

# The History of the Crime Victims' Movement in the United States

**A COMPONENT OF THE OFFICE FOR VICTIMS OF CRIME  
ORAL HISTORY PROJECT**

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# The History of the Crime Victims' Movement in the United States

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## The OVC Oral History Project

The *Office for Victims of Crime Oral History Project* is cosponsored by Justice Solutions, the National Association of Crime Victim Compensation Boards, the National Association of VOCA Assistance Administrators, and the National Organization for Victim Assistance. Sponsored by the Office for Victims of Crime, within the Office of Justice Programs, U.S. Department of Justice, this project seeks to document the rich history of the victims' rights and assistance field since its inception in 1972. The project's four goals are to:

1. Develop two special reports that highlight the historical importance of two events: 1) the 30-year anniversary of the field and 2) the 20-year anniversary of the publication of the President's Task Force on Victims of Crime Final Report.
2. Provide initial documentation via videotape of the past 30 years of the victims' rights and assistance movement through interviews with key contributors to the movement's overall success.
3. Develop archives housed in a university setting (videotaped and paper-based), as well as on the Web (digital tape and electronic versions of transcripts).
4. Develop a recommended format for states, U.S. territories, and the District of Columbia to develop their own individual oral history.

## The Office for Victims of Crime

The Office for Victims of Crime is committed to enhancing the Nation's capacity to assist crime victims and to providing leadership in changing attitudes, policies, and practices to promote justice and healing for all victims of crime. OVC works with national, international, state, military, and tribal victim assistance and criminal justice agencies, as well as other professional organizations, to promote fundamental rights and comprehensive services for crime victims.

## Introduction

The crime victims' movement is an outgrowth of the rising social consciousness of the 1960s that unleashed the energies of the idealistic, 20-something generation of the 1970s. Its continued strength is derived not just from the social forces through which it began, but also from the leadership of extraordinary individuals, some of whom have personally survived tragedy, and others who have brought extraordinary compassion and insight as witnesses to such tragedy.

In retrospect, one can say that the victims' movement in the United States involved the confluence of five independent activities:

1. The development of a field called victimology.
2. The introduction of state victim compensation programs.
3. The rise of the women's movement.
4. The rise of crime that was accompanied by a parallel dissatisfaction with the criminal justice system.
5. The growth of victim activism.

## The Beginnings: Victimology

"Victimology" arose in Europe after World War II, primarily to seek to understand the criminal-victim relationship. Early victimology theory posited that victim attitudes and conduct are among the causes of criminal behavior.<sup>(1)</sup>

The importation of victimology to the United States was due largely to the work of the scholar Stephen Schafer, whose book *The Victim and His Criminal: A Study in Functional Responsibility* became mandatory reading for anyone interested in the study of crime victims and their behaviors.<sup>(2)</sup>

As Tokiwa University (Japan) Professor of Criminology and Victimology John Dussich noted, "As a graduate student in 1962, I had the privilege of being a student of Stephen Schafer who was a victimologist and criminologist from Hungary, one of the early victimologists. He first spoke about victimology in his class on criminological theory. It was the first time that he ever gave a lecture in this country and we became friends after that."

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The interest in victimology correlated with increasing concern about crime in America in the late 1960s. It is perhaps no coincidence that the precursor to Dr. Schafer's book was a study he conducted for the U.S. Department of Health, Education, and Welfare.<sup>(3)</sup> The crime wave of the time led to the formation of the President's Commission on Law Enforcement and the Administration of Justice in 1966, which conducted the first national victimization surveys that, in turn, showed that victimization rates were far higher than shown in law enforcement figures – and that many non-reporting victims acted out of distrust of the justice system.<sup>(4)</sup> This captured the attention of researchers who began to examine the impact of crime on victims, as well as victim disillusionment with the system.

"In my view it is no accident that the explosion of interest in victims and victimization surveys developed simultaneously," Michael J. Hindelang wrote in "Victimization Surveying, Theory and Research" published in 1982. "Each has provided some stimulus for the other and each has the potential for providing benefits to the other."<sup>(5)</sup>

As will be discussed, the prosecutor-based victim/witness revolution in particular was a direct consequence of victimological research.

## **Victim Compensation**

The idea that the state should provide financial reimbursement to victims of crime for their losses was initially propounded by English penal reformer Margery Fry in the 1950s. It was first implemented in New Zealand in 1963 and Great Britain passed a similar law shortly thereafter.

Early compensation programs were welfare programs providing help to victims in need. This was reflected in Justice A.J. Goldberg's comment, "In a fundamental sense, then, one who suffers the impact of criminal violence is also the victim of society's long inattention to poverty and social injustice..."<sup>(6)</sup> California initiated the first state victim compensation program in 1965, soon followed by New York. By 1979, there were 28 state compensation programs. By then, most had rejected the welfare precept in favor of a justice orientation in which victims were seen as deserving of compensation whether or not they were in need. Compensation programs also promoted involvement by

victims in the criminal justice system since they required victims to report crimes to the police and to cooperate with the prosecution.

Administrators of the early programs were not always passionate advocates of victim issues. According to Kelly Brodie, the former Director of victim compensation programs in Iowa and California:

"... I didn't think I would ever work in compensation because I had very hard feelings about the compensation program as a result of my work in the victim assistance field. And it was only through chance that I ended up in compensation...I thought I never wanted to work in this particular arena because I saw compensation as a bureaucratic structure...that was almost a payment for a prosecution-oriented, very adversarial process for victims."

Later, compensation administrators often became articulate advocates of society's responsibilities to victims.

## **The Women's Movement**

There is little doubt that the women's movement was central to the development of a victims' movement. Their leaders saw sexual assault and domestic violence – and the poor response of the criminal justice system – as potent illustrations of a woman's lack of status, power, and influence.

Denise Snyder, Director of the Washington, D.C., Rape Crisis Center, reflects that "...if you go back 30 years ago when the [Rape Crisis] Center first started,...the silence was deafening. This issue was one that society didn't want to think about, didn't want to hear about. The individual survivors felt incredible isolation."

Long-time victim advocate Janice Rench of Massachusetts describes the influences that propelled her into the victims' movement:

"It was not by accident [that I joined the movement]. That was my passion, having been a victim of a sexual assault crime. I wanted to right a wrong...we have to step back...when I started, it was a time of excitement, it was a time of passion....We didn't have any plans, any books...but as we listened to the victims, we certainly got a

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sense of what was going to work and what wasn't. And so it was the victims themselves, I believe, that really started this field and certainly it was the sexual assault field in the '70s that did it."

The new feminists immediately saw the need to provide special care to victims of rape and domestic violence. It is significant that of the first three victim assistance programs in the United States all began in 1972, and two were rape crisis centers (in Washington, D.C., and the San Francisco Bay area). There were several significant contributions that these programs brought to the victims' movement:

1. Emotional crisis was recognized as a critical part of the injury inflicted.
2. Intervenors learned to help victims with the practical consequences of rebuilding their lives, rather than relying on a criminal justice system where they were too often maltreated.
3. In the absence of any resources, there was a heavy reliance on volunteers.

## **The Criminal Justice System**

Victimology in the 1970s helped to buttress what the public already knew – that crime was at unacceptably high levels and its victims were neglected. One individual who helped transform this problem into a reformed system was Donald E. Santarelli, Director of the Federal Law Enforcement Assistance Administration (LEAA) in 1974. He had read the then-new research by Frank Cannavale<sup>(7)</sup> that documented this stunning finding: the largest cause of prosecution failure was the loss of once-cooperative witnesses who simply stopped helping a justice system that was indifferent to their most basic needs.

This was the catalyst for funding three demonstration projects in 1974 to provide better notification and support to victims and witnesses. "We were the prototype for the victim/witness programs in District Attorneys' offices," recalls Norm Early, the former District Attorney of Denver, Colorado. "Back then, everything was very rudimentary. It was basically notification, setting up waiting rooms for people so that you wouldn't have 'World War II' in the hallway between the defendant's family and the victim's family as we

often did back in the old days."

Some of the victim/witness programs began borrowing service ideas from the grassroots programs and new ones based in law enforcement; some of the prosecutor-based staff received training in crisis intervention (because court appearances can be crisis-inducing events), and a few offered on-scene crisis services to victims whether or not there was an arrest and prosecution. Most began making referrals to social service and victim compensation programs. Notification went beyond telling victims about their next court date – it led to establishing on-call systems, and then obtaining and considering victims' views on bail determinations, continuances, plea bargains, dismissals, sentences, restitution, protective measures, and parole hearings. Some offered employer and creditor intercession, as well as support during court appearances. Many of these innovations were documented in a landmark "Prescriptive Package" commissioned by LEAA.<sup>(8)</sup>

In 1974, LEAA grants to the Ft. Lauderdale Police Department and then the Indianapolis Police Department helped open this new sector of the movement. Others followed suit. Many of the police-based programs were inspired by the work of two men.

A one-time New York police officer, Martin Symonds, became a psychiatrist specializing in treating trauma victims and later became the Director of Psychological Services for the New York City Police Department ("I finally got my gold shield," he would brag). In his clinical work with victims that began in 1971, Dr. Symonds developed three insights:

1. The pattern of responses from victims of trauma was similar regardless of the type of crime.
2. The principles of good crisis intervention are also similar.
3. Law enforcement officers are in the position of doing the most harm or the most good in responding to victims.

These views were published in a number of journals and were spread around the victim assistance community.

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Dr. Morton Bard – also a one-time member of “New York’s finest” – was a psychologist who taught at New York University and who also studied the reactions of crime victims. With an LEAA grant, he published two volumes on Domestic Violence and Crisis Intervention. He laid the basis for presenting victim-focused training into many law enforcement academies and the FBI National Academy. His *Crime Victim’s Book*,<sup>(9)</sup> published in 1979, was the first book-length primer on identifying and meeting victims’ needs and was considered a “bible” for many advocates and crime victims alike.

## The Growth of Victim Activism

Finally, the victims’ movement was given a jolt of energy from crime victims and survivors. The victims’ movement surfaced the neglected issue of criminal violence against women, yet it was rape survivors and battered women who most commonly founded programs and shelters for similar victims. An additional force began to be felt in the late 1970s.

As lonely and isolated as other victims felt, survivors of homicide victims were truly “invisible.” As one homicide victim’s mother said, “When I wanted to talk about my son, I soon found that murder is a taboo subject in our society. I found, to my surprise, that nice people apparently just don’t get killed.”<sup>(10)</sup>

Families and Friends of Missing Persons was organized in 1974 in Washington state by survivors of homicide victims. The initial purpose was simply to provide support to others whose loved ones were missing or murdered. It later evolved into an advocacy group as well.

Parents Of Murdered Children was founded by Charlotte and Robert Hullinger in 1978 in the aftermath of the murder of their daughter by her ex-boyfriend. Mothers Against Drunk Driving was co-founded in 1980 by Candy Lightner when her daughter was killed by a repeat offender drunk driver, and by Cindi Lamb, whose infant daughter was rendered a quadriplegic by a repeat offender drunk driver. In 1977, Protect the Innocent in Indiana was energized when Betty Jane Spencer joined after she was attacked in her home and her four boys were killed. She and others did not shy away from the news media.

According to Cindi Lamb, “Probably one of the foremost strategies is giving the victim a face, and the face of the victim was [in her case, her quadriplegic infant daughter] Laura Lamb. She was the poster child for Mothers Against Drunk Driving, because even though she couldn’t move, she moved so many people.”

Many of these were support groups, but most were also advocacy groups whose power was undeniable. Edith Surgan, whose daughter was killed in New York City in 1976, moved to New Mexico and founded the New Mexico Crime Victim Assistance Organization that was the driving force behind establishing victim compensation legislation in that state. She told many times of traveling day after day from her home in Albuquerque to Santa Fe to fight for that legislation. She also told of how the Majority Leader of the Senate hid from her until she confronted him and asked why he was hiding. He said simply that he could not deal with such a horrible issue.

Bob Preston, whose daughter Wendy was murdered in Florida, along with Greg Novak, whose sister Beverly Ann Novak was murdered in Chicago by a man who had just been released, unsupervised, from a State Hospital, co-founded Justice for Victims, which successfully lobbied for one of the first state constitutional amendments for victims’ rights that was passed in Florida in 1988. Preston today co-chairs the National Victims’ Constitutional Amendment Network.

The experience of John W. Gillis, Director of the Office for Victims of Crime, following the murder of his daughter Louarna in Los Angeles in 1979, captured the work of all these groups:

“Quite frankly, Parents Of Murdered Children saved my life...because it gave me an opportunity to talk about what had happened....So I attended their meetings. They started asking me questions about law enforcement [he was then a Los Angeles police lieutenant] and why cases were handled certain ways. This was really helpful to me because then I found out I was providing help and information to others who were really hurting so much. So it was a two-way street. From there a group of us decided that we wanted to start our own organization, so we started Justice for Homicide Victims.”



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These five forces worked together at first in informal coalitions, but the formation of the National Organization for Victim Assistance (NOVA) in 1975 helped to consolidate the purposes and goals of the victims' movement. The organization grew out of ideas developed at the first national conference on victim assistance, sponsored by LEAA, in Ft. Lauderdale in 1973. NOVA's initial contributions were to promote networking and to continue national conferences (beginning in 1976) to provide training opportunities for those working with victims.

Funding to the field in the late 1970s through LEAA gave communities opportunities to replicate the initial programs and begin to translate knowledge and practice into educational materials. The National District Attorneys Association developed a Committee on Victims to assist in disseminating information. The American Bar Association established a Victims Committee in its Criminal Justice Section.

By the end of the 1970s, many states had at least a few victim assistance programs, and 10 states had networks of programs. There grew a common understanding of the basic elements of service: crisis intervention, counseling, support during criminal justice proceedings, compensation and restitution. LEAA continued to promote victim assistance through its state block grants and established the first National Victim Resource Center in 1978.

In 1980, NOVA incorporated the growing demand for victims to have legitimate access to the justice system into a new policy platform on victims' rights and the initiation of a National Campaign for Victim Rights, which had as its core, a National Victims' Rights Week, endorsed and implemented in 1981 by President Ronald W. Reagan.

The 1970s were marked by rapid progress as well as by turbulence, caused in significant part by the waning of federal financial support. As national priorities shifted, stable funding became elusive when Congress defunded LEAA at the end of the decade, and programs often entered into internecine warfare over the limited resources that were available.

Controversy also arose among programs that were driven by grassroots energy and those that were based in criminal justice institutions. Many felt there was an inherent conflict between the goals of a prosecutor or law enforcement agency and the interests of crime victims. Some sought legal changes in the system, while others felt change could take place through the adjustment of policies and procedures.

Tensions within the movement led to the emergence of new national organizations: the National Coalition Against Sexual Assault was formed at NOVA's 1978 national conference to provide leadership for rape crisis programs. The National Coalition Against Domestic Violence was also founded in 1978 to provide an advocacy network for shelters.

Victim advocate Janice Rensch lamented the frictions that arose:

"[In the 1970s] there was much more openness for domestic violence victim advocates, for sexual assault advocates to come together, and then we would have people who had lost their children – homicide survivors – and we would start to see that there was more to this than just sexual assault and domestic violence – but that came later."

## **The 1980s: Growth and Acceptance**

The loss of significant LEAA funding in 1979 served as a potent reminder of how tenuous the movement's gains in the 1970s had been. Though an untold number of programs were abolished, the movement itself survived, thanks largely to the impact of the victim activist groups and the new public awareness they engendered. Their influence helped the victims' movement keep going and make progress on three fronts: public policy, program implementation, and public awareness.

State public officials, urged on by victim advocates, realized that state action was necessary to ensure the institutionalization of victim assistance. California again was a leader as it became the first state to establish state funding for victim assistance in 1980. Wisconsin took action by becoming the first state to pass a Victims' Bill of Rights the same year.

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Jo Kolanda, the former Director of the Victim/Witness Program in the office of the District Attorney in Milwaukee, Wisconsin, shares her perspective of Wisconsin's initial legislative efforts to benefit victims of crime:

"I said, 'I think that the only way this program is going to survive is if there is statutory authority for the program. There's got to be funding built in from the State. The State supports the court system, they should be willing to fund this.' And every single person in the room laughed. At first I was so humiliated, and then I was so mad that I left that meeting thinking there is going to be statutory authority for this program or I will die trying."

"I contacted a woman named Barbara Ulichny, who was at the time a freshman State Representative in Wisconsin....I said, 'You know, Barbara, we need a Victim/Witness Bill of Rights.'...Amazingly, a freshman Representative pulled this off..."

Spirits were raised by the receptivity of the new administration. In 1981, President Reagan declared National Victims' Rights Week and Attorney General William French Smith launched a Task Force on Violent Crime. Conservative activist, victim advocate, and victims' rights attorney Frank Carrington – and his old friend, Presidential Counselor Edwin Meese – were the catalysts.

According to Steve Twist, board member of the National Victims' Constitutional Amendment Network:

"Frank was quite an advocate, even in the early '70s, for fundamental reforms of the criminal justice system so that it would become more victim-centered. Frank went on to be the driving force behind the establishment of the President's Task Force on Victims of Crime...and it was Frank's friendship with Ed Meese that led to that, and led to Frank being appointed as one of the members of the Task Force."

From the movement's perspective, the most important recommendation of the Attorney General's Task Force, suggested by Frank Carrington, was to commission a Presidential Task Force on Victims of Crime. In 1982, the President implemented that recommendation. At the same time, Senator H. John Heinz discovered and

endorsed the principle of rights for victims through his work as chair of the Senate Aging Committee. The informal group that was invited to help Senator Heinz draft the Federal Victim and Witness Protection Act of 1982 will always remember his charge, "Help me find the most imaginative and effective tools ensuring victim rights in the states, and I'll put them in the Federal bill."<sup>(11)</sup>

While victim advocates cheered his bill when it won a unanimous consent vote on October 12, 1982, they also saw the Act for what it was – a first step toward comprehensive federal action on behalf of victims everywhere.

Lois Haight Herrington was an unknown quantity to the victims' movement when she was appointed to chair the President's Task Force on Victims of Crime in 1982. However, a few advocates in California who had seen her perform as a prosecutor, were ecstatic.

As Harold Boscovich, former Director of the Victim Assistance Division of the Alameda County (California) District Attorney's Office, recalls:

"I was happy when Lois went to Washington. But when she went to Washington she wasn't going to take a job at the Office for Victims of Crime – it didn't exist. Lois was going back to Washington with her husband...The next thing I heard from her is 'I've got a job. I've been asked to head the Office of Justice Programs.' And I was just elated."

She became the indefatigable champion of victim justice, the architect of the Victims of Crime Act of 1984 (VOCA), and the architect of a Program Management Team for Victims of Crime which later evolved into the Office for Victims of Crime within the U.S. Department of Justice.

Stories of Haight Herrington's tenacity are legendary. First as Chair of the President's Task Force on Victims of Crime and later as the first Assistant Attorney General for the Office for Justice Assistance, Research and Statistics, she wielded her powers of diplomacy, cajolery, and personal stature within the administration to fashion and implement the recommendations of the Task Force. Her passion for the cause was demonstrated when her husband took the oath as President Reagan's Secretary of Energy; she



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surreptitiously held his bible open at the “Good Samaritan” parable instead of the psalm John Herrington had chosen.

Then Washington State Attorney General Kenneth Eikenberry, another member of the Task Force, secured his place in the history of the victims' movement by pressing a recommendation that was novel to the movement – the adoption of a federal constitutional amendment for victims' rights. Dr. Marlene Young, Executive Director of NOVA, relates this story:

“I will always remember sitting next to Ken at the lunch break during the first Task Force hearing and listening to him say, ‘I don't know why everyone is so anxious about the status and treatment of victims.’ I sighed, thinking that he just didn't get it, when he added, ‘All we have to do is pass a constitutional amendment that gives them the right to be present and heard in the criminal justice process.’ I was stunned by the idea.”<sup>(8)</sup>

The President's Task Force held six hearings across the Nation and produced a *Final Report* with 68 recommendations to improve assistance to victims of crime. Lois Haight Herrington's memories of one special occasion is telling, since it reflects part of her strategy in helping to get the Victims of Crime Act (VOCA) passed:

“[This photograph] is when we're giving our Task Force Report to the President...the next picture is the first Rose Garden ceremony...the reason I'm showing you this is that here are...victims that we had [with us]. Here was the President, the Vice President, and Attorney General Smith....telling these stories and introducing these people to the President. I think [this meeting with the victims] was very instrumental in getting the Victims of Crime Act that I think has helped start so much of this.”

The Task Force's Report launched four critical initiatives. First, it recommended federal legislation to fund state victim compensation programs and local victim assistance programs. That pair of recommendations was the precipitating force for the enactment of VOCA. The Act established the Crime Victims Fund, made up of federal criminal fines, penalties, forfeitures, and special assessments, as the resource for the two programs.

As Reverend Bob Denton, Executive Director of the Victim Assistance Program in Akron, Ohio, recalls:

“One of the good things that happened...is that we were able to strategically think through and use our experience to develop the procedures as well as the policies in distributing VOCA and state monies.... One of the things that killed us in '76 and '77 and '78 was the death of LEAA. We had just begun to get money into victim programs when they were killed. I sat in on one of the early research projects that the Justice Department did that found that we had dropped from 400 and some programs in this country to 200 and some in a couple weeks.”

“So, VOCA comes along and it says this is to keep those old programs from going down, because if they go down, we have nothing. And then, to build new programs.”

Second, it made recommendations to professionals in the criminal justice system and associated professions about how they could improve treatment to crime victims. The 1983 National Conference on the Judiciary and Victim Rights was a spinoff of the report and served as a major impetus to change judicial policies and attitudes.

South Dakota Judge Merton Tice, who attended the 1983 conference, said: “It was like seeing the light at the end of the tunnel. When Edith Sorgan and Sunny Strong spoke [Ms. Sorgan, a homicide survivor, spoke by speakerphone from her deathbed in Albuquerque; Ms. Strong, a rape survivor, addressed the conference in person], I knew there was something that needed to be done. The judicial branch of government should always be neutral, but neutrality does not mean that one side is forgotten. In this case, it was the victim that had been forgotten.”<sup>(12)</sup>

Third, it recommended the creation of an additional Task Force on violence within families, which resulted in the establishment of the Attorney General's Task Force on Family Violence in 1983 with a Report published in 1984. That Report was a stimulus to a VOCA amendment requiring compensation programs to make victims of domestic violence eligible for help.

Fourth, it recommended the “Eikenberry amendment” to the U.S. Constitution. That recommendation led to the

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1986 formation of the National Victims' Constitutional Amendment Network (NVCAN), which initially sought to obtain state-level amendments for crime victims' rights.

In the four years after the publication of the *Final Report*, the Office of Justice Programs and the Office for Victims of Crime worked closely with outside groups, notably NOVA, to implement the recommendations. States began receiving VOCA funds in 1986, training programs for justice professionals were disseminated widely, standards for service for victim programs were developed, and regional training for victim service providers was offered across the Nation.

During this time in the academic field, the first Victim Services Certificate Program was offered through California State University, Fresno. Now in addition to the Certificate, students can also earn a Bachelor of Science in Criminology Degree with a Major in Victimology.

Victim-oriented justice gained international recognition with the adoption of the *United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* in 1985. This document helped spur other nations to start or expand victim rights and services. As Irvin Waller, Professor, University of Ottawa, relates:

“What we decided to do was to take the so-called rights for victims, which were really principles of justice for victims in various states and nations, and put these into a proposal that we then took to the Secretary of the United Nations.”

The development of the OVC/NOVA Model Victim Assistance Program Brief in 1986-1988 served as a management tool for programs. It articulated eight basic services that programs should provide: crisis intervention, counseling and advocacy, support during criminal investigations, support during prosecution, support after case disposition, crime prevention, public education, and training of allied professions.

States were also moving rapidly to institutionalize victim assistance through funding legislation and the development of program networks. Bills of rights were adopted in every state by 1990; at present, 32 states have adopted constitutional amendments, and there are more than 32,000 statutes that define and protect victims' rights nationwide. By the end of the 1980s,

more than 8,000 victim service programs were in operation.

The 1980s brought new contributors to the crime victims' movement.

- The National Victim Center (now the National Center for Victims of Crime) was founded in 1985 in honor of Sunny von Bulow, and generated increased emphasis on media and public awareness of victims' rights and concerns; research on the impact of crime on victims; civil litigation on behalf of victims; and training about victim assistance organizational development and crime victims' legislative rights.
- The Victims' Assistance Legal Organization (VALOR) became prominent as its founder, Frank Carrington, helped to develop and promote civil litigation on behalf of crime victims.
- The National Center for Missing and Exploited Children was established in 1984 to help find missing children and provide support to their families.
- The International Association of Chiefs of Police established a Victims Committee and announced a “law enforcement bill of rights for victims.”
- The American Correctional Association Victims Committee issued 16 recommendations to improve victims' rights and services in the post-sentencing phases of criminal cases.
- The American Probation and Parole Association established a Victim Issues Committee and developed sample policies and procedures, as well as extensive training curricula, relevant to victims' rights and needs when their offenders are sentenced to community supervision or released on parole.
- The Spiritual Dimension in Victim Services became a source of education and training for clergy on victim issues.
- Neighbors Who Care was initiated by Justice Fellowship to develop victim assistance within religious communities.
- The International Society of Traumatic Stress Studies and the International Association of Trauma Counselors were established to serve as research and education resources for individuals working in the field of trauma.

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The growth of the understanding of trauma was particularly important during the 1980s. Drawing on the experiences of seasoned crisis intervenors, NOVA initiated a practical model for community crisis intervention in the aftermath of tragedy that affects large groups of people. Its first crisis response team was fielded in 1986 after the mass murders committed in the Edmond, Oklahoma, Post Office. The success of that effort engendered the National Crisis Response Project, which made trained volunteer crisis intervenors available to address the emotional impact of crime and other disasters. It also influenced the growth of new local and state networks of crisis response teams.

## **The 1990s and Beyond**

The 1990s brought depth and maturation to the field. OVC continued to provide not only funding, but also leadership and vision to the field. As new areas of need were identified, OVC created a number of field-initiated projects that highlighted “promising practices” that were worthy of replication.

One may track the events of the decade under the following headings: the new contributions of research to practice; advances in responding to individual trauma victims as well as to groups of people subjected to the same traumatic event; the expansion and deepening of services to underserved victim populations; and the worldwide movement to articulate the rights of victims in the justice system and to adopt measures to enforce those rights.

## **Research Contributions and Advances in Responding to Victims**

No one in the early victims' movement would have turned to neurobiologists to chart their future. That has changed. Research into how the brain processes trauma has shed light on why victims are vulnerable to such lasting disabilities as posttraumatic stress disorder – but more importantly, how trauma victims, usually with help, can mitigate and sometimes master the unwelcome changes inflicted on them.

The research affirms a basic tool of crisis counseling – to permit or even encourage the victim to “ventilate,” to “tell their story.” It now guides the intervenor to ask a set of questions about the event, in chronological order, that help victims organize their thoughts and reactions, and help them to name them in a cohesive whole. This

approach to “structured ventilation,” seeking to implant a “cognitive narrative” where a fractured set of memories resides, often provides a needed balm to the sufferer.

The 1990s also saw the expansion of programs offering crisis intervention to groups of people affected by the same disaster. There emerged a number of different approaches for providing “group crisis interventions” or “debriefings” and while researchers continue to raise questions about the effectiveness of some of these approaches in some circumstances, proponents of “crisis response teams” remain committed to properly adapting the crisis intervention services, which are offered to many thousands of victims every day, to victims too numerous to reach on just an individual basis.

A variant of this service is now used in “family assistance centers” where disaster managers provide one-stop applications for a host of services available to victims of natural disasters or man-made catastrophes such as the attacks of September 11, 2001. Crisis counselors have stepped in to accompany incoming family members through all the service agencies present. Since that journey can take up to 8 hours or longer, having a “companion” skilled in dealing with distressed people makes the experience far more gratifying.

In 1995, OVC first supported the National Victim Assistance Academy (NVAA) sponsored by the Victims' Assistance Legal Organization. The NVAA includes a research-based 40-hour curriculum on victimology, victims' rights, and myriad other topics; as of 2003, 2,000 students from every state and territory, as well as from seven other nations, have graduated from the NVAA. In 1998, OVC co-funded the first State Victim Assistance Academy in Michigan. Subsequently, OVC has funded an additional 18 State Academies. In 1999, Colorado, Connecticut, Pennsylvania, Texas, and Utah received first-year funding. In 2002, Arizona, Maine, Maryland, Missouri, and Oregon received first-year funding. In 2003, Georgia, Illinois, and New York received first-year funding. In 2004, California, Minnesota, South Carolina, and Tennessee received first-year funding.

# The History of the Crime Victims' Movement (*continued*)

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## **Expanding and Deepening Victim Services**

It is well to remember that in the middle of the 20th century, the term “child abuse” had not been coined – much less transformed into a specialized set of medical and social service innovations. “Child sexual abuse” was even slower to be recognized as a significant subset of child victimization. “Domestic violence” may have been used to occasionally describe the “domestics” police agencies responded to by the millions – but in the main, domestic violence was perceived as a family problem, not a crime, much less a violent crime. “Stalking” was a descriptor, to be sure, but not of a common, terrifying crime – until the victims’ movement made it so, with all 50 states and the District of Columbia adopting anti-stalking laws in 1990 and 1991. “Identity theft” was an unknown term and a nonexistent problem before the “Information Age” emerged in the 1990s. Other new crimes, such as telemarketing fraud and cybercrime, arose as a result of the “Information Age.”

To its credit, the victims’ movement has always been fast to recognize patterns of predation that had been overlooked by society, and has tried to respond as quickly to its victims. In the 1990s, the movement began to put technology in service to its ideals.

- The National Victim Center, with support from OVC, sponsored the first national conference on technologies that benefit crime victims in 1998.
- The National Domestic Violence Hotline, established by Congress with strong support from the movement, received more than a million calls from its February 1996 inception through August 2003.
- “Victim Information and Notification Everyday” (VINE) is a proprietary system that, by 2003, provided 36 states and 20 of the Nation’s largest metropolitan areas a method by which victims can call a toll-free number to obtain timely information about criminal cases and the status of their incarcerated offenders, and receive advance notice of those inmates’ change of status, including a scheduled release from custody, by telephone or via the Web.
- OVC’s Victim Services 2000 projects have proven that, with the cooperation of all agencies and aid from innovative technologies, a system can be created that offers a “seamless web” of services where “there are

no wrong doors” for victims to enter into a responsive network of help.

- The Violence Intervention Program, located at the Los Angeles County and USC Medical Center, implemented the first telemedicine project to guarantee that remote areas within the United States and around the world have access to expert evaluations and quality case assessments to protect the rights of victims.

Fueling this progress was the unsteady but substantial increase in revenues into, and grants out of, VOCA’s Crime Victims Fund. From 1990 through 1995, deposits of federal fines ranged between \$128 million and \$234 million. A large fine paid by Daiwa Bank in 1996 caused the Fund to rise to nearly \$530 million the next year. The statute’s “shock absorber” – the state victim assistance administrators’ authority to pay out any one year’s grant over a 4-year span – made the big increase manageable. Three years later, however, deposits jumped to nearly \$1 billion, and even as OVC and its constituents pondered how to manage this new windfall, Congress stepped in by imposing a \$500 million spending cap (holding the balance in reserve). Congress maintained the use of caps in the years following, with the amount creeping up in most years.

The movement’s disappointment over the cap was tempered by the relative stability of the Fund at about twice the level it enjoyed at the start of the decade. Plainly, the trend of providing ever more services to a larger number of victims continued.

Still, the movement’s progress of reaching those in need was often slow. Indeed, by the 1990s, there were effective services available in some communities heretofore underserved – communities defined by type of crime (homicide, domestic violence among partners); communities defined by geography (low-income urban dwellers and those in rural, remote, or frontier regions of the Nation), or communities within the larger community (immigrants and residents of Indian Reservations, as examples); and communities defined by the age of the offender (the needs and rights of victims of juvenile offenders were identified and addressed in a comprehensive 1994 report published by the American Correctional Association Victims Committee that asserted that “crime victims should not



# The History of the Crime Victims' Movement (*continued*)

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be discriminated against based upon the age of their offenders.”)

“Progress” in reaching the underserved too often meant establishing prototypes and “best practices” that still reached a minority of the victims. The pattern continues: there are not enough resources for victim services of any type of hard-to-reach populations.

The exception was the Federal Government’s 1994 commitment to preventing violence against women and helping its victims. The Violence Against Women Act of 1994 (VAWA) packaged some 30 grant programs – a substantial amount aimed at the scourge of domestic violence – with an initial authorization of almost \$1 billion dollars over five years. While VAWA advocates experienced some disappointments in the way the programs were designed and focused, they generally took pride in the fact that annual appropriations usually came close to the dollar ceilings authorized, and that the 2000 reenactment (“VAWA II”) included many improvements they had sought.

## **The Ongoing March for Victims’ Rights**

At least from the 1980s, the appeal for “victims’ rights” came from victims and survivors who felt they had been maltreated by the justice system. Yet from the outset, they had cogent allies among victim advocates who had seen and heard what the system had done to their clients and were outraged. The sense of injustice felt by victims and their advocates in America resonated with their counterparts worldwide.

Supporters of the *United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* were encouraged by the reception the Declaration had received, and so through the 1990s came together to craft the “Guide for Policy Makers on the Implementation” of the Declaration and the “Handbook on Justice for Victims” to spur the development of victim assistance programs in support of the Declaration. Years in the making, these documents were finally published in 1999, with the support of OVC.

Victims’ rights and assistance were made integral to United Nations war crimes trials and to such special justice initiatives as South Africa’s Truth and Reconciliation Commission. A latent victims’ right in France to have the victim’s civil claims against a

defendant concurrently considered during the criminal trial revived the “civil party” in prosecutions – with the victim’s lawyer in court, who could now be provided for free by a legal aid attorney. In Germany, the victim’s right to have an attorney in court to speak to all the victim’s interests effectively made the victim a “third party” in the case, with independent rights to question witnesses, call one’s own witnesses, and even appeal rulings and decisions, including sentences, in critical cases.

In the United States, victim advocates did not seek so central a role for victims in the justice system. What they *did* seek – the rights of victims at least to be present and heard at critical decision points in the prosecution – they pursued vigorously. By the early 1990s, several states had adopted constitutional amendments to insure such rights. By decade’s end, 32 states had so changed their constitutional charters. During this time, the advocates returned to support their ultimate goal – the adoption of such an amendment in the U.S. Constitution. In April 1996, their campaign moved ahead with the introduction of a bipartisan Senate resolution, authored by Senators Jon Kyl (R-AZ) and Dianne Feinstein (D-CA), to propose such an amendment. In the next month, a federal victims’ rights constitutional amendment was endorsed by the U.S. President.

Yet when the Feinstein-Kyl proposal came up for debate on the Senate floor in April 2000, no consensus had been reached with the Clinton Administration on the fine points of the resolution, and so it was withdrawn.

That was no longer an issue upon the 2001 inauguration of George W. Bush as President, who by April of the next year had endorsed the specific language of the revised Feinstein-Kyl resolution.

Yet, on the eve of their second attempt to get a Senate vote on the amendment, in April 2004, the Senators found they did not have the necessary votes for passage – but they did detect interest among opponents in adopting a tough victims’ rights statute. What was quietly fashioned – then adopted in a 96-to-1 Senate vote, and then slightly altered by the House before winning final Congressional approval – is remarkable in two ways.



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First, the “Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims’ Rights Act” (honoring five homicide victims whose loved ones became champions of the victims’ rights movement) contains what is by now a standard litany of eight victim rights for victims of federal crimes – but has enforcement provisions found in no other such statute in the United States. And second, it authorizes funding, including for the establishment of free legal clinics for victims, seeking to make sure the law is fully implemented.

## **Conclusion**

In the early 1980s, the survival of the crime victims’ movement was in jeopardy. By the late 1990s, that was no longer true. Victims’ rights and services were part of the social service and criminal justice practices. Yet to the “veterans” who lived through that period, the major transformation of the 1980s represented uncertain progress.

Many victim/witness programs have become so institutionalized that assistant prosecutors wouldn’t know how to try a case without such staff.

Yet the “routine” operations of many victim service agencies have many of the movement’s veterans fearing that yesterday’s advocates will become tomorrow’s bureaucrats. Indeed, this was an almost unanimous concern expressed by the senior victim advocates who were interviewed by the OVC Oral History Project for this publication.

“Victims’ rights and services” have become part of the common lexicon, such that many of today’s victims expect respectful and compassionate treatment as a matter of course. It is surely the case that victim services are reaching more people than before, and that more justice officials are honoring crime victims’ rights.

It is also true that each year, tens of thousands of domestic violence victims are denied temporary shelter for lack of space – to cite just one index of the insufficiency of services. And it is also true that, from the available evidence, victims’ rights are more often ignored than honored during criminal prosecutions.

Thanks to the influx of large fine collections, VOCA helped to significantly expand state compensation and local service programs—but Congress imposed spending caps and earmarks on VOCA’s Crime Victims Fund—a trust fund victim advocates had thought was sacrosanct.

The crime victims’ rights movement has matured and become a respected partner in our Nation’s community of social and criminal justice services. Yet the ideals of the movement have yet to be fully realized. There remain significant challenges to overcome before crime victims can be certain of a fair and compassionate response to their plight. For those who brought it into being, the victims’ movement is required to keep moving forward if its mission is to be realized. The continued shared vision and values that promote equal rights for victims of crime will undoubtedly guide this mission.

## **ABOUT THE AUTHORS**

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# The History of the Crime Victims' Movement (*continued*)

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## Endnotes

1. See, as examples:
  - a. Mendelssohn, B. 1946. "New bio-psycho-social horizons: victimology." Unpublished report. This appears to be the first official designation of "victimology," although Mendelssohn traces the evolution of the term to his first study: Mendelssohn, B. 1937. "Method to be used by counsel for the defence in the researches made into the personality of the criminal." *Revue de Droit Penal et de Criminologie*, Bruxelles, aout-sept-oct., p. 877.
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4. See these:
  - a. Biderman, A.D., L.A. Johnson, J. McIntyre and A.W. Weir. 1967. *Report on a Pilot Study in the District of Columbia on Victimization and Attitudes Toward Law Enforcement*. President's Commission on Law Enforcement and Administration of Justice, Field Surveys I. Washington, D.C.: U.S. Government Printing Office.
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7. Cannavale, Frank J. Jr. and William D. Falcon, editor. 1976. *Witness Cooperation*. Lexington, MA: Lexington Books.
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11. NOVA archive documents, 1997.
12. Judge Merton Tice, NOVA archive documents, 1997.