

Crime Victims' Rights in America: A Historical Overview

During the past four decades, tremendous progress has been made in securing and strengthening legal rights, protections, and services for 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 landmark studies and reports that focused national attention on crime victim issues, and the development of new victim assistance strategies that expanded the nation's capacity to help victims rebuild their lives.

This historical overview can be a useful tool to educate your community about just how far victims' rights have come. Use this summary document to develop public awareness messages for public service announcements, presentations, speeches, media interviews, op-ed columns, and other education efforts during National Crime Victims' Rights Week and throughout the year.

The history of the victims' rights movement is the story of victims, victim advocates, and countless other individuals tirelessly working together to bring hope to the millions of individuals, families, and communities harmed by crime each year. It is a story of steady, certain progress that continues still today. Standing on the shoulders of those early advocates and pioneers, we continue that proud legacy by rededicating ourselves to making victims' rights, protections, and services a reality for *every victim, every time*.

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 11 th 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	Adam Walsh Child Protection and Safety Act

EVERY
VICTIM
EVERY
TIME

VICTIMS' RIGHTS

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1977

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

1978

- The National Coalition Against Sexual Assault (NCASA) 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 (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 offender drunk driver. 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 defeat 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

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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 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 resource information.

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 Bulow 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.
- Over 100 constitutional amendment activists meet in Washington, DC, at a forum sponsored by NOVA, and formally agree to seek a federal constitutional amendment.
- 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.

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the victim's death affected his or her survivors, do not violate the defendant's constitutional rights in a capital case.

- The U.S. Attorney General 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 (APPA) establishes a Victim Issues Committee to examine victims' issues and concerns related to community corrections.
- 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.

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 (APAI) 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.
- Massachusetts passes a landmark bill creating a statewide computerized domestic violence registry and

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of \$10 million in grant funding to the Violence Against Women Grants Office for Fiscal Year 1999. Another primary aim of this legislation is to reduce binge drinking and illegal alcohol consumption on college campuses.

- Congress enacts the Child Protection and Sexual Predator Punishment Act of 1998, providing for numerous sentencing enhancements and other initiatives addressing sex crimes against children, including crimes facilitated by the use of interstate facilities and the Internet.
- Congress passes the Crime Victims with Disabilities Act of 1998, representing the first effort to systematically gather information about the extent of victimization of individuals with disabilities. This legislation directs the Attorney General to conduct a study on crimes against individuals with developmental disabilities. In addition, the Bureau of Justice Statistics must include statistics on the nature of crimes against individuals with developmental disabilities and victim characteristics in its annual National Crime Victimization Survey by 2000.
- The Identity Theft and Deterrence Act of 1998 is signed into law. This landmark federal legislation outlaws identity theft and directs the U.S. Sentencing Commission to

consider various factors in determining penalties, including the number of victims and the value of losses to any individual victim. The Act further authorizes the Federal Trade Commission to log and acknowledge reports of identity theft, provide information to victims, and refer complaints to appropriate consumer reporting and law enforcement agencies.

- OVC provides funding to the U.S. Department of State to support the development of a Victim Assistance Specialist position to improve the quality and coordination of services provided to U.S. citizens who are victimized abroad.

1999

- The Crime Victims Fund deposits total a record \$985 million.
- The proposed federal victims' rights constitutional amendment (Senate Joint Resolution 3, identical to SJR 44) is introduced in the 106th Congress.
- The fifth National Victim Assistance Academy (NVAA) is held in June at five university locations across the United States, bringing the total number of Academy graduates to nearly 1,000.
- OVC issues the first grants to create State Victim Assistance Academies.

- The National Crime Victim Bar Association is formed by the National Center for Victims of Crime to promote civil justice for victims of crime.

2000

- The Crime Victims Fund deposits total \$777 million.
- Congress passes a new national drunk driving limit of 0.08 blood alcohol concentration (BAC) with the strong support of MADD and other victim advocacy organizations, as well as leading highway safety, health, medical, law enforcement, and insurance groups. The new law, passed with strong bipartisan support, requires states to pass 0.08 "per se intoxication" laws or lose a portion of their annual federal highway funding.
- Congress reauthorizes the Violence Against Women Act of 2000, extending VAWA through 2005 and authorizing funding at \$3.3 billion over the five-year period. In addition to expanding federal stalking statutes to include stalking on the Internet, the Act authorizes:
 - \$80 million a year for rape prevention and education grants;
 - \$875 million over five years for battered women's shelters;

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- Congress passes and President Bush signs the USA PATRIOT Act, a package of antiterrorism legislation that includes changes to the Victims of Crime Act (VOCA), including increasing the percentage of state compensation payments reimbursable by the federal government and allowing OVC to fund compliance and evaluation projects.
- OVC augments state victim compensation funding to aid victims of the September 11 terrorist attacks in New York, Virginia, and Pennsylvania; offers assistance to victims of the September 11 terrorist attack on the Pentagon through the Pentagon Family Assistance Center; and establishes a toll-free telephone number and secure Web site for victims and their immediate family members.
- The Child Abuse Prevention and Enforcement Act and Jennifer's Law increase the annual Crime Victims Fund set-aside for child abuse victims from \$10 million to a maximum of \$20 million, and allow the use of Byrne grant funds for the prevention of child abuse and neglect. Jennifer's Law authorizes \$2 million per year through Fiscal Year 2002 for states to apply for grants to cover costs associated with entering complete files of unidentified crime victims into the FBI's NCIC database.

- New regulations, policies, and procedures for victims of trafficking dramatically change the response to this class of crime victims by agencies throughout the federal government, including the U.S. Department of State, the U.S. Department of Health and Human Services, and several U.S. Department of Justice agencies (the FBI, the Immigration and Naturalization Service, and U.S. Attorneys' Offices).

2002

- The Crime Victims Fund deposits total \$519 million.
- OVC releases final program guidelines and an accompanying application kit for the Antiterrorism and Emergency Assistance Program for Terrorism and Mass Violence Crimes, which provides funding to compensate and assist victims of terrorism and mass violence that occur within and outside the United States.
- The National Crime Victimization Survey continues to show a decline in crime victimization. Violent crime victimization dropped 10 percent from the previous year, and property crime dropped 6 percent.
- President Bush attends the presentation of the National Crime Victims' Rights Week awards and announces the administration's support for

the proposed Crime Victims' Rights Amendment to the U.S. Constitution.

- The National Association of VOCA Assistance Administrators (NAVAA) is established. With OVC support, NAVAA provides technical assistance and training to state VOCA assistance administrators.
- OVC makes available the first Helping Outreach Programs to Expand grants to grassroots, nonprofit, community-based victim organizations and coalitions to improve outreach and services to victims of crime through the support of program development, networking, coalition building, and service delivery.
- Congress appropriates approximately \$20 million to fund services to trafficking victims, including shelter, medical and mental health care, legal assistance, interpretation, and advocacy.
- President Bush hosts the first White House Conference on Missing, Exploited, and Run-away Children and announces his strong support for the Hutchison-Feinstein National AMBER Alert Network Act of 2002, which would help develop, enhance, and coordinate AMBER (America's Missing: Broadcast Emergency Response).
- By the end of 2002, all 50 states, the District of Columbia, the U.S. Virgin Islands,

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personnel about services available to victims, and convening a summit to update the definition of sexual assault and address victim privacy concerns within the military context.

- The Identity Theft Penalty Enhancement Act is enacted, defining aggravated identity theft as stealing another person's identity in connection with the commission of other specified felonies. The legislation also prohibits the court from ordering an offender's sentence for identity theft to run concurrently with a sentence imposed on the same offender for any other crime.
- Congress passes and President Bush signs the Justice for All Act of 2004, which includes the Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act, providing substantive rights for crime victims. For the first time, the law provides mechanisms at the federal level to enforce the rights of crime victims, giving victims and prosecutors legal standing to assert victims' rights, authorizing the filing of writs of mandamus to assert a victim's right, and requiring the Attorney General to establish a victims' rights compliance program within the Department of Justice. The legislation

authorizes \$155 million in funding over the next five years for victim assistance programs at the federal and state level. This omnibus crime legislation also provides funding for DNA testing, crime labs, sexual assault forensic examiners, and programs for post-conviction DNA testing.

- President Bush hosts the first national training conference on human trafficking, which brings together trafficking response teams of federal, state, and local law enforcement personnel, prosecutors, and victim service providers from at least 21 cities with a known concentration of trafficking victims. The conference emphasizes the importance of combating trafficking using a victim-centered approach.
- The National Center for Victims of Crime releases *Repairing the Harm: A New Vision for Crime Victim Compensation in America*, a landmark report that examines compensation data from all 50 states, the September 11th Victim Compensation Fund, and compensation programs in other countries. The report also provides a framework for strengthening victim compensation in the United States.

2005

- The Crime Victims Fund deposits total \$668 million.
- The U.S. Department of Justice establishes an online national sex offender registry that provides real-time access to public sex offender data nationwide with a single Internet search.
- OVC and the Bureau of Justice Assistance initiate a landmark program to establish teams of law enforcement task forces and victim services to respond to human trafficking. The primary goals of this program are to develop sustainable programs to combat human trafficking through proactive law enforcement and prosecution at all levels of government, to coordinate U.S. Attorneys Offices' efforts, to collaborate with victim service providers, and to increase the identification and rescue of trafficking victims.
- The U.S. House of Representatives establishes the first congressional Victims' Rights Caucus, chaired by Congressman Ted Poe (R-TX). The mission of the Caucus is to elevate crime victim issues in Congress in a bipartisan manner, without infringing on the rights of the accused, and advocate for crime victims' interests before the Administration and within Congress.

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- The Department of Justice announces more than \$84 million in DNA grants nationwide as part of President Bush's Advancing Justice Through DNA Technology initiative. The initiative is designed to improve the nation's capacity to use DNA evidence by eliminating casework and convicted offender backlogs, funding research and development, improving crime lab capacity, providing training for all stakeholders in the criminal justice system, and conducting testing to identify missing persons.
- Attorney General Alberto Gonzalez issues updated *Attorney General Guidelines for Victim and Witness Assistance*. The guidelines incorporate provisions for crime victims' rights and remedies, including those in the Justice for All Act, which had been enacted since the publication of the last edition. The guidelines also address victim and witness assistance in human trafficking and identity theft cases.
- The National Association of VOCA Assistance Administrators (NAVAA) releases the *Crime Victims Fund Report*, which highlights the Crime Victims Fund's contribution to the federal government's efforts to assist victims, analyzes the sources of deposits into the Fund, examines the issues involved in administering the Fund, and explores future challenges to the Fund's capacity to meet victims' needs.
- The American Bar Association releases *Elder Abuse Fatality Review Teams: A Replication Manual*, developed by the ABA Commission on Law and Aging and funded by OVC. This groundbreaking manual provides guidance to communities on establishing elder abuse fatality review teams that review deaths caused by or related to elder abuse.
- The U.S. Department of Justice issues its Final Rule implementing the victims' rights compliance provisions of the Crime Victims Rights' Act portion of the Justice for All Act. The rule establishes the office of the Victims' Rights Ombudsman within the Executive Office for United States Attorneys (EOUSA) to receive and investigate complaints relating to the provision or violation of the rights of crime victims. The rule establishes procedures for filing complaints, investigating complaints, and imposing disciplinary sanctions against employees when warranted.
- The U.S. Department of Defense announces a new sexual assault policy. The policy creates a military-wide definition of sexual assault, sets a baseline standard for prevention and response training for the armed services; and requires all military installations to have a sexual assault response coordinator with a staff of victim advocates. The policy also requires the establishment of a senior level of command to handle sexual assault cases and review any administrative discharges of sexual assault victims.

2006

- The Crime Victims Fund deposits total \$650 million.
- Congress passes and President Bush signs the Violence Against Women and Department of Justice Reauthorization Act of 2005. This extension of the Violence Against Women Act includes provisions for early intervention, prevention, and health care, and promotes a national commitment to keep women and children safe from fear and abuse.
- Congress passes and President Bush signs the Trafficking Victims Protection Reauthorization Act of 2005. This law amends the Trafficking Victims Protection Act of 2000 by enhancing efforts to fight domestic trafficking in persons.
- During the National Crime Victims' Rights Week ceremony, OVC awards the first Ronald Wilson Reagan Public Policy Awards to honor outstanding individuals whose

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leadership, vision, and innovation have led to significant changes in public policy and practice that benefit crime victims.

- President Bush signs the Adam Walsh Child Protection and Safety Act of 2006 (H.R. 4772). Along with increasing supervision of sex offenders, this wide-ranging legislation also extends the federal Crime Victims' Rights Act to federal habeas corpus proceedings arising out of state convictions, eliminates the statute of limitations for federal prosecution of sexual offenses or child abduction, and extends the civil remedy for child sex crime victims to persons victimized as children, even if their injuries did not surface until the person became an adult.
- Attorney General Alberto Gonzales launches Project Safe Childhood, aimed at eliminating Internet-based child sexual exploitation. This nationwide project creates locally designed partnerships of federal, state, local, and tribal law enforcement agencies together with community leaders to develop a coordinated strategy to prevent, investigate, and prosecute sexual predators, abusers, and pornographers who target children. All U.S. Attorneys are charged with taking the lead in

designing a strategic plan for their community.

- The United States Court of Appeals for the Ninth Circuit decides *Kenna v. U.S. District Court for the Central District of California*, in which the court considered whether the Crime Victims' Rights Act portion of the Justice for All Act gave victims the right to speak at sentencing hearings. The case involved a father and son who swindled dozens of victims. The defendants pled guilty to wire fraud and money laundering. More than 60 victims submitted victim impact statements. At the father's sentencing hearing, several victims spoke about the effects of the crimes, but at the son's sentencing the judge refused to allow the victims to speak. The court held the district judge had made a mistake and made three important points: (1) in passing the Crime Victims' Rights Act, it was the intent of Congress to allow victims to speak at sentencing hearings, not just to submit victim impact statements; (2) victims have a right to speak even if there is more than one criminal sentencing; and (3) the remedy for a crime victim denied the right to speak at a sentencing hearing is to have the sentence vacated and a new sentencing

hearing held in which the victims are allowed to speak.

- The President's Identity Theft Task Force adopts interim recommendations on measures to be taken at the federal level to address the problem of identity theft. The Task Force, co-chaired by Attorney General Alberto Gonzales and Federal Trade Commission Chairman Deborah Platt Majoras, recommends steps to address data breaches in federal agencies, extend restitution for victims of identity theft, reduce access to Social Security numbers, and develop alternative methods of authenticating identities.
- The Department of Justice issues its final rule implementing the new International Terrorism Victim Expense Reimbursement Program (ITVERP). This new federally-administered program extends crime victim compensation to American victims of terrorism abroad, reimbursing them for direct, out-of-pocket expenses resulting from the terrorism. ★

