family Violence Prevention and Services Act
- 1984 Victim Services certificate at CSU, Fresno
- 1985 National Victim Center (National Center for Victims of Crime)
- 1985 NIMH and NOVA "The Aftermath of Crime: A Mental Health Crisis," a national colloquium
- 1986 NOVA Constitutional Amendment Meeting
- 1986 First Crisis Response Team deployment
- 1987 Posttraumatic stress disorder (PTSD)
- 1988 VOCA reauthorized
- 1989 Victim Services Summer Institute at CSU, Fresno
- 1991 Victimology major at CSU, Fresno
- 1994 Violence Against Women Act (VAWA)
- 1995 National Victim Assistance Academy (NVAA)
- 1996 Megan's Law
- 1996 Antiterrorism and Effective Death Penalty Act
- 1996 Interstate Anti-Stalking Punishment and Prevention Act
- 1996 Support of U.N. Declaration on Victims' Rights by OVC
- 1997 Victims' Rights Clarification Act
- 1997 *Legislative Sourcebook* (National Center for Victims of Crime)
- 1998 Grants to combat violent crimes against women on campus
- 1998 Child Protection and Sexual Predator Punishment Act
- 1998 Crime Victims with Disabilities Act
- 1998 *New Directions from the Field*
- 1999 State victim assistance academy grants
- 2000 Child Abuse Prevention and Enforcement Act/Jennifer's Law
- 2001 USA Patriot Act
- 2001 VAWA reauthorized
- 2003 PROTECT Act/Amber Alert
- 2004 Justice for All Act (JFA)
- 2006 VAWA reauthorized

The VAWA of 2000 provided for direct compensation from the federal government to victims of international terrorism. This act improved and expanded the legal tools and programs addressing domestic violence, sexual assault, and stalking. It authorized new grant programs expanding both programs and research for sexual assault and domestic violence. It defined dating violence and placed it under the VAWA programs. It widened the definition of underserved populations and established four new purposes for VAWA funds: coordinated community response, forensic medical examiners training, training to recognize disabled and older victims of domestic violence and sexual assault, and assistance with immigration matters.

2001

The USA Patriot Act of 2001 addressed the needs and concerns of victims of terrorists' acts. The act allowed the OVC director to respond to acts of terrorism both inside and outside the United States. It established an antiterrorism emergency reserve in the Crime Victims Fund and increased federal grants for state crime victim compensation benefits.

In 2001, the VAWA of 1994 was reauthorized with a \$3 billion budget through 2005. Congress reauthorized the original programs and expanded them, including grants for legal services, funding for transitional housing, computerized tracking of protection orders, grants for safe visitation, and grants for programs that address dating violence.

2004

In 2004, Congress passed legislation defining aggravated identity theft and establishing penalty enhancements for 2 additional years. Title I of the Justice for All Act (JFA), called the "Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act" (CVRA), enhanced substantive rights for crime victims in the federal criminal justice system, including the right to be protected from the accused, heard at all proceedings, treated with fairness and respect and to receive timely notice of public proceedings, confer with the government attorney, and receive full and timely restitution. The CVRA's enforcement provisions are more rigorous than other federal victims' rights laws and include the appointment of a victims' rights ombudsman in the U.S. Department of Justice. The act also authorized additional, non-VOCA funding for federal victim/witness coordinators, state and federal automated victim notification systems, and victim assistance legal clinics. Other provisions in the JFA seek to eliminate the substantial backlog of collection of DNA samples in cases of sexual assault and from crime scenes, criminals, and convicted offenders.

2006

VAWA is reauthorized by Congress and signed into law. The reauthorization increased funding to support rape crisis centers and combat violent crimes on campuses and provided funding to place victim assistants in local law enforcement agencies and to create a national educational curriculum to ensure that all courts have access to relevant laws and best practices.

Federal Crime Victims Fund

In 1995, deposits in the federal Crime Victims Fund reached a then-high of more than \$583 million, available for state crime victim compensation, local victim assistance programs, national training and technical assistance, and federal victim assistance. As a result of this increase in fund collections, state assistance grants received more than three times as much in federal funds in 1997 as they had the previous year.

In 1999, the fund deposits reached an all-time high of \$985 million. As a result of significant fluctuations in annual fund deposits, Congress began capping the amount that could be obligated each year with annual revenues above the cap stored in the fund balance, from which the program could draw as a rainy day fund when revenues did not meet the cap. Congress also began using the fund to support federal victim services, including victim/witness coordinators in U.S. Attorneys' Offices, victim specialists in FBI field offices, and a federal Victim Notification System.

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