

**History of the Victims Movement in the United States**

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**Introduction**

“It often happens that only from the words of a good storyteller do we realize what we have done and what we have missed, and what we should have done and what we shouldn't have. It is perhaps in these stories, oral and written, that the true history of mankind can be found and that through them one can perhaps sense if not fully know the meaning of that history.”

Ivo Andric, a Yugoslav author

A history of change is not simply an itemization of dates, deeds, and decrees, but an epic majesty of drama and dreams. The victims' movement is no exception – its history is one marked by individuals and inspiration spurred by a rising social consciousness emanating from the 1960s. For the emergence of the victims' movement was due primarily to the energies of the twenty-something generation of the 1970s. And, the foundations of its continued strength has been the leadership of extraordinary individuals, some of whom have personally survived extraordinary tragedy, and others whom have brought extraordinary compassion and insight as witnesses to such tragedy.

In retrospect, it would seem that the victims movement in the United States was triggered by the confluence of five virtually independent activities: the development of a field of study known as victimology; the introduction of state victim compensation programs; the rise of consciousness in the women's movement; the rise of crime and a parallel growth in public dissatisfaction with the criminal justice system; and the growth of victim activism.

The study of victimology arose in Europe after World War II primarily to seek to understand the criminal-victim relationship. It is an irony in retrospect that early victimology at times suggested that the victim might be one of the causes of criminal behavior. Benjamin Mendelssohn first coined the term "victimology" in 1946 to propose a separate discipline from criminology -- one that focused on the victim's role in criminal behavior. (1) His initial typology classified victims in accordance with the degree of their guilty contribution to crime. Similarly, Hans von Hentig, in his seminal book, *The Criminal and His Victim* argued that the reciprocal relationship between the criminal and victim not only calls for greater victim participation in the criminal justice system but a greater share in criminal responsibility.

The importation of the idea of a victimology to the United States correlated with increasing concern about crime in the late 1960s. That concern spawned the formation of the President's Commission on Law Enforcement and the Administration of Justice in 1966 which in turn spurred national crime victimization surveys that showed that victimization by crime was far higher than law enforcement reports reflected and that victims often didn't report due to lack of faith in the criminal justice system. This captured the attention of researchers who began to examine more closely the impact of crime on victims as well as victim disillusionment with the system. Studies done during

the 1970s on the crisis of crime, rape trauma, crime's impact on the elderly and the battered woman's syndrome had a profound influence on shaping program strategies for helping victims to cope. Research on victim and witness participation in the criminal justice system was the catalyst for experimental programs in prosecutor offices mandated to provide better notification, support and aid to victims and witnesses. Victimology began to reflect a more compassionate view of victims.

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 national legislation in New Zealand in 1963 and England passed in similar law shortly thereafter. Early compensation programs were motivated by welfare concepts of providing assistance to victims in need. California became the first state to establish a compensation program in 1965 followed by New York. While the idea spread relatively slowly, there were 32 states with compensation programs by 1979.(2) And, most evolved away from principles of welfare to a justice orientation in which victims were seen as deserving 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 to the police and, in many cases, to cooperate with prosecution. Administrators of victim compensation programs in the early years were not always passionate advocates of victim issues, but victim compensation programs have been of both practical and symbolic value to victims of crime. And, they represent the first public recognition of society's responsibility to victims and have been the cornerstone of victim service schemes.

There is little doubt that the women's movement was central to the development of a victims movement. Leaders of the women's movement saw sexual assault and domestic violence and the response of the criminal justice system as potent illustrations of a woman's lack of status, power, and influence. Consciousness-raising groups rapidly saw the need to provide special care to victims of rape or spouse abuse. It is significant that of the three first victim programs in the United States, two were rape crisis centers in Washington, D.C. and the San Francisco Bay area. One of the interesting contributions of these programs was their emphasis on crisis intervention and counseling for victims. Recognition of the questionable outcomes of the criminal justice system, made it all the more important to concentrate on helping women cope with the crisis of crime and to empower them to begin a new life.

The growth of victimology helped to provide the data that proved what the public already knew during the 1970s. Crime and fear of crime was at an unacceptably high level and victims received little attention or assistance in the aftermath of crime. The culmination of this knowledge led to initiatives by the Law Enforcement Assistance Administration which provided funding to criminal justice agencies to improve services to victims. In 1974 the first victim/witness programs were created through LEAA in the District Attorneys' offices in Brooklyn, New York, and Milwaukee, Wisconsin. The National District Attorneys Association also received a grant to create model programs of assistance in seven other DA's offices. These programs proved to be the fertile ground for the development and implementation of new ideas for victim services. The leadership from the program directors helped to mold the new movement and many of them remain actively involved today. In addition, LEAA supported the founding of programs in law enforcement agencies. In 1974, Indianapolis, IN and Ft. Lauderdale, FL became the first

communities to establish law enforcement-crisis intervention programs responding all victims of crime with counseling and assistance.

Finally, the victims movement was given its energy and determination from victims themselves. The women's movement raised the consciousness of women to the oppression of criminal violence, but it was rape survivors and battered women who most commonly founded programs and shelters for other victims. Families and Friends of Missing Persons and Violent Crime Victims was organized in 1974 in the state of Washington as the result of efforts of survivors of homicide victims. Parents of Murdered Children was founded by Charlotte and Robert Hullinger in 1978 in the aftermath of the murder of their daughter. Mothers Against Drunk Driving was organized in 1980 by Candy Lightner when her daughter was killed. Protect the Innocent in Indiana was established by Betty Jane Spencer after she was attacked in her home and her four boys were killed.

These five forces worked together at first in loose coalition, but the formation of the National Organization for Victim Assistance (NOVA) in 1975 helped to consolidate the purposes and the goals of the victims movement. The organization grew out of ideas developed at the first national conference on victim assistance in Ft. Lauderdale, Florida in 1973. NOVA's initial contributions to the field were to continue annual national conferences to promote victim issues and to provide early training opportunities to those working with victims.

Funding to the field in the late seventies 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. And, the American Bar Association established a Victims Committee as a part of its Criminal Justice Section to increase awareness of victim issues among lawyers.

By the end of the 1970s, many states had at least a few victim assistance programs, state networks of programs had been established in 10 states, and there was a common understanding of the basic elements of service: crisis intervention, counseling, support during criminal justice proceedings, compensation and restitution. The National Institute of Justice sought to consolidate this information in the publication of a Model Victim Witness Assistance Program Guide and the development of regional training seminars to assist the development of new programs. L.E.A.A. continued to promote victim assistance through its state block grant program as well as by establishing the first National Victim Resource Center in 1978.

In 1979, NOVA incorporated the growing demand for victims to have a legitimate access to the justice system into a new policy platform on victim rights and the initiation of a National Campaign for Victim Rights which had as its core, a National Victim Rights Week, endorsed in 1981 by President Ronald Reagan.

The 1970s were marked by rapid progress in improving responses to victims, but it was also marked by turbulence. The turbulence was caused in part by the waxing and waning of federal financial support. As national priorities shifted, stable funding became elusive, and programs often entered into internecine warfare over the limited resources that were available.

Controversy also arose between programs that were driven by grass-roots energy and those that were based in traditional criminal justice institutions. Many felt there was

an inherent conflict between the goals of a prosecutor or law enforcement agency and the interests of victims. Some sought legal changes in the system while others felt change could take place through 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 a NOVA meeting in 1978 to serve as leadership for rape crisis programs; the National Coalition Against Domestic Violence was founded at the end of 1978 to provide an advocacy network for shelters.

### **Adolescence: Growth and Acceptance**

The loss of significant federal funding for local programs in 1980 due to the abolishment of L.E.A.A. by Congress served as a potent reminder of how tenuous the movement's gains in the 1970s were. The impact of the new organizations, victim activist groups, and public awareness of the plight of victims of crime came at a critical time. Their influence helped the victims movement make progress on three fronts: public policy; program implementation; and public awareness.

Public policy leaders in states realized that state action was necessary to ensure the permanency of victim assistance. California again was a leader as it became the first state to establish funding for victim assistance in 1980. Wisconsin took action by becoming the first state to pass a victims bill of rights. The concern for victims was enhanced by the receptivity of the new Administration. President Reagan followed up his endorsement of National Victim Rights Week with an Attorney General's Task Force on Violent Crime in 1981. The Task Force's more important recommendation was the establishment of a new Presidential Task Force on Victims of Crime which occurred in 1982. The Task Force held six hearings and produced a final report with 68 recommendations for improving assistance to victims of crime.

In anticipation of that report, NOVA undertook two major projects to consolidate knowledge on victim services. The first, with the support of the Office of Justice Assistance, Research and Statistics, was a field study of fifty victim assistance programs in which narrative accounts of program directors and their staff were collected to document the kinds of services provided. In addition, policies, protocols, and practices were gathered for reference and to serve as a resource to other programs. The second was a strategic planning process was implemented to examine the threats and opportunities facing victim service programs and to identify the main steps that should be taken to ensure their viability and stability. That process helped to establish a long-range plan for developing comprehensive training for victim advocates and their allied professionals in criminal justice, medicine, mental health, the clergy, and education.

The Task Force's Report was instrumental in four critical initiatives in the 1980s.

First, it recommended the development of federal legislation that would establish a federal Office for Victims of Crime in the U.S. Department of Justice and federal funding to victim compensation programs and local victim assistance programs. That recommendation was the precipitating force for the enactment of the Victims of Crime Act (VOCA) of 1984. The Act established a Crime Victims Fund based on the collection of fines from federal criminals to be used to support state compensation and local victim assistance programs.

Second, it made recommendations to professionals in the criminal justice system and associated professions on how they could improve treatment to crime victims. These recommendations were key to the development of training programs for law enforcement, prosecutors, judges, corrections personnel, health and mental health, and the clergy. The 1983 National Conference on the Judiciary and Victim Rights was a direct spin-off of the Task Force's recommendations on the judiciary and served as a major impetus to change in judicial policies and attitudes.

Third, it recommended an additional Task Force on violence with 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 federal action requiring state compensation programs to include victims of family violence, if they are to receive federal funds.

Fourth, it recommended an amendment to the U.S. Constitution through which victims would have a right to be "present and heard at all critical stages of judicial proceedings." That recommendation sparked the interest of victims and their advocates and by 1986 a national victims constitutional amendment network had been established to seek state constitutional amendments on victim rights.

In the four years that followed the President's Task Force's Report, the Office for Justice Programs and the Office for Victims of Crime worked closely with NOVA to implement the recommendations. States began receiving funds under VOCA in 1985, training programs for criminal justice professionals were designed and disseminated widely, standards for service for victim programs were developed, and regional training programs for victim service providers were designed and presented throughout the nation.

Victim oriented justice gained international recognition with the adoption by the United Nations of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of power in 1985. This document helped spur other nations to instituting or expanding victim rights and services. The United Kingdom had established victim support schemes in the early 1970s, their orientation was primarily towards counseling and crisis intervention. The 1980s brought new proposals for the victims involvement in the criminal justice system. Germany, which had a long tradition of allowing victims a voice in the criminal justice process, began to consider victim assistance as a way of providing support for that voice. France had the opportunity for victim participation through the *partie civile* system in which civil claims of victims are merged with criminal proceedings. But, the impetus of the Declaration encouraged France to develop a nationwide network of victim assistance programs. These and other international steps towards broader victim participation in turn served as stimuli for U.S. victim programs.

The development of a new Model Victim Assistance Program Brief in 1986-1988 by NOVA with the support of the Office for Victims of Crime served as a planning, management, and evaluation tool. It articulated of eight basic services that programs should provide: crisis intervention, counseling and advocacy, support during criminal investigation, support during prosecution, support after case disposition, crime prevention, public education, and training of allied professions. It became a standard reference for many states.

States were also moving rapidly to institutionalize victim assistance through legislation and the development of statewide networks of service. Bills of rights were adopted in every state by 1990. 29 states have now passed constitutional amendments

and some 10 more had established task forces or committees to study such amendments. Funding for victim services and compensation was given increasing priority. And, by the end of the decade over 8,000 programs could be identified as serving victims through crisis intervention, criminal justice support, and advocacy.

The eighties brought new contributors to the victims' movement and expanded its reach to new constituencies. The National Victim Center was founded in 1985 to commemorate Sonny von Bulow. Victim Advocacy 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. The International Association of Chiefs of Police established a Victims Committee and announced a law enforcement bill of rights for victims. The American Corrections Association issued 16 recommendations for better treatment of victims. The American Probation and Parole Association developed program goals on victims. The Spiritual Dimension 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.

The growth in the understanding of the trauma of victimization was particularly important during the 1980s. The American Psychiatric Association's Diagnostic and Statistical Manual, 3rd Rev., had included a description of Post Traumatic Stress Disorder in 1980 that became a fundamental part of the training of victim and trauma counselors. The revisions in 1986 and the continuing studies of trauma and its impact shaped the way crisis intervention developed as well as concepts of long term counseling. More and more emphasis was placed on early intervention and the need for supportive follow-up services. As survivors of trauma began to tell their stories in more detail, service providers began to realize that not only direct victims of crime were affected by criminal attack but also their friends, families and often communities as a whole.

Drawing upon the experiences of seasoned crisis interveners, trauma research, and psychological intervention strategies developed for emergency responders after critical incidents, NOVA initiated a practical model for community crisis intervention in the aftermath of tragedy. Its first national crisis response team was fielded in 1986 after the mass murders committed by Patrick Sherrill in the Edmond, Oklahoma post office prior to his suicide. The success of that effort engendered the birth of a National Crisis Response Project that made trained volunteer crisis intervenors available to communities in crisis 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 in many jurisdictions designed to plan for and coordinate crisis response efforts should a catastrophe occur.

Victim rights and the cry for more compassionate treatment of victims became integrated in the lexicon of the common citizen toward the end of the eighties. It was not unusual to see television programs and made for television movies on victim-related issues. The media developed a schizophrenic relationship with victims. On the one hand, media reporters and writers took the victim issue to heart with articles and documentaries on the trauma of victimization. On the other hand, victims and their

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advocates continued to see media sensationalism of sensitive subjects and exploitation of victims in crisis.

The double-edged sword of public acceptance of victim concerns was apparent in other ways. Citizens began to expect victim rights to be honored and victim services to be available. At the same time, it became obvious that unless legal action was taken, bills of rights for victims or constitutional amendments on victim rights were not enforced. Funding of victim assistance programs remained instable. As budget cuts were faced in states, victim services were often the least recognized programs. Even when victims were allowed to participate in the system, the effects were ambiguous. And, most importantly, crime and violence continued to make a significant number of the population victims each year.

The victims' movement had matured but there remained a lot of work to do before victims could be certain of a fair and compassionate response to their plight.