

5. LANDMARKS IN VICTIMS' RIGHTS AND SERVICES



crime victims' rights:
**FAIRNESS.
DIGNITY.
RESPECT.**

Crime Victims' Rights in America: An Historical Overview

During 2010 National Crime Victims' Rights Week, we showcase landmarks over the past 45 years that reflect the nation's progress in bringing

fairness, dignity, and respect to victims of crime.

"Landmarks in Victims' Rights and Services" charts that progress—from 1965 to the present—by highlighting the enactment of critical federal and state laws, the growth of national and community victim service organizations, the release of ground-breaking reports that focused national attention on crime victim issues, and the development of new victim assistance strategies that have expanded the nation's capacity to help victims rebuild their lives.

You can use this historical overview—updated through October 2009—to underscore how the attainment of **fairness, dignity, and respect** for victims of crime has been central to the decades-long struggle by victims, victim advocates, and many others who have worked tirelessly to bring hope to the millions of individuals, families, and communities harmed by crime each year. This tool can be a valuable resource as you educate your community through public service announcements, speeches, open houses, media interviews, op-ed columns, and other education efforts during National Crime Victims' Rights Week and throughout the year.

Key Federal Victims' Rights Legislation

- 1974 Child Abuse Prevention and Treatment Act
- 1980 Parental Kidnapping Prevention Act
- 1982 Victim and Witness Protection Act
- 1982 Missing Children's Act
- 1984 Victims of Crime Act**
- 1984 Justice Assistance Act
- 1984 Missing Children's Assistance Act
- 1984 Family Violence Prevention and Services Act
- 1985 Children's Justice Act
- 1988 Drunk Driving Prevention Act
- 1990 Hate Crime Statistics Act
- 1990 Victims of Child Abuse Act
- 1990 Victims' Rights and Restitution Act
- 1990 National Child Search Assistance Act
- 1992 Battered Women's Testimony Act
- 1993 Child Sexual Abuse Registry Act
- 1994 Violent Crime Control and Law Enforcement Act
- 1994 Violence Against Women Act**
- 1996 Community Notification Act ("Megan's Law")
- 1996 Antiterrorism and Effective Death Penalty Act
- 1996 Mandatory Victims' Restitution Act
- 1997 Victims' Rights Clarification Act
- 1998 Crime Victims with Disabilities Act
- 1998 Identity Theft and Deterrence Act
- 2000 Trafficking Victims Protection Act
- 2001 Air Transportation Safety and System Stabilization Act (established September 11th Victim Compensation Fund)
- 2003 PROTECT Act ("Amber Alert" law)
- 2003 Prison Rape Elimination Act
- 2003 Fair and Accurate Credit Transactions Act
- 2004 Justice for All Act**, including Title I *The Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act*
- 2006 Trafficking Victims Protection Reauthorization Act
- 2006 Adam Walsh Child Protection and Safety Act

"Fairness is what justice really is."

~ Potter Stewart

U.S. Supreme Court Associate Justice (1958 - 1981)

1965

- The first crime victim compensation program is established in California.
- By 1970, five additional compensation programs are created in New York, Hawaii, Massachusetts, Maryland, and the U.S. Virgin Islands.

1972

- The first three victim assistance programs are established:
 - › Aid for Victims of Crime in St. Louis, Missouri.
 - › Bay Area Women Against Rape in San Francisco, California.
 - › Rape Crisis Center in Washington, DC.

1973

- The results of the first annual National Crime Victimization Survey are released. The survey, commissioned by the President's Commission on Law Enforcement and the Administration of Justice, asks U.S. household members about their exposure to crime. It is intended to complement the FBI's annual compilation of crimes reported to law enforcement agencies.

1974

- The Law Enforcement Assistance Administration (LEAA) funds the first victim/witness programs in the Brooklyn and Milwaukee District Attorneys' offices, plus seven others through a grant to the National District Attorneys Association, to establish model assistance programs for victims, encourage victim cooperation, and improve prosecution.
- The first law enforcement-based victim assistance programs are established in Fort Lauderdale, Florida, and Indianapolis, Indiana.
- Congress passes the Child Abuse Prevention and Treatment Act, which establishes the National Center on Child Abuse and Neglect. The new Center establishes an information clearinghouse and provides technical assistance and model programs.

1975

- The first "Victims' Rights Week" is organized by the Philadelphia District Attorney.
- Citizen activists from across the country unite to expand victim services and increase recognition of victims' rights through the formation of the National Organization for Victim Assistance (NOVA).

1976

- The National Organization for Women forms a task force to examine the problem of battering. It calls for research into the problem, along with money for battered women's shelters.
- The first national conference on battered women is sponsored by the Milwaukee Task Force on Women in Milwaukee, Wisconsin.
- In Fresno County, California, Chief Probation Officer James Rowland creates the first victim impact statement to provide the judiciary with an objective inventory of victim injuries and losses at sentencing.
- The first hotline for battered women is started by Women's Advocates in St. Paul, Minnesota.
- Women's Advocates and Haven House in Pasadena, California, establish the first shelters for battered women.
- Nebraska and Wisconsin become the first states to abolish the marital rape exemption.

1977

- The National Association of Crime Victim Compensation Boards is established by the existing 22 state victim compensation programs to foster a nationwide network of compensation programs.
- Oregon becomes the first state to enact a mandatory arrest law in domestic violence cases.

1978

- The National Coalition Against Sexual Assault is formed to combat sexual violence and promote services for rape victims.
- The National Coalition Against Domestic Violence (NCADV) is organized as a voice for the battered women's movement on a national level.
- Parents Of Murdered Children, Inc. (POMC), a self-help support group, is founded in Cincinnati, Ohio.

- Minnesota becomes the first state to allow probable cause (warrantless) arrests in cases of domestic assault, regardless of whether a protection order has been issued.

1979

- Frank G. Carrington, considered by many to be “the father of the victims’ rights movement,” founds the Crime Victims’ Legal Advocacy Institute, Inc., to promote the rights of crime victims in the civil and criminal justice systems. The nonprofit organization is renamed VALOR, the Victims’ Assistance Legal Organization, in 1981.
- The Office on Domestic Violence is established in the U.S. Department of Health and Human Services but is later closed in 1981.
- The World Society of Victimology is formed to promote research relating to crime victims and victim assistance, advocate for victims’ interests, and advance cooperation of international, regional, and local agencies concerned with crime victims’ issues.

1980

- Mothers Against Drunk Driving (MADD) is founded after the death of 13-year-old Cari Lightner, who was killed by a repeat drunk-driving offender. The first two MADD chapters are established in Sacramento, California, and Annapolis, Maryland.
- Congress passes the Parental Kidnapping Prevention Act of 1980.
- Wisconsin passes the first “Crime Victims’ Bill of Rights.”
- The First National Day of Unity is established in October by NCADV to mourn battered women who have died, celebrate women who have survived the violence, and honor all who have worked to end domestic violence.
- The first Victim Impact Panel is sponsored by Remove Intoxicated Drivers (RID) in Oswego County, New York.

1981

- President Ronald Reagan proclaims the first “National Victims’ Rights Week” in April.
- The abduction and murder of six-year-old Adam Walsh prompt a national campaign to raise public awareness about missing children and enact laws to better protect children.
- The Attorney General’s Task Force on Violent Crime recommends that a separate national task force be created to examine victims’ issues.

1982

- In a Rose Garden ceremony, President Reagan appoints members of the Task Force on Victims of Crime, which holds public hearings in six cities across the nation to focus attention on the needs of crime victims. The Task Force’s Final Report offers 68 recommendations that become the framework for the advancement of new programs and policies. Its final recommendation, to amend the Sixth Amendment of the U.S. Constitution to guarantee that “...the victim, in every criminal prosecution, shall have the right to be present and to be heard at all critical stages of judicial proceedings...” becomes a vital source of new energy to secure state victims’ rights constitutional amendments.
- The Victim and Witness Protection Act of 1982 brings “fair treatment standards” to victims and witnesses in the federal criminal justice system.
- California becomes the first state to amend its constitution to address the interests of crime victims by establishing a constitutional right to victim restitution.
- The passage of the Missing Children’s Act of 1982 helps guarantee that identifying information about missing children is promptly entered into the FBI National Crime Information Center (NCIC) computer system.
- Congress abolishes, through failure of appropriations, the Law Enforcement Assistance Administration; many grass-roots and system-based victim assistance programs close.

1983

- The Office for Victims of Crime (OVC) is established by the U.S. Department of Justice within the Office of Justice Programs to implement recommendations from the President’s Task Force on Victims of Crime. OVC establishes a national resource center, trains professionals, and develops model legislation to protect victims’ rights.
- U.S. Attorney General William French Smith establishes a Task Force on Family Violence, which holds six public hearings across the United States.
- U.S. Attorney General Smith issues the first *Attorney General Guidelines for Victim and Witness Assistance*, which outlines standards for federal victim and witness assistance and implementation of victims’ rights contained in the federal Victim and Witness Protection Act of 1982.
- In April, President Reagan honors crime victims in a White House Rose Garden ceremony.
- The First National Conference of the Judiciary on Victims of Crime is held at the National Judicial College in Reno, Nevada, with support from the National Institute of Justice. Conferees develop recommendations for the judiciary on victims’ rights and services.

Crime Victims' Rights in America

- President Reagan proclaims the first National Missing Children's Day in observance of the fourth anniversary of the disappearance of six-year-old Etan Patz.
- Wisconsin passes the first Child Victim and Witness Bill of Rights.
- The International Association of Chiefs of Police Board of Governors adopts a Crime Victims' Bill of Rights and establishes a Victims' Rights Committee to focus attention on the needs of crime victims by law enforcement officials nationwide.

1984

- The passage of the Victims of Crime Act (VOCA) establishes the Crime Victims Fund, made up of federal criminal fines, penalties, and bond forfeitures, to support state victim compensation and local victim assistance programs.
- President Reagan signs the Justice Assistance Act, which establishes a financial assistance program for state and local government and funds 200 new victim service programs.
- The National Center for Missing and Exploited Children is established as the national resource agency for missing children. The Center was mandated as part of the Missing Children's Assistance Act of 1982.
- The Task Force on Family Violence presents its report to the U.S. Attorney General with recommendations for action, including improving the criminal justice system's response to battered women and establishing prevention and awareness activities, education and training, and data collection and reporting.
- The National Minimum Drinking Age Act of 1984 is enacted, providing strong incentives to states to raise the minimum age for drinking to 21, saving thousands of young lives in years to come.
- The Spiritual Dimension in Victim Services in Charleston, South Carolina, is founded to involve the faith community in violence prevention and victim assistance.
- Congress passes the Family Violence Prevention and Services Act, which earmarks federal funding for programs serving victims of domestic violence.
- Concerns of Police Survivors (COPS) is organized at the first police survivors' seminar held in Washington, DC, by 110 relatives of officers killed in the line of duty.
- A victim/witness notification system is established within the Federal Bureau of Prisons.
- Victim/witness coordinator positions are established in the U.S. Attorneys' Offices within the U.S. Department of Justice.

- California State University, Fresno, initiates the first Victim Services Certificate Program offered for academic credit by a university.
- OVC establishes the National Victims Resource Center, now named the Office for Victims of Crime Resource Center (OVCRC), to serve as a clearinghouse for OVC publications and other resources.

1985

- The Crime Victims Fund deposits total \$68 million.
- The National Victim Center (renamed the National Center for Victims of Crime in 1998) is founded in honor of attempted-murder victim Sunny von Bülow to promote the rights and needs of crime victims and to educate Americans about the devastating effect of crime on our society.
- The United Nations General Assembly adopts the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power that serves as the basis for victim service reform at national and local levels throughout the world.
- President Reagan announces the Child Safety Partnership to enhance private sector efforts to promote child safety, clarify information about child victimization, and increase public awareness of child abuse.
- The U.S. Surgeon General issues a report identifying domestic violence as a major public health problem.

1986

- The Crime Victims Fund deposits total \$62 million.
- OVC awards the first grants to support state victim assistance and compensation programs.
- Two years after its passage, the Victims of Crime Act is amended by the Children's Justice Act to provide funds specifically for the investigation and prosecution of child abuse.
- More than 100 victim advocates meet in Washington, DC, at a forum sponsored by NOVA, and formally agree to seek a federal constitutional amendment on victims' rights.
- Rhode Island passes a victims' rights constitutional amendment granting victims the rights to restitution, to submit victim impact statements, and to be treated with dignity and respect.
- MADD's "Red Ribbon Campaign" enlists motorists to display a red ribbon on their automobiles, signaling a pledge to drive safely and soberly during the holidays. This national public awareness effort has since become an annual campaign.
- By year's end, 35 states have established victim compensation programs.

1987

- The Crime Victims Fund deposits total \$77 million.
- The National Victims' Constitutional Amendment Network and Steering Committee are formed at a meeting hosted by the National Center for Victims of Crime. This initiative becomes instrumental in the passage of victims' rights amendments throughout the United States.
- Security on Campus, Inc., (SOC) is established by Howard and Connie Clery, following the tragic robbery, rape, and murder of their daughter, Jeanne, at Lehigh University in Pennsylvania. SOC raises national awareness about crime and victimization on our nation's campuses.
- The American Correctional Association establishes a Task Force on Victims of Crime.
- NCADV establishes the first national toll-free domestic violence hotline.
- October is officially designated as National Domestic Violence Awareness Month to honor battered women and those who serve them.
- In a 5-4 decision, the U.S. Supreme Court rules in *Booth v. Maryland* (482 U.S. 496) that victim impact statements are unconstitutional (in violation of the Eighth Amendment) when applied to the penalty phase of a capital trial because "only the defendant's personal responsibility and moral guilt" may be considered in capital sentencing. Significant dissenting opinions are offered.
- Victims and advocates in Florida, frustrated by five years of inaction by their legislature on a proposed victims' rights constitutional amendment, begin a petition drive. Thousands of citizens sign petitions supporting constitutional protection for victims' rights. The Florida legislature reconsiders, and the constitutional amendment appears on the 1988 ballot.

1988

- The Crime Victims Fund deposits total \$93 million.
- OVC sets aside funds for the Victim Assistance in Indian Country grant program to provide direct services to Native Americans by establishing "on-reservation" victim assistance programs in Indian Country.
- The National Aging Resource Center on Elder Abuse is established by a cooperative agreement among the American Public Welfare Association, the National Association of State Units on Aging, and the University of Delaware. Renamed the National Center on Elder Abuse, it continues to provide information and statistics.
- *State v. Ciskie* is the first case to allow the use of expert testimony to explain the behavior and mental state of an adult rape victim. The testimony is used to show why a victim of repeated physical and sexual assaults by her

intimate partner would not immediately call the police or take action. The jury convicts the defendant on four counts of rape.

- The Drunk Driving Prevention Act is passed, and all states raise the minimum drinking age to 21.
- Victims' rights constitutional amendments are introduced in Arizona, California, Connecticut, Delaware, Michigan, South Carolina, and Washington. Florida's amendment is placed on the November ballot, where it passes with 90 percent of the vote. Michigan's amendment passes with over 80 percent of the vote.
- OVC sponsors the first "Indian Nations: Justice for Victims of Crime" conference in Rapid City, South Dakota.
- Amendments to the Victims of Crime Act legislatively establish the Office for Victims of Crime, elevate the position of Director by making Senate confirmation necessary for appointment, and encourage state compensation programs to cover victims of domestic violence, homicide, and drunk driving. In addition, VOCA amendments, at the behest of MADD and POMC, add a new "priority" category for funding victim assistance programs for "previously underserved victims of violent crime."
- OVC establishes a Federal Emergency Fund for victims in the federal criminal justice system.

1989

- The Crime Victims Fund deposits total \$133 million.
- In a 5-4 decision, the U.S. Supreme Court reaffirms in *South Carolina v. Gathers* its 1987 decision in *Booth v. Maryland* that victim impact evidence and arguments are unconstitutional when applied to the penalty phase of a capital trial. Again, significant dissenting opinions are offered.
- The legislatures in Texas and Washington pass victims' rights constitutional amendments. Both are ratified by voters.

1990

- The Crime Victims Fund deposits total \$146 million.
- Congress passes the Hate Crime Statistics Act, requiring the U.S. Attorney General to collect data on the incidence of certain crimes motivated by prejudice based on race, religion, sexual orientation, or ethnicity.
- The Student Right to Know and Campus Security Act, requiring institutions of higher education to disclose murder, rape, robbery, and other crimes on campus, is signed into law by President George H.W. Bush.

Crime Victims' Rights in America

- Congress passes the Victims of Child Abuse Act, which features reforms to make the federal criminal justice system less traumatic for child victims and witnesses.
- The Victims' Rights and Restitution Act of 1990 incorporates a Bill of Rights for federal crime victims and codifies services that should be available to victims of crime.
- Congress passes legislation proposed by MADD to prevent drunk drivers and other offenders from filing bankruptcy to avoid paying criminal restitution or civil fines.
- The Arizona petition drive to place the victims' rights constitutional amendment on the ballot succeeds, and the amendment is ratified by voters.
- The first National Incidence Study on Missing, Abducted, Runaway and Thrownaway Children in America shows that more than one million children are abducted annually.
- The National Child Search Assistance Act requires law enforcement to enter reports of missing children and unidentified persons into the FBI's NCIC computer system.
- The New Jersey legislature passes a victims' rights constitutional amendment, which is ratified by voters in November.
- Colorado legislators introduce a victims' rights constitutional amendment on the first day of National Crime Victims' Rights Week. The bill is unanimously passed by both Houses to be placed on the ballot in 1992.
- In an 8-0 decision, the U.S. Supreme Court rules in *Simon & Schuster v. New York Crime Victims Board* that New York's notoriety-for-profit statute was overly broad and unconstitutional. Notoriety-for-profit statutes had been passed by many states by this time to prevent convicted criminals from profiting from the proceeds of depictions of their crimes in the media or publications.
- The Washington Secretary of State implements the nation's first Address Confidentiality Program, which provides victims of domestic violence, stalking, and sexual assault an alternative, confidential mailing address and secures the confidentiality of two normally public records—voter registration and motor vehicle records.
- By the end of 1991, seven states have incorporated victims' rights into their state constitutions.

1991

- The Crime Victims Fund deposits total \$128 million.
- U.S. Representative Ileana Ros-Lehtinen (R-FL) introduces the first Congressional Joint Resolution (H. J. RES. 247) to place victims' rights in the U.S. Constitution.
- California State University, Fresno, approves the first bachelor's degree program in victimology in the nation.
- The National Center for Victims of Crime releases *America Speaks Out*, a report on the first national public opinion poll to examine citizens' attitudes about violence and victimization.
- In a 7-2 decision in *Payne v. Tennessee* (501 U.S. 808), the U.S. Supreme Court reverses its earlier decisions in *Booth v. Maryland* (1987) and *South Carolina v. Gathers* (1989) and rules that testimony and prosecutorial arguments commenting on the murder victim's good character, as well as how the victim's death affected his or her survivors, do not violate the defendant's constitutional rights in a capital case.
- U.S. Attorney General William P. Barr issues new comprehensive guidelines that establish procedures for the federal criminal justice system to respond to the needs of crime victims. The 1991 *Attorney General Guidelines for Victim and Witness Assistance* implement new protections of the Crime Control Act of 1990, integrating requirements of the Crime Victims' Bill of Rights, the Victims of Child Abuse Act, and the Victim and Witness Protection Act.
- The American Probation and Parole Association establishes a Victim Issues Committee to examine victims' issues and concerns related to community corrections.

1992

- The Crime Victims Fund deposits total \$221 million.
- The National Center for Victims of Crime releases *Rape in America: A Report to the Nation*, a groundbreaking study on forcible rape, including data on rape frequency, victims' reporting rate to police, the impact of rape on victims' mental health, and the effect of media disclosure of victim identities on reporting rape to law enforcement.
- The Association of Paroling Authorities International establishes a Victim Issues Committee to examine victims' needs, rights, and services in parole processes.
- Congress reauthorizes the Higher Education Bill, which includes the Campus Sexual Assault Victims' Bill of Rights.
- The Battered Women's Testimony Act, which urges states to accept expert testimony in criminal cases involving battered women, is passed by Congress and signed into law by President George H. W. Bush.
- In a unanimous decision, the U.S. Supreme Court, in *R.A.V. v. City of St. Paul*, strikes down a local hate crimes ordinance in Minnesota. The ordinance had prohibited the display of a symbol which one knew or had reason to know "arouses anger, alarm or resentment in others on the basis of race, color, creed, religion or gender," and was found to violate the First Amendment.
- Five states—Colorado, Kansas, Illinois, Missouri, and New Mexico—ratify victims' rights constitutional amendments.
- Twenty-eight states pass anti-stalking laws.

