



CRIME VICTIMS' INSTITUTE

COLLEGE OF CRIMINAL JUSTICE

SAM HOUSTON STATE UNIVERSITY

Executive Director: Mary M. Breaux, Ph.D.

The History of Victim Rights and Services

Alyssa Linares, M.S.

Taylor D. Robinson, Ph.D.

The Victims' Rights Movement of the 1970s represents a crucial shift in the landscape of criminal justice, specifically in addressing the long-standing neglect of violence against women. Historically, victims of crimes, such as sexual assault or domestic violence, were often overlooked and marginalized in the criminal legal process without adequate report. However, this movement has been instrumental in recognizing and safeguarding the rights of victims. This report will delve into the history of victims' rights and services, highlighting the pivotal role they play in within the criminal legal system. The summation of these rights is paramount as victims' rights continue to evolve through the enactment of legislation and court rulings, making it crucial for both practitioners and the public to understand their significance within the legal realm.

The 1960s -1970s

The Victims' Rights Movement officially started in 1972 with the founding of three victim assistance programs in Missouri, California, and Washington, D. C., despite the enactment of the first crime victims' compensation program in 1965. The major changes in victims' rights accrued through volunteers who were often revictimized due to inadequate services within the criminal justice system. In the state of Texas, Senator Ralph Yarborough introduced the first federal crime victims' compensation bill in Congress in 1965 (McDaniel, 2012a).

In 1977, the first victims' assistance program in a Texas prosecutor's office was established in Harris County. During the same year, Texas became one of the first states to pass legislation that requires law enforcement to fund forensic sexual assault examinations. The Texas Crime Victims' Compensation Act, established in 1979, provided compensation to victims of violent crimes for their financial burden administered by the Texas Industrial Accident Board. Additionally, HB 1075 was passed by the Texas Legislature allotting protection and temporary shelter for domestic violence victims and their families until proper assistance via counseling, legal assistance, and medical care. This act mandates that the Texas Department of Human Resources contract services from at most 12 centers that provide shelters for family violence victims.

The 1980s

In 1980, the Texas Crime Victims' Compensation Program (CVC) was established with a total of 1,060 claims filed within the first year totaling \$417,000 in reimbursement payments. In 1982, President Ronald Reagan established the President's Task Force on Victims of Crime. The Harris County District Attorney's Victim Witness Office facilitated the Houston hearing (one of seven in the U.S.) with ADA Ted Poe providing testimony (McDaniel, 2012b). The final report suggested 68 recommendations including the enactment of legislation to provide federal funds to help with state compensation programs and other federal, state, and private or non-profit victim assistance organizations. This report helped with the passage of the Federal Victim and Witness Protection Act of 1982, which was created to change the crime victim's status from an identifier of an offender to an active participant in the criminal justice system. Victims are allowed to make impact statements describing their experiences and the costs of being a victim (McDaniel, 2012b).

The Texas Crime Victim Clearinghouse was established in 1983. The clearinghouse serves as a central informational source about crime victims' services and issues in Texas (Texas Department of Criminal Justice, n.d.). U.S. Attorney General Ed Meese also appointed the Task Force on Family Violence during this time. Congress enacted the Victims of Crime Act (VOCA) creating a matching grant program to help with state victim compensation programs in 1984.

The 69th Texas Legislature passed H.B. 235 in 1985, adding Chapter 56 to the Code of Criminal Procedure. This bill included Art. 56.04 (Victim Assistance Coordinator) which required district attorneys to designate a victim assistance coordinator where jurisdiction exceeded 150,000 people. There are seven rights included in this article pertaining to victims, guardians of victims, or a close relative of deceased victims. First, the right to receive proper protection from harm and threats based on cooperation with prosecutors via law enforcement agencies. Second, the right to have a judge take the victim or victim's family safety into consideration during pretrial sentencing. Third, if requested, the right to be informed of relevant court proceedings and to be informed of cancellations or rescheduled.

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Fourth, the right to be informed by a peace officer concerning criminal investigation procedures and by the district attorney's office for general procedures in the criminal justice process which includes plea negotiations.

Fifth, the right to provide important information to a probation department for pre-sentencing investigations concerning the offense's impact on the victim and the victim's family via testimony, written statement, or any other manner before the sentencing of the offender. Sixth, the right to receive information about victims' compensation, medical expenses for sexual assault, and, if requested, referral for social service assistance. Finally, the right to be notified, when requested, of parole proceedings and give the Board of Pardons and Paroles to be included in a defendant's information to be considered before parole. Further, Art. 56.02(b) grants the victim the right to be present at all offense-related proceedings based on judicial approval.

The CVC received its first VOCA grant totaling \$1.47 million in 1986 after a few years of limited or deficient funds (Texas Office of Attorney General [TXOAG], 2021). In 1987, the 70th Texas Legislature passed H.B. 878, which removed financial stress as a requirement to receive victim compensation and provided extensions towards mental health compensation for families who live at the same residence with a child or a deceased victim, increased the maximum compensation for childcare, and provided a definition for immediate family members (TXOAG, 2021). The CVC fund declined in 1988, and the 71st Texas Legislature passed S.B. 1133 which restricted the use of CVC fund monies (TXOAG, 2021).

The 1990s

The 1990s was an important decade for innovative and creative ways of accessing resources, enacting legislation, and reaching more populations of victims. To provide specialized services for victims, practitioners recognized the need for training and sharing best practices throughout the field. In 1991, the CVC was transferred to the Texas Office of Attorney General. The Texas Legislature passed H. J. R. 23 which proposed that an amendment be made to the state constitution to deny bail, after a hearing, to anyone accused of a violent offense, such as murder, kidnapping, aggravated assault, or a sexual offense (i.e., aggravated sexual assault, sexual assault, indecency with a child) committed while under the criminal justice agency supervision for a prior felony in 1993. After the passing of the Violence Against Women Act (VAWA) in 1994, the Children's Advocacy Centers of Texas, Inc (CACTX) was created as a nonprofit membership of 13 local child advocacy centers. CACTX's mission is to help abused children via support in addition to partnerships with local communities and investigative agencies and prosecutors concerning child abuse (McDaniel, 2012b).

Additionally, the first National Victim Assistance Academy was held in 1994 to facilitate standardizing effective and ethical practices (Office for Victims of Crime [OVC]; 2022), and the passing of VAWA allowed for the creation of a nationwide hotline aimed at helping domestic violence victims.

In 1995, the Texas Board of Criminal Justice created a formed rule allowing victims to witness executions. The Texas Crime Victim Clearinghouse was also moved to the Texas Department of Criminal Justice from the Governor's Office during this time. Additionally, in the following year, the AMBER (America's Missing: Broadcast Emergency Response) Alert System began in Texas after Dallas-Fort Worth broadcasters collaborated with local police to create an early warning system for abducted children. The name was created to honor nine-year-old Amber Hagerman who was kidnapped and murdered in Arlington, Texas. Additionally, the 74th Texas Legislature passed S.B. 1049 which increased the maximum amount reward for catastrophic injuries from \$25,000 to \$50,000 and added other reimbursement aspects, such as crime scene cleanup, dependent care resulting from a crime, added vehicular crimes as compensable offenses (e.g., DWI and criminally negligent homicide), expanded definitions for immediate family members, household members, victims, and included mental harm within the physical injury definition, and added property seized evidence reimbursements (TXOAG, 2021). Under the Texas Council of Family Violence, the hotline became fully operational in 1996 to assist victims with safety planning, finding local resources, and receiving emotional support (National Domestic Violence Hotline, n.d.). Domestic violence has a strong connection to stalking (Coleman, 1997), and in 1997, national laws were created to address stalking (OVC, 2022). Texas laws surrounding the statute of limitations for reporting sexual assault also changed in 1997 (McDaniel, 2012b).

The late 1990s were focused on making victim services more accessible to different populations of victims. Practitioners and researchers in the field acknowledged the need to (1) have consistent rights for victims across justice systems and proceedings, (2) provide ethical and empathetic services regardless of demographics or location, (3) improve education and training related to victim assistance, (4) improve services, technology, and collaborations, and (5) provide victim-centered services (OVC, 1998). In 1997, the OVC began to provide funding directly to victim assistance programs housed in Indigenous nations (OVC, 2022). Tribal communities have higher rates across victimization categories, compared to non-Hispanic white people (Rosay, 2016). Providing funding for victim service agencies in different communities is an integral part of providing accessible and culturally-competent resources.

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Additionally, in 1998, the Crime Victims with Disabilities Awareness Act was passed to raise awareness, collect information, and create specialized techniques for victims with developmental disabilities (Crime Victims with Disabilities Awareness Act 42 U.S.C. § 6001, 1998). In 1997, the 75th Texas Legislature passed S.J.R. 33 to make the crime victim compensation fund solely used to pay for resources and services for victims, including funding for the Court Appointed Special Advocates (CASA) Program (McDaniel, 2012b; TXOAG, 2021). By 1998, all states in the United States had victim rights laws and crime victim compensation programs, and there were 10,000 victim services organizations across the country (OVC, 1998).

2000s

The turn of the century was a period of extensive lawmaking. In 2000 alone, the blood alcohol concentration limit was changed to 0.08, VAWA was reauthorized, and the Trafficking Victims Protection Act was passed. Mothers Against Drunk Driving pushed for the blood alcohol concentration limit in an effort to decrease the amount of drunk driving crashes and fatalities. The VAWA Reauthorization included new provisions such as: (1) physical and cyberstalking laws, (2) funding for resources and services for domestic violence and sexual assault victims, (3) provisions for transitional housing, and (4) resources for women of different backgrounds (McDaniel, 2012b; OVC, 2022). The use of technology has increased a feeling of helplessness in escaping the abuse in victims, even when they are physically away from the abuser (Woodlock, 2017). Recognizing the role that technology can play in abuser's isolation, manipulation, and humiliation tactics can help in safety planning and providing emotional support for victims. Following the diversity and inclusivity initiatives of the previous years, VAWA included provisions for women of different backgrounds, specifically those living in rural communities, older women, immigrant women, and women with disabilities. Each of these populations faces additional physical, psychological, and financial barriers in conjunction to the general barriers that crime victims face. The Trafficking Victims Protection Act reinforced laws and punishments for traffickers and included protections and services for trafficking victims (OVC, 2022).

The following year, 2001, brought more updates to legislation. In response to the 9/11 attack, the USA PATRIOT Act was passed as an antiterrorism effort (OVC, 2022). The 77th Texas Legislature passed H.B. 172 to create the Texas Victim Information Notification Everyday (VINE) system to help victims of crimes to know the status of the offender and their court case (McDaniel, 2012b). Additionally, this Legislature passed laws for funding for a broad range of victim services including shelters, victim services agencies, hotlines, advocacy, and education (TXOAG, 2021).

Following the anti-sexual assault legislation of 2000, laws were passed in 2001 that removed the statute of limitations for sexual assault reporting if forensic evidence is collected, tested, and showed that the substance did not belong to the victim (McDaniel, 2012b). While this law is beneficial to victims who choose to report and have a forensic exam, sexual assault victimization is severely underreported (Langton et al., 2012), and there are substantial barriers that may prevent victims from seeking help. Barriers may include shame and guilt, embarrassment, threats by abuser, love or a sense of protection for the abuser, or fear of social stigma (Münzer et al., 2016). Other barriers may include age, (dis)ability status, military involvement, gender and cultural norms, fear of retaliation or police, and geographic challenges. In addition to the removal of the statute of limitations on sexual assault kits, HB 131 provided law enforcement agencies with financial reimbursements to cover the costs of forensic sexual assault exams (TXOAG, 2021). In 2003, the Prison Rape Elimination Act was signed to combat sexual assault within correctional facilities (Bureau of Justice Assistance, 2021), and in 2004, the United States Department of Defense's Task Force on Care for Victims of Sexual Assault provided recommendations for combatting military sexual assault and providing victim-centered services (OVC, 2022). In 2005, the 80th Texas Legislature passed HB 8 (commonly known as the Jessica Lunsford Act) to address childhood sexual assault (McDaniel, 2012b). Aside from sexual assault legislation, in 2004, the Identity Theft Penalty Enhancement Act was passed to address identity theft that is committed in connection with other crimes (OVC, 2022).

In 2006, two important laws were reauthorized: VAWA and the Older Americans Act (OAA). The VAWA Reauthorization allowed for the creation of the Sexual Assault Services Program, resources to combat homelessness and housing instability, domestic violence prevention programs, and focused resources for domestic violence in Indigenous and Alaska Native populations. The OAA Reauthorization combatted elder abuse and included provisions for people who had limited English proficiency, promoted multidisciplinary teams, addressed national responses to elder abuse, and increased resources and services to victims. In 2009, the Matthew Shephard and James Byrd, Jr., Hate Crimes Prevention Act passed to provide legislation for crimes that were committed based on sexual orientation, gender identity, and disability. This law strengthened original provisions in the Hate Crimes Statistics Act and called for assistance for law enforcement agencies in investigating and prosecuting these crimes (OVC, 2022). In 2009, the 81st Texas Legislature passed HB 2626 to allow adult sexual assault victims to obtain a forensic medical exam without reporting to police. For these exams, the Crime Victims' Compensation Program would reimburse the Texas Department of Public Safety for the cost (TXOAG, 2021).

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2010s

The creation of extensive legislation continued into the 2010 decade. In 2010, the Elder Justice Act was passed, marking the passage of the first law that comprehensively addressed elder abuse at the national level. The law outlined victimization programs, advanced research, supported protective services, and established safeguards for residents in long-term care programs (Administration for Community Living, 2022). Continuing efforts to combat sexual assault were highlighted in this decade. In 2012, the National Defense Authorization Act was signed to address military sexual assault. Moreover, in 2013, VAWA was reauthorized to include provisions for diverse populations to reach more communities and requires that victims of sexual assault have access to forensic exams for free. The reauthorization included the SAFER Act which highlighted the sexual assault kit backlog (OVC, 2022). Addressing more diverse populations of victims in VAWA encourages embracing diversity in creating programming, services, resources, and promotional items in the victim assistance field to help victims feel welcomed and comfortable seeking help (Dewey & Heiss, 2015). The push for inclusivity continued in 2016 when the Office for Victims of Crime encouraged victim service agencies to break down language barriers (OVC, 2022). Translation services are needed throughout the victimization field because victims are more comfortable sharing their experiences if they are able to speak in their native tongue and feel like the service provider can relate to their culture (Vasquez & Houston-Kolnik, 2017). In 2019, \$274 million in funding was allocated to Indigenous and Alaska Native communities (OVC, 2022). Along with the rights for sexual assault survivors provided by the VAWA Reauthorization in 2013, the 86th Texas Legislature passed HB 616 to allow for the reimbursement of forensic medical exam costs to go directly to medical facilities, rather than law enforcement agencies (TXOAG, 2021).

The 2010s also expanded rights for children and trafficking victims. For trafficking victims, in 2013, the 83rd Texas Legislature passed SB 8, which allowed human trafficking victims to participate in the Address Confidentiality Program and receive reimbursement for costs relating to relocating (TXOAG, 2021). The Address Confidentiality Program allows victims of family violence, stalking, sexual assault, and human trafficking to be provided with an alternative address and mail forwarding service as part of a safety plan (TXOAG, 2020).

In 2015, the Justice for Victims of Trafficking Act was passed to improve resources and services for trafficking victims through expansion of trafficking parameters, funding, training, and the creation of the U. S. Advisory Council on Human Trafficking (OVC, 2022). For children, in 2014, the Victims of Child Abuse Reauthorization Act was signed to allocated funds for children's advocacy centers, improve multidisciplinary teams against child abuse, and promote training for professionals working in the legal field of child abuse (OVC, 2022). Multidisciplinary teams for any type of victimization combine the strengths and skills of practitioners in different fields to help victims. Combining the services and resources of different professionals can help to provide more holistic, trauma-informed, and victim-centered services (Breckman et al., 2020). In 2017, the 85th Texas Legislature revised the meaning of "pecuniary loss" in Article 56.32 of the Code of Criminal Procedure to allow for expand funding for expenses related to specialized treatment facilities for child victims (TXOAG, 2021).

2020s

The COVID-19 pandemic changed the way that victim services were delivered as health precautions expanded to slow the spread. The sudden switch to online learning and working, the widespread loss of employment, and social isolation lead to an surge in domestic violence, among various types of victimization, in Texas and across the United States (Wood et al., 2023). With the increase in victimization and sudden decrease in donation revenue to non-profit victim service agencies, the Coronavirus Aid, Relief, and Economic Security (CARES) Act and American Rescue Plan Act helped to provide financial aid to victim service agencies to continue their work (Office of Family Violence and Prevention and Services, n.d.).

In 2020, the CVC launched new capabilities in the existing online portal allowing medical providers to submit applications and check payments statuses for reimbursement costs for forensic sexual assault exams that were conducted after August 31, 2019 meeting the requirement of H.B. 616, previously mentioned. The 87th Texas Legislature passed H.B. 1172 which allowed for law enforcement to request sexual assault exams for assault reported within 5 days in 2021. In the same year, H.B. 2462 and H. B. 2706 were passed to make changes to the sexual assault exam reimbursement process effective September 1, 2021. These changes include that law enforcement requests sexual assault exams for minors regardless of when the assault was reported, and sexual assault forensic exams have ready programs for reimbursement. Additionally, S.B. 957 was passed revealing that the Office of Attorney General may deny or reduce awards based on law enforcement and medical interactions unless they find that the victims interaction with crime scene or hospital failed to cooperate with law enforcement agencies (TXOAG, 2021).

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In 2022, VAWA was reauthorized. Congress reauthorized all current VAWA grant programs until 2027, expanded special criminal jurisdiction of Tribal courts to cover non-Native perpetrators of various crimes (e.g., sexual assault, child abuse, sex trafficking, stalking, and assault on tribal law enforcement officers), and supported a pilot project to enhance the safety of Alaska Native village survivors to services (The White House, 2022). There was also an increase in services and support for survivors from underserved or marginalized communities (e.g., LGBTQ+, sexual assault, and domestic violence), funding for survivor-centered and community-based services, and an increase in culturally specific services and rural community services (The White House, 2022) among other improvisations.

Notably for 2023, the signing of the Abolish Human Trafficking Reauthorization Act of 2022 and the Trafficking Victims Prevention and Protection Reauthorization Act of 2022 were centered on helping child trafficking victims as well as increasing resources dedicated to studying how social media has impacted the trafficking landscape (OVC, 2023). The use of social media and technology for trafficking and internet crimes against children, particularly in the grooming process, has given abusers a channel and opportunity to communicate with young victims to build trust and exploit (De La Hoz, 2021).

Conclusion

In conclusion, while acknowledging that there remains room for ongoing improvement, it is imperative to recognize the substantial progress achieved in the field of victim services regarding availability, inclusivity, and accessibility. Over the years, victims' rights have expanded to encompass a broader spectrum of victimizations and serve a more diverse range of populations. Looking ahead, further developments in victims' rights and services must prioritize the expansion of resources for victims of labor trafficking and those identifying as male or belonging to the LGBTQ+ community and affected by sex trafficking. Urgently needed are emergency shelters that cater to the specific needs of fathers, children, especially boys above the age of 12, and pets. Additionally, addressing shortages in translation services, bilingual staff, trauma-trained counselors, particularly those of male gender, legal resources, and transportation services is crucial.

Future policies should encourage flexibility and understanding among managers and administrators in both the workforce and school systems, ensuring they accommodate the demanding schedules of survivors who often juggle court appearances, counseling and medical appointments, and multiple jobs to support their families. A continued commitment to building a trauma-informed and survivor-centered legislative framework in the U.S., particularly in states, such as Texas, is essential to prioritize the well-being of survivors within the criminal legal system. Recognizing the diversity of survivors and establishing programs that cater to their unique needs can significantly enhance the sense of empathy and respect within the victim services field.

Alyssa Linares graduated with her Master's of Science in Victim Services Management from Sam Houston State University (SHSU) in August of 2022. She received a Bachelor's of Science in Victim Studies with a minor in Accounting in May of 2020 from SHSU. She currently works as a Victim Counselor at the Travis County District Attorney's Office and volunteers in anti-human trafficking efforts. Before her current occupational role, she worked as a Victim Advocate at Children's Safe Harbor, a Child Advocacy Center. She hopes to further her career by joining federal anti-human trafficking efforts and eventually join the international ranks, combating human trafficking with the United Nations.

Taylor Robinson, Ph.D. graduated with her Doctor of Philosophy in Criminal Justice from Sam Houston State University. She currently works as a National Racial Equity Initiative (NREI) Social Justice Fellow with the Congressional Black Caucus Foundation.



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