

## **“Victim Rights and Services: A Modern Saga”**

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### **Introduction**

At 9:02 am on April 19, 1995, the United States was stunned and shaken by the bombing of the Alfred P. Murrah federal building in Oklahoma City, Oklahoma. The worst terrorist attack on the civilian population in recent history. It killed 168 people and shattered the lives of the survivors. The devastation caused by the crime was extraordinary and millions around the world watched the explosion replay time and again on television with horror. But what wasn't seen on television – the response to the victims – was also extraordinary. The U.S. Justice Department and the U.S. Department of Education supported teams of crisis responders who flew into Oklahoma within hours of the event to provide crisis intervention and counseling support to rescue workers, community members, and survivors of the bombing. The state victim compensation program under the direction of Suzanne Breedlove began almost instantaneous mobilization to provide financial aid to families of the victims. The U.S. Attorney's office began preparations for providing assistance to victims and survivors as they faced the possibility of a lengthy criminal investigation and trial of the accused. In 1995, care and concern about victims were the central focus for the victim assistance coordinators in Oklahoma and equally central to the thoughts of the Attorney General of the United States.

The response was indicative of impact of the victims movement and the changes it has created in social and criminal justice arenas over the last thirty years. The movement has redefined the laws affecting victim participation in the system, the nature of services provided to victims, and even the definitions of who is a victim and what the effects of victimization are. Because the force of the movement has been so powerful and continues to shape public policy and social programs, it is useful to review its origins, what it has accomplished today, and where it may lead in the future.

### **The Past: The Infancy of Victims Movement**

#### **Defining Theory and Developing Practice**

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

The idea that the state should provide financial reimbursement to victims of crime for their losses was initially propounded by English penal reformer Margery Fry in the 1950s. It was first implemented in national legislation in New Zealand in 1963 and England passed in similar law shortly thereafter. Early compensation programs were motivated by welfare concepts of providing assistance to victims in need. California became the first state to establish a compensation program in 1965 followed by New York. While the idea spread relatively slowly, there were 32 states with compensation programs by 1979.(2) And, most evolved away from principles of welfare to a justice

orientation in which victims were seen as deserving compensation whether or not they were in need. Compensation programs also promoted involvement by victims in the criminal justice system since they required victims to report to the police and, in many cases, to cooperate with prosecution. Administrators of victim compensation programs in the early years were not always passionate advocates of victim issues, but victim compensation programs have been of both practical and symbolic value to victims of crime. And, they represent the first public recognition of society's responsibility to victims and have been the cornerstone of victim service schemes.

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

The importation of the idea of a victimology to the United States correlated with increasing concern about crime in the late 1960s. That concern spawned the formation of the President's Commission on Law Enforcement and the Administration of Justice in 1966 which in turn spurred national crime victimization surveys that showed that victimization by crime was far higher than law enforcement reports reflected and that victims often didn't report due to lack of faith in the criminal justice system. This captured the attention of researchers who began to examine more closely the impact of crime on victims as well as victim disillusionment with the system. Studies done during the 1970s on the crisis of crime, rape trauma, crime's impact on the elderly and the battered woman's syndrome had a profound influence on shaping program strategies for helping victims to cope. Research on victim and witness participation in the criminal justice system was the catalyst for experimental programs in prosecutor offices mandated to provide better notification, support and aid to victims and witnesses. Victimology began to reflect a more compassionate view of victims.

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

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

today. In addition, LEAA supported the founding of programs in law enforcement agencies. In 1974, Indianapolis, IN and Ft. Lauderdale, FL became the first communities to establish law enforcement-crisis intervention programs responding all victims of crime with counseling and assistance.

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

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

Funding to the field in the late seventies through LEAA gave communities opportunities to replicate the initial programs, and begin to translate knowledge and practice into educational materials. The National District Attorneys Association developed a Committee on Victims to assist in disseminating information. And, the American Bar Association established a Victims Committee as a part of its Criminal Justice Section to increase awareness of victim issues among lawyers.

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

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

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

Controversy also arose between programs that were driven by grass-roots energy and those that were based in traditional criminal justice institutions. Many felt there was an inherent conflict between the goals of a prosecutor or law enforcement agency and the interests of victims. Some sought legal changes in the system while others felt change could take place through adjustment of policies and procedures.

Tensions within the movement led to the emergence of new national organizations: the National Coalition Against Sexual Assault was formed at a NOVA meeting in 1978 to serve as leadership for

rape crisis programs; the National Coalition Against Domestic Violence was founded at the end of 1978 to provide an advocacy network for shelters.

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

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

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

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

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

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

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

Third, it recommended an additional Task Force on violence with families which resulted in the establishment of the Attorney General's Task Force on Family Violence in 1983 with a Report published in 1984. That Report was a stimulus to federal action requiring state compensation programs to include victims of family violence, if they are to receive federal funds.

Fourth, it recommended an amendment to the U.S. Constitution through which victims would

have a right to be “present and heard at all critical stages of judicial proceedings.” That recommendation sparked the interest of victims and their advocates and by 1986 a national victims constitutional amendment network had been established to seek state constitutional amendments on victim rights.

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

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

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

States were also moving rapidly to institutionalize victim assistance through legislation and the development of statewide networks of service. Bills of rights were adopted in every state by 1990. 29 states have now passed constitutional amendments and some 10 more had established task forces or committees to study such amendments. Funding for victim services and compensation was given increasing priority. And, by the end of the decade over 8,000 programs could be identified as serving victims through crisis intervention, criminal justice support, and advocacy.

The eighties brought new contributors to the victims movement and expanded its reach to new constituencies. The National Victim Center was founded in 1985 to commemorate Sonny von Bulow. Victim Advocacy Legal Organization (VALOR) became prominent as its founder, Frank Carrington, helped to develop and promote civil litigation on behalf of crime victims. The National Center for Missing and Exploited Children was established. The International Association of Chiefs of Police established a Victims Committee and announced a law enforcement bill of rights for victims. The American Corrections Association issued 16 recommendations for better treatment of victims. The American Probation and Parole Association developed program goals on victims. The Spiritual Dimension became a source of education and training for clergy on victim issues. Neighbors Who Care was initiated by Justice Fellowship to develop victim assistance within religious communities. The International Society of Traumatic Stress Studies and the International Association of Trauma Counselors were established to serve as research and education resources for individuals working in the field of trauma.

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

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

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

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

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

## **The Present: Maturity and Transition**

The history of the victims movement has been one marked by many diverse influences and one that has shaped an emerging multi-disciplinary profession as well as radically reformed the legal system. In 1998, the highlights of the state of the art of victim assistance today can be divided into three key areas: theory and research, program and professional development, and public policy.

### **Theory and research**

The victim assistance field has benefited greatly from the progress made in trauma research. The Diagnostic and Statistical Manual in its 4th Revision altered the description of PTSD to include a subjective perception of trauma which confirmed observations of victim service providers that not all victims of crime or other crises suffer long-term trauma. And, it included a description of Acute

Stress Disorder that is useful in helping to further define what many victims experience as the crisis reaction. Mental health professionals in their studies leading up to the publication of the DSMIV also began to examine another dimension in long term stress relating to victimization termed the Diagnosis of Extreme Stress Not Otherwise Specified (DESNOS). The symptoms characterizing this proposed diagnosis may occur in persons who have survived complex, prolonged or repeated trauma in which they have been subjected to coercive control. Such control may be imposed through violence or threat of violence; control of bodily functions; capricious enforcement of petty rules; intermittent rewards; isolation; degradation; enforced participation in the violence. While not included yet in the DSMIV, this description may be useful in interventions with chronically abused persons such as battered women, sexually abused children, torture victims, and victims of hostage-taking or kidnapping.

The value of these advances in trauma research is twofold. Victim service providers have found that providing descriptions of symptoms of trauma to victims helps to validate their experience and to better understand their own reactions. And, secondly, the descriptions aid providers in determining when a mental health referral may be useful.

The establishment of a general consensus on the nature of traumatic stress reactions has spurred research into how such reactions might be manifested differently in children, adults and the elderly, as well as how various ethnic or racial groups might respond. Of equal interest is the reactions of communities as a whole to traumatic events and how such reactions affect individuals. Similarly, more and more attention is being paid to what has been termed vicarious victimization or compassion fatigue suffered by caregivers working with victims.

But, while studies of the effects of trauma have made great strides in our understanding of reactions, less progress has been made on the issue of what constitutes effective intervention or counseling. Victims often complain that many mental health professionals do not know how to respond appropriately to their needs. And, while most victims say immediate crisis response is useful, there remains little research on whether various crisis intervention techniques have long term effects or which models are best.

There has also been few studies on the impact of victim participation in the criminal justice system. Victimization surveys continue to reflect a significant lack of reporting of crime. There is little data that would support the hypothesis of the early seventies that attention to victims and witnesses results in better cooperation, increases convictions or affects sentencing. However, criminal justice professionals seem to see such participation as useful if only because it increases understanding of the system by citizens as well as appears to increase satisfaction.

### **Program and Professional Development**

The establishment of federal funding, standards for service and legislated victim rights in the 1980s has resulted in expansion of services. All U.S. attorney offices now have designated victim and witness coordinators. And, most prosecutor offices in urban areas have victim assistance units. A study of law enforcement agencies with over 100 sworn officers in 1990 indicated that over 1/3 housed victim services. NOVA's Program Directory which reflects most of the universe of victim service programs (including chapters of Parents of Murdered Children and some but not all chapters of Mothers Against Drunk Driving) contains listings for nearly 10,000 programs.

Despite the growth of programs, program coverage of all the eight elements of service in any given community is still spotty. Some provide crisis intervention services and supportive counseling to particular kinds of victims (usually sexual assault or domestic violence). Law enforcement agencies and prosecutor offices often provide support in the criminal justice system during investigations during prosecution. Many correctional agencies have victim notification units and some have victim

education programs, victim impact panels, or victim-offender dialogue programs for inmates. There are some comprehensive programs who seek to provide service from the time of the crime through crisis intervention through case disposition and its aftermath, but they still are relatively few.

What is notable, however, is the expansion of specialized services. There are now some 400 child advocacy centers throughout the United States. More and more programs are addressing the needs of victims who are ethnic or racial minorities. Some programs now provide service to burglary victims. Some programs also provide specialized services to victims of gang-related crimes. And, efforts have been made to establish services for elder abuse victims and victims of bias crimes.

The implementation of telephone victim services is also increasing. Statewide hotlines or information and referral services are common. NOVA has maintained a national hotline since 1983. With the enactment of the 1994 Violence Against Women Act, there was a federal appropriation for a national domestic violence hotline that should be in service by 1996. Many victim compensation programs also offer toll-free assistance to victims of crime.

Professional education and development opportunities have also expanded considerably during the first half of the nineties. Through increased funding from the Office for Victims of Crime, new training programs on law enforcement and domestic violence, bias crimes, civil litigation on behalf of victims, victim services and the clergy, federal victim services, the impact of HIV and AIDS, working with survivors of homicide, prosecution and sexual assault, elder abuse, victim services in corrections, community policing and victim assistance, working with grieving children, the media and victim services, victim assistance in the military, victim assistance in public housing, victim assistance and drug-related crime, and victim assistance in the Indian Nations were developed.

Statewide training conferences are now being held in most states. Some states have started statewide training academies or institutes. More and more states are integrating victim assistance training into state law enforcement academy curricula. And, some institutions of higher education have developed courses and curricula on victim assistance or victimology.

New initiatives from the Office for Victims of Crime will address integrating victim assistance curricula into the basic college education requirements for criminal justice, medical, theology, social work, and mental health degrees. They will also promote additional specialized training for law enforcement, prosecutors, judges, correctional personnel, victim service providers in rural areas, emergency room workers, community crisis responders, victim services in the juvenile justice system and victim service providers working with white collar crime victims.

The expansion of program services and education has been accompanied by the recognition of victim assistance as a multi-disciplinary profession. That recognition is reflected in the development of a new National Code of Ethics for victim assistance.

### **Public Policy**

Public policy change by 1997 on behalf of victims of crime has affected all levels of government.

The Victims of Crime Act has become permanent federal legislation which in 1996 brought in more than \$535 million of federal criminal fines to support victim assistance and compensation. A federal Bill of Rights for Victims of Crime resulted in new federal programs for victims which involve an estimate 1,000 victim and witness coordinators. It also resulted in a Department of Defense Directive that ensures victim and witness protections and participation in the military system of justice. The Violence Against Women Act attracted bipartisan support to increase shelters, domestic violence and sexual assault programs, as well as to provide a federal cause of action for gender-based crimes.

The state bills of rights and the growing number of state constitutional amendments have spawned a new national coalition working towards a federal constitutional amendment on behalf of

victims of crime.

Such legislative change has, of necessity, been accompanied by the need for interpretation of policy initiatives. Victim rights issues are now being litigated in the courts. The first such issue, concerning the rights of a victim to provide input at sentencing, reached the Supreme Court in 1987 in *Booth v. Maryland* in which the Supreme Court ruled that victim impact statements at sentencing in death penalty cases heard by a jury were unconstitutional. However, that decision was soon effectively overruled in *Payne v. Tennessee* in 1990. But the case was a mere harbinger of the future. In 1995 a whole field of case law exists on victim rights at a state level on issues of protection, intimidation, notification, victim input at bail hearings, plea bargaining, sentencing, and parole, the use of victim trauma as evidence, and due process rights. Despite the pervasiveness of such litigation, what remains unaccomplished is any comprehensive cataloging or interpretation of these cases. As a result, it is unclear whether there are case law trends and any certain prediction about how victim rights will eventually be interpreted in the criminal justice system.

## **The Future**

In looking towards the next decade in victim assistance, it is clear that the field will continue to consolidate its progress. It is probable that victim services will be fully integrated into the criminal justice system; crisis services will be available in most communities; victim rights will be incorporated into constitutional change in all states if not in the federal government; victimology will be a part of most educational curricula from elementary school through multi-disciplinary degree programs in institutions of higher learning; and victim assistance will become a recognized and respected profession. But, change is occurring faster than ever before in human history. The process of change itself has become so rapid, so complex, so turbulent, and so unpredictable that some have called it "white water change". Change in the criminal justice system that has been engendered by the victims movement over the last twenty years has been seen by most as positive. But change now both threatens and offers opportunities that will transform the movement itself. That change will involve, at a minimum, the following issues.

### **1. Demographics.**

The new population which is emerging in the United States will be characterized by three critical attributes.

First, The United States is the fastest-growing population in the industrialized world. It adds nearly 3 million people per year to its total population. A large number of these are immigrants (800,000 in 1992) and the U.S. now absorbs through immigration about 1% of the people added to the world population each year. Trends suggest that the U.S. will reach a total population of 383 million by the year 2050. The impact of such population acceleration has the potential for devastation. Unless substantial redistribution of resources occur, it is likely that the population increase will result in increased poverty, illiteracy, homelessness and violence.

Second, the population will be driven by a demographic tilt away from children and toward the elderly. Even now, for the first time in history, the average American has more parents living than children. At the beginning of the twentieth century, fewer than 1 in 10 Americans was 55+, and only 1 in 25 was age 65+. By 1989, 1 in 5 Americans were at least 55 years old and 1 in 8 was at least 65. Between 1989 and 2030, the 65+ population is expected to double. There will be over 100,000 people over the age of 100 by the year 2000. Medical advances and disease prevention strategies have contributed to a continuing rise in longevity. But social attitudes and information on the aging process have not kept stride with the promise of that longevity. Future elderly will be challenged

by growing concerns with health care, housing, poverty, loneliness and a technological estrangement from younger groups. If the future is characterized by violence, it is likely that the elderly will be one of the most vulnerable of population groups.

Minority population groups such as those defined by race or ethnicity, sexual orientation, disabilities will become more prominent. Their increase in number will affect both the delivery of services and the political process by which decisions about services and rights are made. The racial and ethnic makeup of the country will change both due to higher birth rates among minority populations and the impact of immigration and migration from around the globe. The ability of the United States to respond equitably and expeditiously to new and competing demands for access to opportunity, justice, power and freedom may be threatened with dangerous results.

Optimists suggest that increased population diversity will provide the impetus for developing deeper understandings of different human perspectives and resolutions of old conflicts based on ignorance. Pessimists worry about diversities based on ever smaller units of differences may create even greater conflicts as evidenced by the conflict in the former Yugoslavia.

Victim assistance providers must become more adept at providing outreach to different population groups. They must increase their knowledge of the processes of aging and appropriate services for the elderly. They should make diversity training a mandatory part of their professional development and even more importantly, become better connected with their colleagues around the world. International networking will be a necessity in the future. They must also explore new methods of ensuring victim rights in alternative justice systems. An understanding of concepts of justice, equity, and the mechanisms for achieving fairness in other cultural systems will be needed to provide assistance to victims as well as to propose modification to our own system.

## **2. Economics.**

John Naisbett in his book, *Megatrends*, highlights the coming of the next century in glowing economic terms suggesting that our world will be characterized by a new global economy that will bring a tide of rising wealth to all.

Robert Theobald, another futurist, has a more dismal prediction. He believes that the economic outlook is bleak. It is characterized by increased poverty, worldwide depression and a growing discrepancy between the haves and have-nots.

While we may not understand the economic forces that are defining our future world, for the victims movement, the future is upon us. Today, the federal Crime Victims Fund has collected more fine contributions than ever before. Should collections continue to rise, funds to establish and sustain victim assistance and compensation programs could reach a point where the movement's dreams can be realized. All crime victims could have access to comprehensive services from the time of the criminal attack through case disposition. But, this possibility raises real concerns. Is the victims movement ready to efficiently and effectively utilize such monies? Are there available personnel who could be instantaneously educated and trained to fill needed victim service positions? Are there adequate training opportunities if the demand for service expansion suddenly increased? Are program managers trained in service expansion? Have program managers planned for service expansion so that it can be effected in an orderly manner? Do programs have adequate facilities and equipment to handle service expansion? The answers to most of these questions today is "no". If the victims movement were to benefit from new economic largesse, it must be prepared answers or the likelihood that political forces will

divert the monies to other social needs.

A dramatic increase in the Crime Victims Fund will be accompanied by political demands that its purpose be expanded to address additional needs such as homelessness or illiteracy; or that, once again, the Fund be capped and excess monies be used for balancing the budget or alternative governmental programs. As states have faced budgetary crises, some have chosen to “raid” victim funding or abolish funding altogether in order to meet other governmental mandates. Such a possibility could mean that victim services might face a severe loss of funding. This pessimistic outlook would mean that the victims movement should consider how to defend its political and economic well-being as well as how to survive in an age of economic austerity.

### **3. Technology.**

The tremendous advances in technology over the last ten years has been hailed as the predecessor to an era which will revolutionize life as we know it. The information superhighway and telecommunication technologies promise instantaneous exposure to new knowledge and to a worldwide community of resources. Interactive computers and augmented or virtual reality systems offer unique training opportunities, and improved health and mental health interventions for injured victims.

These possibilities are encouraging, but, other effects of new technologies hold difficult challenges. Technology is, even now, changing concepts of criminal behavior and the instruments by which criminal actions take place. Child pornography on the Internet, stalking and harassment through computer networks, fraudulent conversion of funds through computer authorizations are only a present day sample of what might occur in the future.

Technology will change how justice itself is processed. The new world holds a potential for paperless courts, computer assisted law enforcement, on-scene crime adjudication, and computer-monitoring of offenders. (Max Winkler, Parole Officer for the state of Colorado predicts that custom-programmed microprocessor chips will be available to monitor and respond to offenders’ physiological patterns and reactions after implantation under the skin sometime after 2001.) It may require new interpretations of constitutional concepts such as rights to confrontation, to not incriminate oneself, to keep and bear arms, and even to freedoms of speech, press and assembly.

In this new world, the victim assistance providers of today will be obsolete. Most are technologically illiterate. Many have no experience or knowledge in working with basic computers. A world in which technology is a dominant force of communication and an arbiter of life and death is difficult to contemplate and understand.

### **4. Communication.**

The technological basis for communication methods may also change the nature of communication itself. Today, the world remains separated by language barriers in existence since the Tower of Babel. Many see such barriers eradicated in the future – initially due to the ability of computers to effect instantaneous translations, but eventually because of the evolution of a universal language. Some have suggested that the relatively new interest in linguistics has been ignited by a quest to understand the “language instinct” in humans and the rules by which languages are formed in order to identify meta-rules that are the basis for such a language.

The use of language is an essential element of most victim assistance counseling. In order to accommodate a language-translation technologies or a new universal language, crisis intervenors and counselors need to begin to identify ways of communicating critical

concepts that can be cross-linguistically meaningful in trauma situations.

Language will also be enhanced more than ever by visual stimulus (this may be true even for people who are visually impaired or blind since even now computer chips are being implanted on an experimental basis that may make sight available for the sightless). Color, form, and the impact of various mediums on communication need to be explored.

## **5. Health and Health Care**

National health care has been a hotly debated issue over the last few years. The majority of the population in the United States seems to favor some type of national health care system, but political leaders are largely divided on how such a system should be designed and implemented. The possibility of a national health care system should raise immediate issues in the context of victim services. To what extent will victim compensation programs need to be reevaluated and reorganized if national health care was available to all victims? To what extent will a national health program address crisis and long term trauma care for victims? Should national health care include crisis and trauma programs will they effectively replace currently established victim assistance programs? Will the elevation of crisis and long term trauma care for victims to national health care status mean that all providers must be health professionals?

Issues of national health care may be the most immediate health issue affecting the victims movement, but technological advances will raise additional issues.

Medical advances are giving doctors increased power to make decisions of life or death and hence placing them with the power to determine the impact of physical injury on the victim. The result may make certain traditional measures of the seriousness of crime irrelevant. It is arguable, for instance, that someone who intends to commit murder and would have succeeded but for the intervention of doctors with the aid of new technologies should be tried for murder. Similarly, sentences that are based on level of injury done to the victim may be different if doctors can completely repair the injury. An eye for an eye becomes a different issue if a doctor can replace a blind eye.

Organ transplantation is now routine enough in some cases that theft of vital organs is under legal prohibition. However, as a result, doctors now make decisions concerning priority patients for transplants. When a patient dies who needed a transplant as a result of a crime but was given less priority than another patient who also needed a transplant, is the resulting death a murder?

Many believe that it will only be a short time before we will be able to create a healthy child sustained outside the uterus as a result of test-tube fertilization. Will such births result in laws that regulate birth under these conditions, reduce the need for abortions, or require parental licensing?

Mental health issues may also be viewed from a different perspective in the future. Currently there are experiments being conducted that transplant memory from adult bees to bee larvae with surprising success. Some scientists view this research as being preliminary to more advanced experiments that might eventually result in the ability to transplant memory from one human being to another. If memories can be eradicated, replaced, or reinvented either physiologically or psychologically, is this a meaningful way to reduce trauma to crime victims?

## **6. Environment**

The population trend in the United States is echoed even more devastatingly in the growth of worldwide population. Some estimate that the population will double by the year 2050 to nearly 11 billion people. In an article in a Time magazine special edition

entitled “Beyond the Year 2000,” Eugene Linden wrote “ If the worst occurs, countless millions will become environmental refugees, swamping nations that tried to conserve their soil, water and forests. The great-grandchildren of today’s young people would have to share the planet with only a ragged cohort of adaptable species dominated by rats, cockroaches, weeds, microbes. The world in which they survived would consist largely of deserts, patches of tropical forests, eroded mountains, dead coral reefs and barren oceans, all buffeted by extremes of weather.”

What effect does the environment have on the future of the victims movement? Two scenarios drawn from island cultures that responded to burgeoning populations that put stress on isolated ecosystems may illustrate the potential impact of environmental stress. The descriptions are drawn from the above article.

*“When Europeans first landed there [Easter Island] in 1722, they found 3,000 Polynesians living in extremely primitive conditions on the island amid the remnants of a once flourishing culture. The story of Easter Island is one of ecological collapse that began around the year 1600, when a swollen population of 7,000 stripped the island of trees, depriving inhabitants of building materials for fishing boats and housing. As the populace retreated to caves, various clans warred over resources, then enslaved and later cannibalized the vanquished. By the time Europeans arrived, the beleaguered survivors had forgotten the purpose of the great stone heads erected during Easter Island’s glory days.”*

Some might predict a similarly violent demise for humanity with the decline in environmental resources and the swell in population. Such violence would not only produce countless victims but a insurmountable need for victim services.

*“The tropical island nation of Mauritius in the Indian Ocean presents a more hopeful case study...Mauritius is nearly as densely peopled as Bangladesh, yet manages to support healthy ecosystems and a booming economy. Nearly 200 years ago, the island’s French settlers became alarmed by the cutting of ebony forests that caused severe erosion and had led to the extinction of the dodo bird. By the end of the 18th century, the locals had developed a full set of environmental controls, including strict limits on tree cutting. In recent years, Mauritius has launched a successful education effort to stabilize population growth.”*

The threat to our environment today suggests that we may have to impose new laws and regulations to achieve the needed response to population increases. At a futures conference for the courts held by the State Justice Institute a few years ago, judges envisioned a future scenario that would address such issues in which flora, fauna and other features of the environment would be treated as victims and need representation in court. Would this call for a new kind of victim services that considered the financial and physical impact of crime upon those “new victims” as well as provided social and psychological support to communities damaged by environmental crimes?

## **7. Ethics**

Many of the possibilities conceived of for the future are interlaced with a reconsideration of values and their ethical consequences. The United States has operated as a society with general value principles such as an individual’s “right to life, liberty and the pursuit of happiness”; that “all men are created equal”; and that each is due “liberty and justice”. Its “Bill of Rights” also enshrines the rights of the accused, implies rights to privacy, and articulates freedoms of speech, press and assembly. In the two hundred and twenty years since the Declaration of Independence was written, these values have often been called

into question. Futurists predict that our social hierarchy of values and our individual ethical interpretations of such values will be tested as never before in the new world. The following is a sampler of ethical questions that we face as we go into the next millennium.

- In a society that is densely populated and interdependent for goods and services, should the individual and his wants or needs take priority over the wants and needs of a community?
- If an individual has a right to life, does he also have a right to die?
- Does the right to life mean that society cannot prioritize whose death takes place and when, where, or how that death occurs?
- Does an individual's right to happiness interfere with another's right to freedom? If so, how are such contradictions resolved?
- Rights of the accused are identified in our constitution, is there justification for including rights of the accuser – whether the accuser be society, victim, or both?
- Do rights to privacy conflict with a public's right to know and the freedom of the press. If so, how are such conflicts resolved?
- Does equality mean equal in the eyes of God or being treated equitably by government and the system of justice?
- Do rights to assemble or speak imply the rights to network through telecommunication and the right to broadcast any message at any time?

## **8. Religion**

John Naisbett considers the next decade and the next century as a time when mankind will face a spiritual revolution. In part, that consideration is based on two haunting memories: the historical knowledge that the turn of a calendar year, a decade, or a century tends to spark reflection and concern for the future; and the historical and religious prediction of an Armageddon that will accompany the new millennium. In both cases, individuals seem to turn to God or religion to explain the unknown and the prophesy of a future.

Those who lived in Europe through the turn of a millennium a thousand years ago might have approached the new year without fear. In retrospect it would seem that they lived at a time of illiteracy, disease, hunger, and poverty. If life was filled with darkness in the present, why fear the future. For those who looked to Christianity as their salvation, death could be preferable to life. Others in different locations might have lived through the turn of the millennium confident of their ancient traditions or secure in eternal connections with a natural order. Either way, spiritual faith was an anchor in an uncertain world.

Recent psychological studies suggest that people who have faith survive disaster better than people who don't. Perhaps that is why close to 60% of the American public expect religion to play a greater role in the lives of people in this country after the year 2000.

Some futurists expect that Catholicism and Eastern Orthodoxy will survive due to the fact that rituals adapt well to illiterate, but educated people respond to visual and sound stimuli. Mormonism has also been predicted to have a global impact. Hinduism and Buddhism may become respectable with sizable followings in the United States. And, Judaism and Islam will maintain their influence. Ancient religions or spiritual beliefs are expected to reemerge. In the midst of this spiritual revival, science and spirituality will accommodate themselves in a new "Age of Faith."

What implications does such a merger have for working with victims? Many would project a need for victim assistance providers to be better equipped to help victims deal with spiritual issues. But, perhaps more important is the need for people who deal with victimization concerns, death and dying, and the random nature of crime to explore how they themselves resolve the eternal questions of existence and its consequences.

## **9. Crime and Violence.**

There has been some discussion in recent years suggesting that crime in the United States has been on the decline. However, the most recent data from the redesigned National Crime Victimization Survey reported by the Bureau of Justice Statistics (May, 1995) indicated that levels of certain completed violent crime had been declining or holding steady while levels of attempted victimizations had generally been on the increase. In addition, victimization levels and rates between 1992 and 1993 showed little change. There were 43.6 million criminal victimizations in 1993, of which 10.9 million were rapes, robberies or assaults. There were 32 million property crimes among the almost 100 million households in the United States.

These facts do not contain much hope for a nonviolent society in the near future. In addition, Many would argue that brutality and mass violence is on the increase. In the last twenty years there have been 10-30 mass murders each year (incidents in which more than four people were killed at one time). Bystander injuries and deaths have increased 400% in the last decade. 30,000 Carjackings take place each year. Workplace violence has risen by about 20%. One clear threat is the rise in juvenile crime. Arrests for violent crime by youths under 18 have risen over 90% in the last twenty year. From 1982 to 1992 teens age 13-15 arrested for murder doubled. The impact of such crime goes far beyond the offenders and their direct victims. A 1992 study of South Side Chicago high school students between the ages of 13 and 18 reported that 47% had seen a stabbing, 61% had witnessed a shooting, 45% had seen someone get killed and 25% had experienced all three. By the year 2005 the number of 15-19 year olds will have increased by 25%. The potential for violent chaos throughout our nation is imminent.

Domestic crime is only one aspect in the threat of future violence. Many futurists believe the world is on the edge of war. Russell Ramsey in the article "World Systems, Challenges: 1993-2025" (The Officer, April 1993) identifies four challenges to world peace: 1. Regional ethnic conflict (the sovereignty of nearly 200 nation states will be challenged by some 4,000 ethnic minorities), 2. Trafficking in arms and engineers, 3. Regional pariah regimes (such as Iraq's Saddam Hussein and Serbia's Slobodan Milosevic), and 4. Focused economic grievance syndrome. Chief among the potential global hotspots: a sixth Arab-Israeli war, a fourth India-Pakistan war, a civil war in Russia, the second war for Africa, the third Gulf war, the second Korean war, the Sandinista war, the war for Transylvania, a war between Egypt, Libya and the Sudan, and a Sino-Russian war. (Future Wars: The World's Most Dangerous Flashpoints, Trevor N. Dupuy, Warner Books, 1993)

These grave scenarios on both the domestic and international front suggest that violence prevention must become an integral part of all victim assistance programs. Research should continue on how to eradicate violent behavior, but increased education is also necessary. Community-wide partnerships between public and private organizations and individuals must be developed at the local level to address poverty, racism and illiteracy. And, those partnerships should work together to provide immediate assistance to victims as well as assist, where possible to restore offenders to health social functioning. The potential for worldwide war has caused some people to call for an international

crisis response capability similar to the national state crisis teams in the U.S. to assist a permanent world peacekeeping force. Such teams may well include not only trained crisis intervenors but individuals experienced in facilitating victim-offender dialogue and community restoration.

## **10. Trauma**

With so many profound changes facing us over the next decade, it should not be surprising that one can predict that our understandings of crisis, trauma and appropriate responses will also change.

Over the last decade we have broadened our understanding of the concept of trauma in several important ways. While it is expected that this understanding will continue to be serve as a foundation for victim assistance providers, the future is likely to address additional questions such as:

- To what extent is the impact of crisis and trauma after crime transmitted inter-generationally?
- Does repeated exposure to chronic crime and violence establish trauma as a “normal state” from which victims may find it difficult to disengage?
- Is the state of crisis or trauma contagious?
- To what extent are crisis reactions manifested differently between cultures?
- Can crisis and supportive counseling techniques be successfully adapted to new technologies that allow for remote interventions through telecommunication?
- Can crisis reactions be mitigated or ameliorated through interactive computer interventions?

## **11. Trans-nationalism**

There have been many governing scenarios projected for our future world. Some have focused on a gradual breakdown of the nation-state into smaller and smaller fragments such that peoples in specific geographic areas govern themselves based on their own specific needs. Some have believed that there will be a realignment of nation-states. For instance, a group based in the Northwest think that Oregon, Washington, British Columbia and Idaho should become a new nation, “Cascadia”. Others have dreamed of a One World Government in which the world is united under one order, one law, and one set of common values. Still others have suggested that there will be an emergence of a network of nations that allows each nation to be integrated into the global whole and yet remain an independent entity and substantially self-reliant. But, no matter what form governance takes in the next century, there is one sure projection: responses to crime and violence will be driven by international forces and transcend national barriers.

It is likely that victim service programs will become a part of international networks of assistance. Victim assistance will become a foundation for transnational responses to crime and other severe crises in the world. Crime will not only be re-defined in terms of future technologies but re-definition will occur as nations try to make laws and regulations more compatible. Justice systems will need to sort out reciprocal agreements and a mutuality of process such that victims in one country may be treated similarly to victims in another country. More and more international tribunals may take precedence in areas such as addressing global corporate crime, environmental crime, drug-trafficking, and mini-wars. The United Nations may or may not serve as a leadership body in this effort, but international cooperation and understanding will be essential.

## **12. Justice**

Finally, it can be expected that the U.S. justice system will be radically changed. The

victim rights movement has already pushed the system in the direction of greater participation by victims and witnesses and some people predict that a completely new paradigm of justice will emerge with the victim as a third party. This possibility becomes more likely as states continue to pass state constitutional amendments and victim advocates push harder for federal constitutional amendments on behalf of victim rights.

But, the goals of justice will also be reexamined. The emerging discussion of restorative community justice versus retributive justice or as an alternative to restitutive justice will continue until the public feels that the justice is indeed being done. More and more thought is being given to whether the system should focus on individual justice or social justice. Many of the ethical questions raised above are also questions that affect the distribution of justice.

Similarly the mechanisms through which the search for truth and justice is conducted may be reinvented. The call for community involvement in the justice process may create direct citizen involvement in law enforcement functions, participation in prosecution, participation in the judicial function, and participation in sanctioning and monitoring those who violate the social order. New responses to such violations not only include those invented by new technologies but a return to historical sanctions such as shaming, exile, or isolation.

The role of the victim and the victim advocate in this redefinition of justice and the justice system will be critical if the new system is to continue to improve responses to victims.

## **Conclusion**

The aftermath of the horrible event of April 19, 1995 was an illustration of what has been accomplished for victims of crime in the United States. The event was also a vivid example of our limits. While crisis responders were dispatched to the scene, there was clearly a need for more knowledge of how to cope with the immediate and long-term effects of crime. While the survivors will have opportunities for participation in the criminal justice process, victim service coordinators will be challenged to accommodate families of the 169 who died and the hundreds of others injured or who witnessed the destruction. While state victim compensation exists in Oklahoma, the funds available at the time were virtually bankrupted by the needs of these victims alone. And, perhaps, most importantly, the tragedy was testimony to our inability to control and prevent violence in our midst.

These issues and how we address them will determine the fate of victims and victim assistance in the future.