

## THE GRASSROOTS BEGINNINGS OF THE VICTIMS' RIGHTS MOVEMENT

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The story of the victims' rights movement is the story of heroes – the survivors of crime who never asked to be brought into the system but were dragged into it by the criminals and who stepped forward to make sure justice is done; the advocates whose work on behalf of victims is ceaseless; the politicians whose leadership is admirable; and law enforcement and prosecutors whose bravery and dedication are inspirational. The work of each of these groups of courageous people over the last three decades has resulted in sweeping changes to our criminal justice system; changes that have profoundly improved the lives of crime victims.

To truly understand how sweeping the changes of the last twenty five years have been, one needs to go back approximately three hundred years, to the founding of our country. Our legal system was based primarily on English common law which, for all crimes except treason, consisted entirely of private prosecution. In this system of justice, crime victims were entirely and solely responsible for investigating and prosecuting the crimes against them. And the harm of crime was primarily thought of as a private harm, not a social harm. By the time of the American Revolution, however, this idea of a system solely in the hands of the victim had fallen into disfavor, and almost all of the colonies had established public prosecutors. While this new system did not exclude private prosecution, increasingly, the trend was away from private involvement in the criminal justice system.

The shift away from a victim-centered system was based on sound principles and has had some positive outcomes. For instance, placing responsibility for crime in the hands of the government resulted in more equal justice, ensured more crimes were prosecuted, and ensured that such prosecutions were properly conducted. It also reflected an appreciation for the fact that society, as well as the victim, has an interest in ensuring crimes are prosecuted and the guilty punished. However, as often happens, the pendulum swung too far.

By the late 1960s and early 1970s, America had a criminal justice system in which victims had been relegated solely to the role of witnesses - mere evidence for the state - and, as a legal matter, the only harm of crime was seen as the harm to the public at large. Many victims were left feeling invisible and unsafe. Not surprisingly, many felt disenfranchised and betrayed by a system in which they saw themselves as the only participant without any rights.

### TIME FOR A CHANGE

It was time for a change, and in the 1970s, various individuals and groups began working to transform the role of crime victims in

the criminal justice system. From academia, studies emerged in the newly developed field of victimology that provided statistical evidence of the effects of crime on victims and demonstrated that victims' dissatisfaction with the criminal justice system had a direct impact on victims' willingness to report crimes and to cooperate with the prosecution of crimes. From the civil rights movement came a call for equal justice for all victims of crime. Citizens from all walks of life were concerned with rapidly rising crime rates and worked towards reforms.

Additionally, survivors of crime and their advocates began to mobilize, establishing grassroots crime victims' organizations in the 1970s. For instance,

- In 1972, one of the the first crime victims' advocacy organization, Aid for Victims of Crime (now the Crime Victim Advocacy Center - CVAC), was founded in St. Louis by Carol Vittert and other citizens concerned with victims' issues. Over the last 33 years, CVAC has provided invaluable assistance and advocacy to crime victims. Much of the organization's work was conducted under the leadership of Ed Stout, whose recent death is deeply mourned within the crime victims' rights community.
- In 1975, the National Organization for Victim Assistance (NOVA) was established. This groundbreaking organization was an outgrowth of the nation's first national conference on victim assistance and was formed by a group of the country's leading activists for victims' rights.
- In 1978, Robert and Charlotte Hullinger founded Parents of Murdered Children (POMC), after the murder of their 19 year old daughter, Lisa.
- In 1979, Candi Lightner and Cindi Lamb founded Mothers Against Drunk Driving (MADD) after Candi Lightner's 13 year old daughter, Cari, was killed by a repeat offender drunk driver and Cindi Lamb's infant daughter became a quadriplegic after being hit by a repeat offender drunk driver.

At the same time, the women's movement pushed for reforms in the areas of sexual assault and domestic violence. The nation's first rape crisis center, Bay Area Women Against Rape (BAWAR), was founded in 1971 by a group of women, including the mother of a rape victim. The women came together in response to the treatment a teenage girl received by law enforcement and hospital personnel after she was sexually assaulted. Seven years later, the National Coalition Against Sexual Assault was formed to provide leadership to the many rape crisis shelters that were being founded around the country. Near this same time, the movement against domestic violence arose, providing shelters, education and resources to women who were assaulted. The

country's first hotlines and shelters for battered women and their children were established. Many of these hotlines and shelters were staffed by volunteers who were themselves domestic violence survivors. At the same time, efforts were underway to create a new paradigm - to persuade law enforcement officers and prosecutors' offices to treat domestic violence as a crime, rather than a private, family matter. In 1978, the National Coalition Against Domestic Violence was founded by over 100 battered women's advocates from around the country who had attended the U.S. Commission on Civil Rights hearing on battered women in Washington, DC.

In sum, the 1970s was a time of new beginnings for the victims' rights movement—grassroots efforts were born that highlighted the plight of victims and the problems with the criminal justice system, and created much needed services and advocacy for crime victims.

The above are just a very few of the organizations founded by victims and their advocates in the 1970s. (Regrettably, the limited space of this newsletter simply does not allow us to acknowledge all of the individuals and groups that rose up to fight for victims and to whom we owe so much gratitude.)

In response to this movement, in the early 80s, President Ronald Reagan's Task Force on Victims of Crime – a group made up of law enforcement, lawyers, judges, victim advocates and others – traveled the country listening to victims and, in 1982, produced a written report detailing its findings and recommendations for reforms. Many of these recommendations have become reality. The Office for Victims of Crime (OVC) was established within the United States Department of Justice in 1983. The Victims of Crime Act (VOCA) was passed in 1984 and now funds services all over our country with monies collected from fines, forfeitures and fees levied against federal criminal offenders. In fact, since 1983 more than 6 billion dollars has gone from the pockets of the offenders to fund services that help victims.

The last twenty five years have also seen extensive changes in the enactment of laws that give crime victims' rights in the criminal justice system. These laws are grounded in the experiences of victims - victims like Roberta and Vincent Roper. In 1982, their 22 year old daughter, Stephanie, a senior in college was home for a weekend visit with her family. As she drove home from a friend's house, her car broke down. Jack Ronald Jones and Jerry Beatty came upon her stranded on the side of the road, and

brutally kidnapped, raped, tortured, and murdered Stephanie. During the trial, the Ropers were not informed of what was occurring and were not allowed to attend the trial. After the guilty verdict, Roberta was to testify at sentencing about her daughter and the impact of this terrible crime on her family. The court upheld an objection from the defense attorney, however, and Roberta was told that the impact of the murder on her family was "irrelevant," despite the fact the defendant was able to call many witnesses on his behalf to talk about his life. The Ropers went on to found the Stephanie Roper Foundation (now the Maryland Crime Victims' Resource Center) and became a powerful force for the enactment of laws that give rights to victims, both in Maryland and nationwide. Victims now have rights in the criminal justice system. In fact every state in the nation and the federal government have passed statutes over the last twenty five years that give victims some rights in the criminal justice process. Thirty-three states have made those rights part of their state constitutions.

Over the last three decades, the pendulum of our criminal justice system has begun to swing into a proper equilibrium—from the 16<sup>th</sup> century extreme of placing on victims all responsibility for enforcing crime, to the mid-20th century exclusion of any legal role or status in the criminal justice system for the victim, to the proper balance now on the horizon.

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There is no question that the rise of grassroots organizations and the laws passed as a result of the advocacy of those organizations over the last twenty five years have improved the lives of many victims. Unfortunately, for many these rights have remained paper promises - laws on the books that are not enforced. Research and the experience of many victims suggest that, even in states that provide strong protections for victims, these rights are often not honored. Why? Some are afraid that these laws will allow victims to control the process or overrule the decisions of prosecutors or judges or infringe on defendant's rights - fears that are based not in fact, but on misunderstanding of the laws. Some in the criminal justice system are simply resistant to any change to business-as-usual. This ongoing resistance to victims' involvement in the criminal justice system is why the work of heroes, those few highlighted in this article and those many others across the country, continues to be so crucial. The grassroots efforts have only begun; we must all join together to ensure that justice is done for crime victims. ■