

May 18, 2000

file
VAWA

MEMORANDUM FOR MARIA ECHAVESTE

FROM: ANN O'LEARY
HEATHER HOWARD
MARY SMITH
LAUREN SUPINA

CC: MELANNE VERVEER
BETH NOLAN
LYNN CUTLER
KAY CASSTEVENS
BRUCE REED

SUBJECT: VIOLENCE AGAINST WOMEN ACT MEETING

On May 19, 2000, you are chairing a meeting, with Melanne Verveer, Lynn Cutler and Beth Nolan, with the coalition of women's groups that is pushing for reauthorization of the Violence Against Women Act (VAWA). The purpose of the meeting is to demonstrate White House commitment to fighting for the reauthorization of VAWA this year.

Attached as background material are:

- Agenda
- Talking points
- List of attendees
- Statement by the Vice President on new domestic violence statistics (released 5/17/00) and reauthorization (5/17/00)
- Statements by the President and Vice President on U.S. v. Morrison (the Brzonkala case) (5/15/00)
- A summary of U.S. v. Morrison
- Shalala/Reno letter to Chairmen Hyde and Hatch on reauthorization (5/15/00)
- Statement of Attorney General Reno on new domestic violence statistics and reauthorization (5/17/00)

FOR INTERNAL USE ONLY

Violence Against Women Act Meeting

Friday, May 19 2000
10:30 am - 11:30 am
Roosevelt Room

AGENDA

Maria Echaveste: Welcome and Overview

VAWA - early in
Adm.
- law enforcement

Melanne Verveer: Building an outreach strategy and importance to the First I

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asked - because

Lynn Cutler: Women's Caucus activities and importance to the Vice Presid

Beth Nolan: U.S. v. Morrison

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Bonnie Campbell: Bureau of Justice Statistics' Special Report on Intimate violence.
Director, Violence Against Women Office, Department of Justice

Kay Casstevens: Legislative Strategy

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bipartisan

**MEETING WITH WOMEN'S GROUPS
REGARDING THE VIOLENCE AGAINST WOMEN ACT**

May 19, 2000

10:30 AM

Roosevelt Room

TALKING POINTS

- This Administration is committed to reauthorizing VAWA this year. VAWA programs have helped hundreds of thousands of women. through grants to law enforcement and shelters. As the statistics in this week's Department of Justice report show, our efforts to keep women safe from domestic violence are working, but we cannot relax our efforts. Now is the time to intensify our efforts to eliminate violence against women.
- The Supreme Court decision in Brzonkala is very disappointing but may help provide momentum for reauthorization.
- This issue is very important to the President, Vice President, and First Lady. This week both the President and Vice President issued statements expressing disappointment regarding the Supreme Court's ruling in Brzonkala and urging the Congress to reauthorize VAWA. On Wednesday, the Vice President issued a statement regarding the new statistics and again called for reauthorization.
- We are gearing up to push hard for reauthorization of VAWA and are planning to amplify the message:
 - We will be intensifying our efforts to work with the Hill and doing everything we can legislatively to move the reauthorization. We not only need to reauthorize the critical grant programs in VAWA, but also need to make critical improvements to the statute, such as expanding it to include dating relationships (which was taken out of Morella's bill in subcommittee). NOTE: **Ask** what their priorities are for the legislation.
 - We are also planning a meeting to reach out to law enforcement to help get the word out that the law enforcement community is seeing results and that they support reauthorization. We want to work with you to build a strong coalition for reauthorization.
 - We plan to do (an) event(s) to highlight the need to reauthorize. We want to demonstrate that there is broad, bipartisan support for VAWA. [NOTE: we should be a little vague about exactly what kind of event(s) we would do.]

May 19, 2000 – VAWA Meeting

Pat Reuss
NOW LDEF

Jackie Payne
NOW LDEF

Leslye Orloff
NOW LDEF – Immigrant Women Program

Juley Fulcher
National Coalition Against Domestic Violence

Lynn Rosenthal
National Network to End Domestic Violence

Lisa Lederer
Family Violence Prevention Fund

Ellen Nolan
National Alliance of Sexual Assault Coalitions

Diane Moyer
Pennsylvania Coalition Against Rape

Jody Rabhan
National Council of Jewish Women

Rob Valente
Pennsylvania Coalition Against Domestic Violence

Lisa Levine
AAUW

Joanne Howes
Bass & Howes

Donna Lenhoff
National Partnership for Women and Families

Bonnie Campbell
DOJ – Violence Against Women Office

THE WHITE HOUSE

Office of the Vice President

For Immediate Release

May 17, 2000

VICE PRESIDENT GORE CALLS ON CONGRESS TO REAUTHORIZE VIOLENCE
AGAINST WOMEN ACT

Today the Administration called on Congress to reauthorize the Violence Against Women Act (VAWA) for another five years in order to continue keeping women safe from domestic violence. According to the Department of Justice's "Intimate Violence" Special Report, released today, intimate partners -- including current or former spouses, boyfriends and girlfriends -- committed fewer murders in 1996, 1997, and 1998 than in any other year since 1976. This is proof that more women are safer today than they have been in almost a generation.

The report also found that in 1998, women experienced 20.3% fewer violent offenses at the hands of an intimate partner than in 1993. This is evidence that our administration's Violence Against Women Act (VAWA) and the over \$1 billion in grants for law enforcement assistance and battered women shelters which have been made under VAWA are working.

As I travel the country talking to youth, I have found that one of their greatest concerns is the devastating amount of domestic violence in their homes. While the numbers released today are very encouraging, the fact remains that there were still 876,340 violent offenses against women in 1998--down from 1.1 million in 1993. While the work of our administration has been key to reducing domestic violence--we cannot relax our effort to protect women against domestic violence. This is the time to intensify our efforts with the goal of eliminating violence in the home in any form.

That is why I am pledging to work with Congress to reauthorize the important VAWA legislation. And, I reiterate my wholehearted commitment to working with Congress to restore protections struck down by the Supreme Court earlier this week to give victims of gender-motivated violence the power to sue their attackers for lost earnings, medical expenses, and other damages.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

May 15, 2000

STATEMENT BY THE PRESIDENT

I am deeply disappointed by the Supreme Court's decision today in *United States v. Morrison*. In this case, the Court struck down the civil remedy provision contained in the Violence Against Women Act (VAWA). In 1994, as part of comprehensive crime control legislation, I signed into law the Violence Against Women Act. This important piece of federal legislation contains a broad array of ground-breaking laws to combat violence against women. VAWA passed Congress with bipartisan support.

The Supreme Court's decision today does not affect the viability of VAWA as a whole. It does not affect any of the VAWA grant programs nor does it affect federal criminal provisions that punish interstate domestic violence and stalking crimes. The Supreme Court did, however, invalidate one important provision of the Violence Against Women Act that gave victims of gender-motivated violence the ability to sue their attackers for lost earnings, medical expenses, and other damages. Because I continue to believe that there should be remedies for victims of gender-motivated violence, we plan to study the Supreme Court's decision in *Morrison* to determine the best means to help these victims.

VAWA has provided funds to communities across the nation to address the tragedy of violence against women. These funds have made a crucial difference in women's lives. Unfortunately, VAWA funding is only authorized until the end of fiscal year 2000. I have made the reauthorization and strengthening of VAWA a top legislative goal for this year. If we work together, we can enact a bill that will keep women in this country safe from violence.

THE WHITE HOUSE

Office of the Vice President

For Immediate Release
Monday, May 15, 2000

Contact:
(202) 456-7035

**STATEMENT BY THE VICE PRESIDENT ON THE SUPREME COURT DECISION
TO OVERTURN A KEY PROVISION OF THE VIOLENCE AGAINST
WOMEN ACT**

I am deeply disappointed that, in a 5-4 decision, the Supreme Court today struck down a key provision of the Violence Against Women Act (VAWA). The Court struck down the important provision that gave victims of gender-motivated violence the power to sue their attackers for lost earnings, medical expenses, and other damages. Each year an alarming number of women fall prey to gender-motivated acts of violence. This decision is a setback for these women who each day strive to heal and repair the broken pieces in their lives caused by domestic violence.

The Supreme Court's decision today does not strike down all of VAWA. It leaves in place grant programs that have assisted communities in addressing the plague of violence against women in ways that have made a crucial difference to women across the nation. Nor does it affect federal criminal provisions that punish interstate domestic violence and stalking crimes.

But the authorization for VAWA funding runs out at the end of fiscal year 2000. I will do everything in my power to reauthorize the funding of this critically important legislation, and pledge my wholehearted commitment to work with Congress to try to restore this important protection for victims of gender-motivated violence.

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Summary of U.S. v. Morrison. — S. Ct. —, 2000 WL 574361 (May 15, 2000)

The Supreme Court today struck down 42 U.S.C. § 13981, a provision of the 1994 Violence Against Women Act that provides civil remedies for crimes of gender-motivated violence. Petitioner Christy Bronzkala filed suit under this provision, alleging that she was raped by respondents while they were students at the Virginia Polytechnic Institute. In a 5 - 4 opinion, the Supreme Court held that Congress lacked authority to enact § 13981 under either the Commerce Clause or Section 5 of the Fourteenth Amendment. Chief Justice Rehnquist, writing for the majority, held that the decision was compelled by the Court's opinions in United States v. Lopez, 514 U.S. 549 (1995), United States v. Harris, 106 U.S. 629 (1883), and The Civil Rights Cases, 109 U.S. 3 (1883).

On Commerce Clause grounds, the Court held that its analysis of § 13981 was governed by the framework set forth in Lopez, identified four "significant considerations" that had contributed to the Lopez decision, and applied them to § 13981. First, the Court stated that, in Lopez, the non-economic, criminal nature of the activity being regulated (namely, possession of a firearm in a school zone), was central to the Court's conclusion that Congress lacked regulatory authority under the Commerce Clause. Similarly, gender-motivated crimes of violence are in no way economic activity. Second, the Court found that, like the statute in Lopez, § 13981 fails to contain a jurisdictional element to limit its reach to a discrete set of activity that has an explicit connection with, or effect on, interstate commerce. Third, the Court explained that, although § 13981, unlike the statute in Lopez, was supported by numerous congressional findings showing the serious economic impact of gender-motivated violence, those findings could not in and of themselves sustain the constitutionality of the statute. Fourth, the Court explained that its Lopez decision rested in part on the fact that the link between gun possession and a substantial effect on interstate commerce was attenuated. In this case, the Congressional findings were weakened because they relied on the same already-rejected connection, namely a but-for chain of causation from the initial violent act to every attenuated effect upon interstate commerce. While the Court declined to "adopt a categorical rule against aggregating the effects of any non-economic activity in order to decide these cases," it intimated that it would not uphold commerce clause regulation of intrastate activity that was non-economic in nature.

In holding that section 5 of the Fourteenth Amendment does not give Congress the authority to enact § 13981, the Court noted that Congress could prohibit only state action, not private conduct. It rejected petitioners' suggestion that this conclusion, reached by the Court in Harris and The Civil Rights Cases, has essentially been overturned by more recent precedent. Furthermore, even assuming that this case could be distinguished on the grounds that Congress had evidence here of pervasive state bias against victims of gender-motivated violence, the Court held that the statute lacked the necessary "congruence and proportionality" between means and ends. It explained that § 13981 does not provide a remedy against state officials and applies to all states, regardless whether a particular state discriminates against victims of gender-motivated crimes.



The Department of Justice
and
The Department of Health and Human Services



May 15, 2000

The Honorable Orrin G. Hatch
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Six years ago, Congress passed, and the President signed, the landmark Violence Against Women Act (VAWA). Thanks to your leadership and that of Senator Biden, the Violence Against Women Act has become an important tool in this country's effort to combat domestic violence, stalking, and sexual assault. During the past 6 years, this law has made a critical difference in the lives of countless women and children. In implementing the Act, the Department of Justice (DOJ) and the Department of Health and Human Services (HHS) have forged a new partnership to expand our prevention efforts, ensure the safety of more victims, and hold perpetrators of violence accountable for their acts.

Overall, more than \$1.5 billion in VAWA grant funds have supported the work of prosecutors, law enforcement officials, the courts, victim advocates, and intervention and prevention programs to address violence against women at the federal, tribal, state, and local levels. Under five discretionary grant programs, DOJ has awarded more than 900 grants and has also awarded 280 STOP (Services, Training, Officers, Prosecutors) formula grants to the states and territories. More than 6,500 STOP subgrants have supported community partnerships to address violence against women. To date, DOJ has prosecuted 242 cases in the federal system involving interstate domestic violence, interstate stalking, interstate violation of a protection order, or possession of a firearm while under a protection order or after conviction for a misdemeanor crime of domestic violence. Through VAWA funding, HHS has provided grant funds to shelter more than 300,000 women and their dependents each year and the National Domestic Violence Hotline has responded to approximately 500,000 calls. VAWA resources for community-based domestic violence and sexual assault programs and the training of health care and social services professionals have ensured that more women seeking help after being sexually assaulted or battered can receive the assistance they need in their own communities.

The programs and initiatives that we have established are only the beginning of our struggle to end violence against women in our Nation. Violence still devastates the lives of many women and children. Our national statistics are sobering:

- Nearly one-third of women murdered each year are killed by their intimate partners.
- Violence by intimates accounts for over 20 percent of all violent crime against women.
- Approximately one million women are stalked each year.
- Women were raped and sexually assaulted 307,000 times in 1998 alone.

The Federal Government alone cannot solve the problem. But we can help provide to states and communities the tools they need to prevent and fight violence and to assist victims, and we can make certain that federal law enforcement is unhindered in its pursuit of those offenders who violate federal law. Congress and this Administration have an opportunity now to build on our strong record opposing violence against women. We therefore urge Congress to continue its unprecedented bipartisan leadership on this issue and both re-authorize the Violence Against Women Act and make critical improvements to the statute. We believe that the following provisions are essential to include in violence against women legislation.¹

1. **Re-authorize and improve the Violence Against Women Act grant programs.**

The Violence Against Women Act of 1994 authorized and funded critically important grant programs to forge partnerships among federal, state, tribal, and local governments, between the criminal justice system and victim advocates, and within communities. The VAWA grant programs assist state, tribal, and local governments and agencies in training personnel, enforcing laws, developing policies and procedures, assisting victims of violence, and holding perpetrators accountable. Over the past six years, victim services providers, including battered women's shelters and rape crisis programs, victim advocates, law enforcement, prosecutors, courts, health care providers, and community organizations have all received crucial VAWA funding.

¹ Today's decision by the Supreme Court in United States v. Morrison, which invalidated VAWA's federal civil remedy for victims of gender-motivated violence, does not implicate or affect Congress's ability to re-authorize and strengthen VAWA in the manner proposed in this letter.

These grant programs have proved to be an effective tool in our fight against violence against women. The following steps, which are included in the Administration's proposed crime bill, would help to continue and improve these programs:

- Re-authorize through fiscal year 2005 the critical DOJ and HHS programs so we can expand investigation and prosecution of crimes and provide greater numbers of victims with much needed assistance. It is particularly important to ensure that funding for domestic violence and sexual assault programs is adequate to respond to the increasing demand for their services as the criminal justice, medical and social services systems more regularly identify and refer victims to them.
- Re-authorize the Battered Women's Shelter program to expand and provide services to more of those who are currently underserved, such as women of color, older women, women with disabilities, and women in rural areas.
- Re-authorize the National Domestic Violence Hotline at a level adequate to continue the high quality services currently provided and to expand the training and knowledge of the staff to deal with related issues, such as sexual assault.
- Provide authorizing legislation for the Domestic Violence Victims' Civil Legal Assistance Program, which currently operates only under appropriations acts. This vital program offers victims legal representation in cases related to their safety and well-being.
- Continue to support research and evaluation in order to provide sound data for ongoing improvement of policies, practices and programs for reducing violence against women.
- Provide authorizing language to allow HHS to utilize funds for administrative purposes, such as monitoring and stewardship, to support the programs and services provided to victims of domestic violence.
- Extend to fiscal year 2005 the authorization of the Grants to Combat Violent Crimes Against Women on Campuses Grant Program, which focuses on the safety of women at institutions of higher education.
- Amend the definition of domestic violence under all VAWA grant programs to permit support of services for victims of dating violence in all funded jurisdictions.

The recent, tragic death of a young Columbia University student at the hands of her boyfriend in February 2000 underscores the need to protect young people trapped in violent relationships.

- Direct critical resources toward traditionally underserved populations. Adding these populations to the "purposes" sections of existing grant programs will reinforce our commitment to serve these victims.
 - Set aside 5 percent of Department of Justice grant funds for tribes. A recent study by the Bureau of Justice Statistics found the rates of violent victimization were substantially higher among Native Americans. The rate of violent crime experienced by Native American women is estimated to be more than twice that experienced by women generally. We can best combat this violence by helping tribes to provide focused, culturally appropriate assistance to victims in their communities.
 - Include a specific allocation for courts in the STOP Violence Against Women Formula Grant Program (STOP program) and re-authorize the State Justice Institute VAWA grants for model judicial training programs, so that judges and other court personnel can receive the training and resources they need to enhance their handling of domestic violence and sexual assault cases. Educated judges ensure that orders enhance victim safety and that offenders are held accountable through graduated sanctions.
 - Amend VAWA to include a re-allotment provision in the STOP program so that funds that remain unobligated after 2 years may be reallocated to support victim services projects.
 - Re-authorize through fiscal year 2005 rape prevention and education programs that help to supplement the rape crisis centers and state sexual assault coalitions.
 - Re-authorize through fiscal year 2005 the Community Coordinated Response programs that support the development and implementation of coordinated community intervention and prevention activities concerning violence against women.
2. Amend Title 18 to strengthen federal domestic violence laws and protect Native American and other women.

The Violence Against Women Act and subsequent legislation added criminal provisions to Title 18 that authorized federal law

enforcement officials to investigate and prosecute crimes of interstate domestic violence, stalking, and violations of protection orders. Based on our experience implementing the VAWA criminal provisions, we now have identified ways in which these provisions of Title 18 can be made more effective. To this end, we support a number of changes to the VAWA criminal provisions that would improve our ability to protect Native American victims of violence. Native American women are suffering from domestic violence and sexual assault at extraordinary rates. Minor statutory changes will clarify that victims who live in Indian Country enjoy the full protection of federal law and will enable us to apprehend and prosecute offenders who victimize Native American women or cross tribal boundaries to pursue or abuse their victims. We also advocate other technical amendments that are designed to clarify the elements of the VAWA offenses, ensure consistency in their statutory language, and close loopholes that hamper effective prosecution of these crimes.

3. Authorize federal law enforcement officials to protect victims in dating relationships with their abusers.

The Violence Against Women Act empowered federal law enforcement officials to bring certain dangerous offenders to justice. Data collected by the Bureau of Justice Statistics indicate that domestic violence occurs at the highest rates among young persons aged 16-19 and 20-24 and that more than four in ten incidents of domestic violence involve non-married persons. The Violence Against Women Act as enacted in 1994, however, does not authorize federal law enforcement personnel to apprehend and prosecute offenders who prey on these young victims. Just as it is essential to cover "dating relationships" in grants to all jurisdictions, we believe that it is critical to clarify specifically that the VAWA criminal provisions cover "dating relationships" in order to close a dangerous loophole in federal law.

4. Protect immigrant women and children from domestic violence.

The Violence Against Women Act included important provisions to protect battered immigrant women and children. The central premise of these protections was that no one should be forced to choose between deportation and abuse - that is, an abuser should not be able to use United States immigration laws as a means to coerce, control, or intimidate a spouse or child. Since the enactment of the immigration provisions of VAWA, more than 6,000 battered immigrants are now eligible for lawful permanent residence based on their approved self-petitions, enabling them to work and provide for a safe future for themselves and their families. However, the complexities of immigration law have undermined the relief created by VAWA. Consequently, many women

and children with approved self-petitions are unable to seek adjustment of status. It is essential to pass amendments that redress these undesired effects while ensuring that domestic abusers with immigrant victims are brought to justice and that the battered immigrants Congress sought to help under VAWA are able to escape the abuse.

5. Amend the full faith and credit provision of the Violence Against Women Act.

Enforcement of protection orders is a cornerstone of victim safety. To improve such enforcement, the Violence Against Women Act, 18 U.S.C. § 2265, requires states and territories to give full faith and credit to protection orders issued by the courts of other states, territories, or tribes. As we have worked with jurisdictions on implementing this provision, we have identified two aspects of the statute that should be clarified in order to enhance enforcement across all jurisdictions in our Nation.

Currently, a few states require victims with protection orders from other jurisdictions to register those orders in their courts, creating an unnecessary and dangerous prerequisite to enforcement. Some jurisdictions notify abusers that such orders have been registered, gravely endangering victims who have relocated to hide from their abusers. To secure the safety of these victims, we urge you to amend the full faith and credit provision of VAWA to prohibit registration as a prerequisite to enforcement of foreign orders and to prohibit notification of a batterer without the victim's consent when a foreign protection order is registered in a new jurisdiction.

We must reinforce that protection orders issued by tribes are entitled to full faith and credit by states. Tribal orders are essential to protecting Native American victims and deserve the same recognition as state orders. In addition, we must make it clear that Indian tribes have jurisdiction to enforce protection orders and hold offenders, both Indian and non-Indian, accountable.

6. Facilitate filing and service of protection orders for victims.

Recipients of STOP formula grant funds under the Violence Against Women Act should be required, as a condition of their grant, to facilitate filing and service without cost to the victim in both civil and criminal cases. Current federal law regarding eligibility criteria for states and tribes to receive grants under the STOP program does not clearly prohibit charging fees for all of these services, leaving many victims struggling with the cost of initiating protection order proceedings and serving the orders. We cannot permit financial resources to

The Honorable Orrin G. Hatch
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determine victim safety and access to the protections of our legal system.

7. Ensure that children remain in the custody of non-abusive parents.

We can reduce the impact of domestic violence on children by helping to ensure that children remain in the custody of non-abusive parents. We believe that the federal Parental Kidnaping Prevention Act should be amended to enhance the ability of victims fleeing from abuse with their children to obtain custody orders without returning to dangerous jurisdictions.

We also support establishing grants for supervised visitation centers to help preserve families and protect children from violence by creating safe places for visitation and exchange of children. These centers help protect victims of domestic violence and their children and minimize the danger of parental abduction.

These seven points are critical elements of a federal legislative plan to reduce violence against women. We also want to express our support for other programs that combat violence against women that do not fall under the authority of the Department of Justice or the Department of Health and Human Services. Members of Congress have introduced legislation that contains many important programs, including employment protections, housing assistance initiatives, and protection for victims of abuse who experience insurance discrimination, that will dramatically improve the lives of victims and their families.

Thank you again for your thoughtful consideration of these issues and for all the important work that you have done to safeguard lives and support victims of domestic violence, sexual assault and stalking. We cannot rest while so many women and children live in terror and experience violence. We have made great strides in the last 6 years, and we are proud of our joint accomplishments. But even that progress has demonstrated the need to do more. We look forward to working with you as we renew our efforts to free our Nation of violence against women.

Sincerely,


Janet Reno


Donna E. Shalala

Department of Justice



FOR IMMEDIATE RELEASE
WEDNESDAY, MAY 17, 2000 (202) 514-2007
WWW.USDOJ.GOV/TDD (202) 514-1888

STATEMENT OF THE ATTORNEY GENERAL ON REAUTHORIZATION OF THE VIOLENCE AGAINST WOMEN ACT

"Thank you Senator Biden, Senator Schumer, Representative Conyers, Representative Morella, Representative Baldwin, and the other members here, for your leadership in combating violence against women. I would also like to thank Bonnie Campbell for the important work she has done as the Director of the Violence Against Women Office. We are here today to express our support for legislation that will reauthorize the Violence Against Women Act and make improvements to this statute that Senator Biden has described.

"In 1994, Congress sent a clear message to this nation that violence against women is not just wrong -- it is a crime. Today, we must fortify that message by reauthorizing and strengthening the Act.

"This morning, the Bureau of Justice Statistics released a Special Report on Intimate Partner Violence that tells us that we have made real progress -- intimate partner violence has decreased. Violence against women by intimate partners fell by 21% from 1993- 1998. However, the study tells us that violence still devastates too many lives and too many women, children and families in this country.

"Intimate partner violence made up 22% of violent crime against women between 1993 and 1998. That is too much. In 1998, women made up nearly 75% of the 1,830 intimate partner murder victims. And the percentage of female murder victims killed by intimate partners has remained constant at about 30% since 1976.

"We must continue our efforts -- by police, by prosecutors, by physicians, by judges, by advocates, by community leaders, and here, in Congress. We must work together to keep victims safe and hold offenders accountable. With the authorization for VAWA funding set to expire this year, we cannot fail to act when so many women in this country are victims of domestic violence, sexual assault and stalking.

"As Secretary Shalala and I outlined in a letter delivered this morning to chairmen Hatch and Hyde, we need this legislation that continues to support community-based efforts, strengthens federal criminal enforcement and protects all victims, including battered immigrant women, Native American women, and those in dating relationships.

"As you know, on Monday, the Supreme Court in United States v. Morrison invalidated

one aspect of the Act-- the federal civil suit remedy for victims of gender-motivated violence. I

-MORE-

am deeply disappointed by the Court's ruling, but that decision does not affect the other important aspects of VAWA, including our responsibility to implement the criminal provisions of VAWA. Nor does it affect Congress' authority to re-authorize and improve VAWA. I urge Congress take prompt action to get this Act passed to end violence against women.

"Finally, I want to say -- as I have said time and again -- that we will not stop violence on our streets and in our neighborhoods, unless we first stop violence in our homes. With crime down eight years in a row, we have a unique opportunity to end the culture of violence in this county -- wherever it takes place. Now, we must seize that opportunity."

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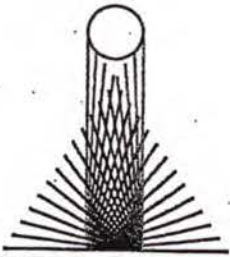
→ Idaho - Story
Law enforcement asked for def'l change.

Oct - Dom. Violence Awareness Month.

- business
- health - Wanda.
- educ'n
- law enforcement
- CR groups (immig'n)
- faith community -

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C Women Unit
not

Labr Union
Women



**NOW LEGAL DEFENSE
AND EDUCATION FUND**

1522 K STREET, NW, SUITE 550, WASHINGTON, D.C. 20005 (202) 326-0040 FAX (202) 589-0511

VAWA REAUTHORIZATION ACTION PACKET

*perpetrator
protection
prosecution*

Please note that our contact information has changed to:

NOW LDEF
1522 K Street NW, Suite 550
Washington, DC 20005
Ph: (202) 326-0040
Fx: (202) 589-0511

National Task Force To End Sexual and Domestic VIOLENCE AGAINST WOMEN

c/o NOW Legal Defense & Education Fund 1522 K Street NW, Suite 550 WDC 20005
phone: (202) 326-0040 fax: 589-0511 e-mail: preuss@nowldef.org

Updated Legislative Priorities for VAWA Reauthorization - Spring 2000

Reauthorizing the Violence Against Women Act of 1994 continues to be a top priority for the Task Force and several important developments have taken place thanks to the efforts of our members. First, the VAWA Reauthorization Bill, H.R. 1248, was marked up by the House Judiciary Subcommittee on Crime this past week. We expect this bill to be marked up by the full Judiciary Committee and moved to a floor vote before July. Second, Senators Biden (D-DE) and Hatch (R-UT) have been in active negotiations during the past few months and hope to reach a compromise on a VAWA Reauthorization bill in the Senate very soon. While we are pleased to see that VAWA Reauthorization is finally moving forward, the Task Force will continue to be vigilant and will encourage our members to contact congressional offices to ensure that programs are fully funded at levels supported by Task Force members and coalition partners. The following list sums up the consensus priorities of the Task Force for the remaining months of this congressional session. While we will all continue to promote our organization-specific VAW agendas and issues, it is important that we **act in unison to ensure that the following critical issues receive immediate congressional attention.**

1. **Reauthorize the Violence Against Women Act of 1994 (VAWA '94) for 5 years at funding levels that reflect the increased costs and importance of programs and services across the nation. Funding parity must be ensured for sexual assault and domestic violence programs, as well as for victim services, state coalitions, and community-based programs.** This can be accomplished through the passage of the **VAWA Reauthorization Bill, H.R. 1248** (Morella, R-MD, and Johnson, R-CT), which is also Title I of the Violence Against Women Act of 1999, H.R. 357 (Conyers, D-MI, Morella, R-MD, and Roybal-Allard, D-CA). Funding for programs that were created under VAWA '94 will run out on October 1, 2000. In order for Congress to plan for VAWA funding for 2001, the Appropriations Committee needs the blueprint of an official reauthorization before June. **We must therefore ask our House sponsors and allies to pass H.R. 1248 as quickly as possible. We must also encourage the Senate to craft and pass a similar reauthorization bill that is as comprehensive and inclusive as the House bill.**
2. Include language in the Reauthorization package that funds **civil legal assistance programs for survivors of domestic violence and sexual assault** (as found in a bill to be introduced by Rep. Lowey (D-NY) and **housing programs** (from H.R. 1352, Schakowsky (D-IL) and S. 2112, Torricelli (D-NJ)).
3. Include language in the Reauthorization package that **protects battered immigrant women and their families** by restoring and refining VAWA '94 protections that were eroded by subsequent welfare and immigration bills (from the Battered Immigrant Women Protection Act - H.R. 3083, Schakowsky (D-IL) and a Senate bill to be introduced by Abraham (R-MI) and Kennedy (D-MA).)
4. Provide **technical corrections** to 1) change the STOP VAWA Formula to allow a specific percentage of funding to go to sexual assault and domestic violence coalitions (without reducing funding for current programs), 2) allow dating violence to be included in the federal definition of domestic violence (as found in H.R. 357) and 3) clarify how VAWA '94 full faith and credit provisions should be implemented, as well as establishing training programs on these provisions. This will ensure that

We recognize that this list does not address many important anti-violence initiatives, including increased rape prevention programs, violence and the workplace initiatives, attention to many underserved communities, health care issues, violence/poverty issues, campus safety issues, child welfare and custody issues, and others. We expect that our coalition partners will continue to work on and promote these concerns and that the Task Force will continue to relay information and alerts to our members as we receive them. We also will continue to collect sponsors for H.R. 357 and S. 51, since reauthorization is part of the mission of these bills. However, we consider the above 5 issues to be the most pressing – and crucial – for the anti-violence against women community and urge you to give them your IMMEDIATE attention.

To ensure that the VAWA reauthorization and funding proposals are acted on by Congress this Spring, we ask for your assistance with the following:

1. **Call, write, e-mail, fax, and visit your Representatives**, especially if they are co-sponsors of H.R. 1248 or H.R. 357. Let them know that we want the VAWA Reauthorization Bill (H.R. 1248) to move through the committee process and be **scheduled for mark-up by March 8, 2000** (which is International Women's Day). We believe that VAWA reauthorization must pass both houses of Congress by the **end of April** to ensure that the budget and appropriations committee will have guidance when they make funding decisions for 2001. **VAWA Reauthorization MUST NOT get lost in the shuffle as Congress hurries home for the 2000 campaigns and elections.** Urge these co-sponsors to use their leadership and collective voices to make VAWA Reauthorization a reality as soon as possible.
2. If your Representative is not a co-sponsor of VAWA Reauthorization through H.R. 1248 or H.R. 357, encourage them to add their name to H.R. 1248 by contacting Kate Dickens in Rep. Morella's office at 225-5341. If your program has received VAWA funding, send your member stories of how this money has made a positive impact on his/her constituency. This is a particularly effective strategy for influencing members who are more fiscally conservative. We want to ensure that VAWA Reauthorization has an overwhelming number of sponsors from both political parties and it is essential to make this a bi-partisan issue.
3. Help us get the word out to the advocacy community. The Task Force runs a legislative fax and e-mail alert system and we hope that you will send this alert out far and wide. If you would like to add your name or suggest names of other contacts for this network, please call Rachel Little at (202) 326-0040 or send her an e-mail at rlittle@nowldef.org. Rachel also has in-depth information about the VAWA reauthorization campaign.
4. To receive more information about the Battered Immigrant Women Protection Act, H.R. 3083 and other immigration provisions currently before Congress, please call Janice Kaguyutan or Leslye Orloff at the NOW LDEF Immigrant Women Program at (202) 326-0040. For more information about civil legal assistance provisions, please call Lynn Rosenthal at NNEDV, (202) 543-5566. For more information about housing legislation, please call Juley Fulcher or Marlo Cohen at NCADV, (202) 745-1211.
5. If you only have time for one thing, go to the VAWA website, <http://www.VAWAct.org>, and sign onto, download and/or circulate a petition supporting VAWA '99, which includes reauthorization. The National Task Force will be collecting petition signatures until February 16, 2000 and plans to present these to Congress in coordination with NCADV's lobby day on March 8, 2000. For more information about the lobby day, please call Marlo Cohen at NCADV, (202) 745-1211. A sign-up sheet for the lobby day is enclosed.

220 Co-SPONSORS OF VAWA REAUTHORIZATION

VAWA REAUTHORIZATION (H.R. 1248) 172 Co-SPONSORS TITLE I OF VAWA (H.R. 357) 48 Co-SPONSORS

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*as of April 26, 2000



National Task Force to End Violence Against Women

**NOW LEGAL DEFENSE
AND EDUCATION FUND**

395 HUDSON STREET, NEW YORK, NY 10014-3684 (212) 925-6635 FAX: (212) 226-1066

Email: preuss@nowldefdc.org / Website: www.nowldef.org

Violence Against Women Act of 1999 "VAWA '99" — H.R. 357 Bill Summary

TITLE I. - Continuing the Commitment of the Violence Against Women Act

Subtitle A. Law Enforcement and Prosecution

Grants to Combat Violence Against Women - reauthorizes and amends STOP grants to increase funds and to ensure that domestic violence and sexual assault advocates are involved in planning and implementation of programs; proposes new formula -- 35% to victim services, 20% each to prosecution and law enforcement, 10% to state courts, and 15% discretionary, with language to ensure that there will be no harm to existing programs.

Subtitle B. National Domestic Violence Hotline -

reauthorizes funding for the National Domestic Violence Hotline; includes additional oversight and review prior to reauthorization.

Subtitle C. Battered Women's Shelters and

Services - amends Family Violence Prevention and Services Act to authorize \$1 billion to battered women's shelters over the next five years; includes additional oversight and review; caps spending for training and technical assistance by State coalitions with the remaining money going to domestic violence programs; adds new proposals for training and technical assistance; allots money for tribal domestic violence coalitions.

Subtitle D. Grants for Community Initiatives -

reauthorizes and increases funding for grants for community initiatives; includes additional oversight.

Subtitle E. Education and Training for Judges and Court Personnel - reauthorizes funding for federal and state judicial training on violence against women; adds a training component on domestic violence and child abuse in custody determinations.

Subtitle F. Grants to Encourage Arrest Policies -

reauthorizes funding for implementation of proarrest policies in domestic violence cases; coordinates computer tracking of cases to ensure communication among police, prosecution and courts; strengthens legal advocacy programs for victims; adds set-aside for tribes.

Subtitle G. Rural Domestic Violence and Child Abuse Enforcement - reauthorizes funding for the

establishment of cooperative efforts among law enforcement, prosecutors and victim advocacy groups to provide investigation, prosecution, counseling, treatment, and education with respect to domestic violence and child abuse in rural communities; adds set-aside for tribes.

Subtitle H. National Stalker and Domestic Violence Reduction - reauthorizes funding for the

improvement of local, State and national crime databases for tracking stalking and domestic violence.

Subtitle I. Federal Victims' Counselors -

reauthorizes funding for Victim/Witness Counselors in the prosecution of sex crimes and domestic violence under federal law.

Subtitle J. Education and Prevention Grants to Reduce Sexual Abuse of Runaway, Homeless, and Street Youth - reauthorizes funding for street-based outreach, education, treatment, counseling and referral of runaway, homeless, and street youth who have been abused or are at risk of abuse; includes additional oversight mechanisms.

Subtitle K. Victims of Child Abuse Programs - reauthorizes funding for Court-appointed Special Advocates for victims of child abuse, for training programs on child abuse for judicial personnel and attorneys, for closed-circuit televising and video taping of child testimony to protect the child from the trauma of facing the abuser in court; includes additional oversight mechanisms.

TITLE II. Limiting the Effects of Violence on Children

Subtitle A. Safe Havens for Children - grants to establish and operate supervised visitation centers to facilitate child visitation and visitation exchange.

Subtitle B. Violence Against Women Prevention in Schools - grants to school systems to develop, modify and implement policies and programs in elementary, middle, and secondary schools which address domestic violence, sexual assault and stalking.

Subtitle C. Family Safety - amends the criminal component of the Parental Kidnaping Prevention Act (PKPA) to provide defenses in domestic violence and child sexual assault cases; amends the civil full faith and credit provisions of PKPA to include domestic violence, child sexual assault and stalking as factors in determining which state has jurisdiction of a custody case.

Subtitle D. Domestic Violence and Children - Sense of Congress calling for reforms of State laws on domestic violence and child custody.

Subtitle E. Child Welfare Worker Training on Domestic Violence and Sexual Assault - provides grants to enable child welfare service agencies to train staff and modify policies, procedures, and programs for the purpose of recognizing domestic violence and sexual assault as serious problems that threaten the safety and well-being of its child and adult victims.

Subtitle F. Child Abuse Accountability - permits private employee pension benefits to be assigned to satisfy a judgement against a person for physically, sexually or emotionally abusing a child.

TITLE III. Sexual Assault Prevention

Subtitle A. Rape Prevention Education - establishes a National Resource Center on Sexual Assault; increases funds for rape prevention and education; helps States provide technical assistance, information dissemination and educational programs; allots money for the creation of tribal sexual assault coalitions.

Subtitle B. Standards of Practice and Training for Sexual Assault Examinations - directs the Attorney General and the Secretary of Health and Human Services to evaluate existing standards of training, practice and payment of forensic examinations and to recommend a national protocol.

Subtitle C. Violence Against Women Training for Health Professions - amends Title VII and Title VIII of the Public Health Services Act to give priority in funding to medical schools and training programs that require students to be trained in identifying, treating, and referring patients who are the victims of domestic violence or sexual assault.

Subtitle D. Prevention of Custodial Sexual Assault by Correctional Staff - directs the Attorney General to establish guidelines regarding the prevention of custodial sexual misconduct in prisons; prohibits individuals who have been convicted of or found civilly liable for sexual misconduct from becoming correctional staff; criminalizes sexual conduct between correctional staff and prisoners.

Subtitle E. Hate Crimes Prevention - amends federal hate crimes legislation to permit federal prosecution for bias crimes based on gender, sexual orientation, and disability; funds additional FBI and law enforcement personnel to assist State and local law enforcement.

Subtitle F. Rescheduling and Classification of Date-Rape Drugs - directs the Attorney General to amend the Controlled Substances Act by transferring flunitrazepam to schedule I and by adding Gamma y-hydroxybutyrate to schedule I and ketamine hydrochloride to schedule III.

Subtitle G. Access to Safety and Advocacy for Victims of Sexual Assault - makes grants available to enhance safety and justice for victims of sexual violence through access to the justice system and improved legal advocacy and representation.

TITLE IV. - Domestic Violence Prevention

Subtitle A. Domestic Violence Victims' Housing - amends the McKinney Homeless Assistance Act to make funding available for transitional housing services for domestic violence victims, including rental assistance for battered women seeking to establish permanent housing separate from their abuser.

Subtitle B. Full Faith and Credit for Protection Orders - clarifies VAWA's full faith and credit provisions to ensure meaningful enforcement by States and Tribes; provides grants to States and Tribes to improve enforcement and record keeping; reduces Byrne grants to law enforcement for failure to comply with the 1994 VAWA's full faith and credit provisions with significant safeguards to allow law enforcement to come into compliance before a penalty is assessed.

Subtitle C. Victims of Abuse Insurance Protection - prohibits discrimination in issuing and administering insurance policies to victims of domestic violence with uniform protection from insurance discrimination.

Subtitle D. National Summit on Sports and Violence - Sense of Congress that a national summit of sports, community, and media leaders with expertise in anti-violence advocacy and youth advocacy should be convened to develop a plan to deter acts of violence.

Subtitle E. Keeping Firearms from Intoxicated Persons - adds Intoxication to the list of grounds for prohibiting sale of firearms.

Subtitle F. Access to Safety and Advocacy - issues grants to provide legal assistance, lay advocacy and referral services to victims of domestic violence who have inadequate access to sufficient financial resources for appropriate legal assistance; includes set-aside for tribes.

Subtitle G. Strengthening Enforcement to Reduce Violence Against Women - amends the Interstate Domestic Violence Statute to make it a crime to commit domestic violence or to violate a protection order in the course of travel in interstate commerce; criminalizes stalking in the course of travel in interstate commerce.

Subtitle H. Disclosure Protections - protects victims fleeing domestic violence from disclosure of their whereabouts through the federal child support locator service.

TITLE V. Violence Against Women in the Military System

Subtitle A. Civilian Jurisdiction for Crimes of Sexual Assault and Domestic Violence - makes an employee or dependant of the military who commits an act while outside the United States that would be a punishable domestic violence or sexual assault offense if perpetrated within the United States subject to the same punishment as if it had been committed in the United States.

Subtitle B. Transitional Compensation and Health Care for Abused Dependents of Members of the Armed Forces - allows a resumption of transitional compensation benefits to an abused dependant who temporarily reconciles with the batterer.

Subtitle C. Confidentiality of Records - directs the Secretary of Defense to adopt regulations that provide confidentiality of communications between a military dependent who is a victim of sexual harassment, sexual assault or domestic violence and the victim's therapist, counselor, or advocate.

TITLE VI. Preventing Violence Against Women in Underserved Communities

Subtitle A. Older Women's Protection from Violence - authorizes law school clinical programs on domestic violence against older women; authorizes training programs for law enforcement offices, social service and health providers on domestic violence against older women; authorizes community initiatives to combat domestic violence against older women; authorizes outreach programs targeted to older women who are victims of domestic violence.

Subtitle B. Protection Against Violence and Abuse for Women with Disabilities - ensures inclusion of women with disabilities in existing domestic violence and sexual assault programs; provides for judicial training on issues of violence against women with disabilities; authorizes training program for social service and health care providers; authorizes research and technical assistance to service providers.

Subtitle C. Battered Immigrant Women - allows for adjustment of status for VAWA self-petitioners; prevents changes in abuser's status from undermining victim's petitions; provides for numerous waivers and exceptions to inadmissibility for VAWA eligible applicants; improves access to VAWA for battered immigrant women whose spouse is a member of the armed forces, who are married to bigamists, and/or are the victims of elder abuse; allows for discretionary waivers for good moral character determinations; removes public charge for VAWA applicants; gives VAWA applicants access to work authorization; allows VAWA applicants access to food stamps, housing and legal services; trains judges, immigration officials, armed forces supervisors and police on VAWA immigration provisions.

Subtitle D. Conforming Amendments to the Violence Against Women Act - amends the definitions of "underserved" in the Family Violence Prevention and Services Act and the Omnibus Crime Control and Law Enforcement Act in order to create consistent use of the term.

TITLE VII. Violence Against Women and the Workplace

Subtitle A. National Clearinghouse on Domestic Violence and Sexual Assault and the Workplace Grant - establishes a clearinghouse and resource center to give information and assistance to employers and labor organizations in their efforts to develop and implement responses to assist victims of domestic violence and sexual assault.

Subtitle B. Victims' Employment Rights - prohibits employers from taking adverse job actions against an employee because they are the victim of domestic violence, sexual assault or stalking.

Subtitle C. Workplace Violence Against Women Prevention Tax Credit - provides tax credit to businesses implementing workplace safety programs to combat violence against women.

Subtitle D. Battered Women's Employment Protection - ensures eligibility for unemployment compensation to women separated from their jobs due to circumstances directly resulting from domestic violence; requires employers who already provide leave to employees to allow employees to use that leave for the purpose of dealing with domestic violence and its aftermath; allows women to use their family and medical leave or existing leave under State law or a private benefits program to deal with domestic abuse, including going to the doctor for domestic violence injuries, seeking legal remedies, including court appearances, seeking orders of protection or meeting with a lawyer; provides for training of personnel involved in assessing unemployment claims based on domestic violence.

Subtitle E. Education and Training Grants to Promote Responses to Violence Against Women - authorizes grants for developing, testing, presenting and disseminating model programs to provide education and training to individuals who are likely to come in contact with victims of domestic violence and sexual assault in the course of their employment, including campus personnel, justice system professionals (including guardians ad litem, probation, parole and others), mental health professionals, clergy, caseworkers, supervisors, administrators and administrative law judges who are involved in federal and state benefits programs.

administrators and administrative law judges who are involved in federal and state benefits programs.

Subtitle F. Workers' Compensation - Sense of Congress that worker's compensation benefits should be provided to women who have been injured in the workplace, including full compensation for physical and non-physical injuries; and that women who survive crimes such as rape, domestic violence and sexual assault at work should be able to pursue other legal actions, based on the employers role in the workplace violence.

TITLE VIII. Violence Against Women Intervention, Prevention and Education Research

Directs the Attorney General and the Secretary of Health and Human Services to establish a multi-agency task force to coordinate research on violence against women; provides grants to support research on causes of violence against women and the effectiveness of education, prevention and intervention programs; provides grants to address gaps in research on violence against women, particularly violence against women in underserved communities and instances where domestic violence is a factor in a divorce/child custody case; mandates a study and report by the U.S. Sentencing Commission on sentences given in crimes of domestic violence; issues grants to conduct research on the experiences of women and girls in the health care, judicial and social services systems who become pregnant as a result of sexual assault; authorizes a study and report on the uniformity of laws among States and their effectiveness in prosecuting rape and sexual assault offenses; directs the Secretary of Health and Human Services and the Attorney General to establish three research centers to develop and coordinate research on violence against women.

For more information about VAWA '99, contact Andrea Williams, NOW LDEF/NYC at (212) 925-6635 or Pa: Reuss, NOW LDEF/DC at (202) 544-4470.

April 1999

VIOLENCE AGAINST WOMEN ACT OF 1999 (H.R. 357)

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*as of April 25, 2000



Continuing The Commitment of the Violence Against Women Act

"The VAWA Reauthorization Bill" – H.R. 1248

Summary — For more information contact Juley Fulcher or Marlo Cohen in the Public Policy Office at (202) 544-7358.

The programs created under the Violence Against Women Act of 1994 have already made a difference in thousands of women's lives -- bolstering prosecution of domestic violence, sexual assault and child abuse, increasing victim services, increasing resources for law enforcement, and creating a National Domestic Violence Hotline. On March 24, 1999 Representatives Constance Morella (R-MD) and Nancy Johnson (R-CT), along with 29 other co-sponsors, introduced the VAWA Reauthorization bill which will continue these crucial programs. It reauthorizes VAWA programs for another five years at levels essential to service providers and law enforcement doing this work on the front lines. With the original Violence Against Women Act programs due to run out in fiscal year 2000, this reauthorization package will continue the Congressional commitment to making our streets and homes safe for women and children.

Subtitle A. Law Enforcement and Prosecution Grants to Combat Violence Against Women - reauthorizes and amends STOP grants to increase funds and to ensure that domestic violence and sexual assault advocates are involved in planning and implementation of programs; proposes a new formula – 35% to victim services, 20% to prosecution, 20% to law enforcement, 10% to state courts, and 15% discretionary with language to ensure that there will be no harm to existing programs.

Subtitle B. National Domestic Violence Hotline - reauthorizes funding for the National Domestic Violence Hotline; includes additional oversight and review prior to reauthorization.

Subtitle C. Battered Women's Shelters and Services - amends the Family Violence Prevention and Services Act to authorize \$1 billion to battered women's shelters over the next five years; includes additional oversight and review; caps spending for training and technical assistance by State coalitions with the remaining money to go to domestic violence programs; adds new proposals for training and technical assistance; allots money for tribal domestic violence coalitions.

Subtitle D. Grants for Community Initiatives - reauthorizes and increases funding for grants for community initiatives; includes additional oversight.

Subtitle E. Education and Training for Judges and Court Personnel - reauthorizes funding for federal and state judicial training on violence against women; adds a training component regarding domestic violence and child abuse in custody determinations.

Subtitle F. Grants to Encourage Arrest Policies - reauthorizes funding for implementation of pro-arrest policies in domestic violence cases; coordinates computer tracking of cases to ensure communication among police, prosecution and courts; strengthens legal advocacy programs for victims; adds set-aside for tribes.

Subtitle G. Rural Domestic Violence and Child Abuse Enforcement - reauthorizes funding for the establishment of cooperative efforts among law enforcement, prosecutors and victim advocacy groups to provide investigation, prosecution, counseling, treatment, and education with respect to domestic violence and child abuse in rural communities; adds set-aside for tribes.

Subtitle H. National Stalker and Domestic Violence Reduction - reauthorizes funding for improvement of local, state and national crime databases for tracking stalking & domestic violence.

Subtitle I. Federal Victims' Counselors - reauthorizes funding for Victim/Witness Counselors in the prosecution of sex crimes and domestic violence under federal law.

Subtitle J. Education and Prevention Grants to Reduce Sexual Abuse of Runaway, Homeless, and Street Youth - reauthorizes funding for street-based outreach, education, treatment, counseling and referrals for runaway, homeless, and street youth who have been abused or are at risk of abuse; includes additional oversight mechanisms.

Subtitle K. Victims of Child Abuse Programs - reauthorizes funding for court-appointed Special Advocates for victims of child abuse, for training programs about child abuse for judicial personnel and attorneys, for closed-circuit televising and video taping of child testimony to protect the child from the trauma of facing the abuser in court; includes additional oversight mechanisms.

Subtitle L. Rape Prevention Education - establishes a National Resource Center on Sexual Assault; increases funds for rape prevention and education; helps states provide technical assistance, information dissemination, and educational

VAWA REAUTHORIZATION BILL (H.R. 1248)

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*as of April 26, 2000



COMPARISON OF HOUSE & SENATE VERSIONS OF VAWA '99

H.R. 357 "VAWA '99"—Conyers (D-MI), Morella (R-MD) & Roybal-Allard (D-CA)
 H.R. 1248 "Reauthorization Bill"—Morella (R-MD) & Johnson (R-CT)
 S. 1069 "BWESSA"—Wellstone (D-MN), Murray (D-WA) & Schumer (D-NY)
 S. 51—Biden (D-DE) & Specter (R-PA)
 S. 245—Hatch (R-UT)

☺ = Included

■ = Not included

Provision	H.R. 357 VAWA 99	H.R.1248 Reauthorization Bill	S. 1069 BWESSA	S. 51 (Biden/Specter)	S. 245 (Hatch)
Expanded Definition of DV	☺	☺	☺	☺	■
STOP Grants	☺	☺	■	☺ alternate version/ only through 2002	☺ alternate version/only through 2002
National Domestic Violence Hotline	☺	☺	■	☺ includes legal services database/ only through 2002	☺ only through 2002
Battered Women's Shelters	☺	☺	☺	☺ lower funding/ only through 2002	☺ lower funding/ only through 2002
Grants for Community Initiatives	☺	☺	■	☺ lower funding/ only through 2002	☺ lower funding/ only through 2002
Education & Training for Judges	☺	☺	■	☺ lower funding/ only through 2002	■
Grants to Encourage Arrests	☺	☺	■	☺ lower funding/ only through 2002	☺ lower funding/ only through 2002
Rural DV & Child Abuse	☺	☺	■	☺ only through 2002	☺ higher funding/ only through 2002
National Stalker & DV Reduction	☺	☺	■	☺ only through 2002	☺ only through 2002
Federal Victims' Counselors	☺	☺	■	☺ only through 2002	■
Runaway & Homeless Youth	☺	☺	■	☺ lower funding/ only through 2002	☺ lower funding/ only through 2002
Victims of Child Abuse Programs	☺	☺	■	☺ lower funding/ only through 2002	☺ lower funding/ only through 2002
Rape Prevention and Education	☺	☺	■	☺ limited version/ lower funding/ only through 2002	■
Safe Havens for Children	☺	■	■	☺ lower funding/ only through 2002	■

Provision	H.R. 357 VAWA 99	H.R.1248 Reauthorization Bill	S. 1069 BWESSA	S. 51 (Biden/Specter)	S. 245 (Hatch)
Date Rape Drug Rescheduling	☺	■	■	☺ limited version	■
Safety & Advocacy for victims of SA	☺	■	■	■	■
VAW Prevention in Schools	☺	■	■	☺ limited version/ lower funding/ only through 2002	■
Family Safety	☺	■	■	☺ limited version	■
Battered Immigrant Women	☺	■	☺ alternate version	☺ limited version	☺ very limited version
Underserved Populations Definition	☺	■	☺	■	■
Clearinghouse - DV/SA/Workplace	☺	■	☺	☺ twice as much funding/ only through 2002	■
Victims' Employment Rights Act	☺	■	☺	■	■
Workplace Tax Credit	☺	■	☺	■	■
Battered ♀'s Employment Protection	☺	■	☺	☺ limited version	■
Education & Training Grants on VAW	☺	■	■	☺ lower funding/ only through 2002	■
Standards/Training for SA Exams	☺	■	■	☺	■
Hate Crimes Prevention	☺	■	■	☺	■
DV & SA Victims' Housing	☺	■	☺	■	■
Full Faith and Credit	☺	■	☺ alternate version	☺ limited version; no funding	☺ limited/ no funding
DV Insurance Protection	☺	■	☺	☺ enforcement only if states fail to	■
Safety & Advocacy for Victims DV	☺	■	☺	☺ very limited version; only through 2002	■
Amendments to Interstate Stalking	☺	■	■	☺	☺
Disclosure under Child Support Program	☺	■	☺	■	■
Older Women's Protection	☺	■	■	☺	■
Protection for Disabled Women	☺	■	■	☺ limited version; lower funding; only through 2002	☺ limited version; lower funding

Provision	H.R. 357 VAWA 99	H.R.1248 Reauthorization Bill	S. 1069 BWESSA	S. 51 (Biden/Specter)	S. 243 (Hatch)
Civilian Jurisdiction for SA & DV	☺	☹	☹	☺ limited version	☹
Transitional Compensation	☺	☹	☹	☺ limited version	☹
Confidentiality of Records in Military	☺	☹	☹	☹	☹
Training for Health Professions	☺	☹	☹	☺	☹
Research on VAW	☺	☹	☹	☺ limited; lower funding	☹
Child Custody Resolution	☺	☹	☹	☹	☹
Child Welfare Worker Training	☺	☹	☹	☹	☹
Child Abuse Accountability	☺	☹	☹	☹	☹
Sexual Assault in Prisons	☺	☹	☹	☹	☹
Summit on Sports & Violence	☺	☹	☹	☹	☹
"No Guns for Drunks"	☺	☹	☹	☹	☹
Workers' Compensation	☺	☹	☹	☹	☹
TANF Waivers for Victims of DV	☹	☹	☺	☹	☹
Building Opportunities Bonus	☹	☹	☺	☹	☹

June 1, 1999

For More Information Contact Juley Fulcher or Marlo Cohen in the Public Policy Office of NCADV at (202) 544-7358

Page 3 of 3



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VIOLENCE AGAINST WOMEN ACT II (S. 51)

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*as of: October 19, 1999

★ - Co-sponsor of Hate
Crimes Prevention Act of
1999 (S. 622)

× - Co-sponsor of
Violence Against Women
Act of 1994 (S.11)



BATTERED WOMEN'S ECONOMIC SECURITY AND SAFETY ACT

"BWESSA" — S. 1069

Summary — June 1, 1999

The programs created under the Violence Against Women Act of 1994 have already made a difference in thousands of women's lives. Such programs have bolstered prosecution of child abuse, sexual assault and domestic violence, increased victim services, increased resources for law enforcement, and created a National Domestic Violence Hotline. The Battered Women's Economic Security and Safety Act ("BWESSA") was introduced on May 18th by Senators Paul Wellstone (D-MN), Patricia Murray (D-WA) and Charles Schumer (D-NY). It is an omnibus package designed both to enhance the successful programs initiated by VAWA '94 and to take the next step toward creating real solutions to the continuing problem of domestic violence.

TITLE I. - Domestic Violence Prevention

Subtitle A. Domestic Violence and Sexual Assault Victims' Housing - makes funding available for supportive housing services through the McKinney Homeless Assistance Act, including rental assistance to victims trying to establish permanent housing safe from the batterer. **Sponsor:** Sen. Wellstone (D-MN) **Contact:** Susheela Varky, McAuley Institute, (301) 588-3110. ⇒ **House VAWA '99, H.R. 357, Title IV Subtitle A**, Reps. Conyers (D-MI), Morella (R-MD), Roybal-Allard (D-CA).

Subtitle B. Full Faith and Credit for Protection Orders - clarifies VAWA's full faith and credit provisions to ensure meaningful enforcement by states and tribes; provides grants to states and Tribes to improve enforcement and record keeping. **Adapted from H.R. 935, S. 666 (105th Congress), Sponsors:** Rep. Conyers (D-MI) Sen. Lautenberg (D-NJ) **Contacts:** Juley Fulcher, NCADV, 544-7358, Dawn Burton, Conyers, 225-6906. ⇒ **Adapted from House VAWA '99, H.R. 357, Title IV Subtitle B**, Reps. Conyers (D-MI), Morella (R-MD), Roybal-Allard (D-CA).

Subtitle C. Victims of Abuse Insurance Protection - prohibits discrimination in issuing and administering insurance policies to victims of domestic violence with uniform protection from insurance discrimination. **Sponsors:** Reps. Sanders (I-VT) & Morella (R-MD), Sen. Wellstone (D-MN) & Sen. Schumer (D-NY). **Contact:** Terry Fromson, Women's Law Project, (215) 928-9801. ⇒ **House VAWA '99, H.R. 357, Title IV Subtitle C**, Reps. Conyers (D-MI), Morella (R-MD), Roybal-Allard (D-CA).

Subtitle D. Access to Safety and Advocacy - issues grants to provide legal assistance, lay advocacy and referral services to victims of domestic violence who have inadequate access to sufficient financial resources for appropriate legal assistance; includes set-aside for tribes. **Contact:** Bette Garlow, ABA Comm. on DV, 662-8637. ⇒ **House VAWA '99, H.R. 357, Title IV Subtitle F**, Reps. Conyers (D-MI), Morella (R-MD), Roybal-Allard (D-CA).

Subtitle E. Battered Women's Shelters and Services - amends the Family Violence Prevention and Services Act to authorize \$1 billion to battered women's shelters over the next five years; includes additional oversight and review; caps spending for training and technical assistance by State coalitions with the remaining money to go to domestic violence programs; adds new proposals for training and technical assistance; allots money for tribal domestic violence coalitions. **Based on H.R. 3665 (105th Congress), Sponsor:** Rep. Lowey (D-NY) **Contact:** Matthew Traub, Lowey 225-6506. ⇒ **House VAWA '99, H.R. 357, Title I Subtitle C**, Reps. Conyers (D-MI), Morella (R-MD), Roybal-Allard (D-CA).

Subtitle F. Battered Immigrant Women's Economic Security and Safety - addresses gaps, errors and oversights in current legislation that impede battered immigrant women's ability to flee violent relationships and survive economically; ensures that battered immigrants with pending immigration applications are able to access public benefits, Food Stamps, SSI, housing, work permits, and immigration relief. **Contact:** Leslye Orloff, AYUDA, 387-0434. ⇒ **House VAWA '99, H.R. 357, Title VI Subtitle C**, Reps. Conyers (D-MI), Morella (R-MD), Roybal-Allard (D-CA).

TITLE II. - Violence Against Women and the Workplace

Subtitle A. National Clearinghouse on Domestic Violence and Sexual Assault and the Workplace Grant - establishes clearinghouse and resource center to give information and assistance to businesses, employers and labor organizations in their efforts to develop and implement responses to assist victims of domestic violence and sexual assault. **S. 51, Sen. Biden (D-**

DE). **Contact:** Jane Woodfin, Biden, 224-5042. ⇒ **House VAWA '99, H.R. 357, Title VII Subtitle A, Reps. Conyers (D-MI), Morella (R-MD), Roybal-Allard (D-CA).**

Subtitle B. Victims' Employment Rights - prohibits employers from taking adverse job actions against an employee because they are the victim of domestic violence, sexual assault or stalking. **Contact:** Julie Goldscheid, NOW LDEF, (212) 925-6635. ⇒ **House VAWA '99, H.R. 357, Title VII Subtitle B, Reps. Conyers (D-MI), Morella (R-MD), Roybal-Allard (D-CA).**

Subtitle C. Workplace Violence Against Women Prevention Tax Credit - provides tax credit to businesses implementing workplace safety programs to combat violence against women. **Based on H.R. 1071 (105th Congress), Sponsors:** Rep. Lowey (D-NY) **Contact:** Matthew Traub, Lowey, 225-6506. ⇒ **House VAWA '99, H.R. 357, Title VII Subtitle C, Reps. Conyers (D-MI), Morella (R-MD), Roybal-Allard (D-CA).**

Subtitle D. Employment Protection for Battered Women - ensures eligibility for unemployment compensation to women separated from their jobs due to circumstances directly resulting from domestic violence; requires employers who already provide leave to employees to allow employees to use that leave for the purpose of dealing with domestic violence and its aftermath; allows women to use their family and medical leave or existing leave under state law or a private benefits program to deal with domestic abuse, including going to the doctor for domestic violence injuries, seeking legal remedies, attending court hearings, seeking orders of protection and meeting with a lawyer; provides for training of personnel involved in assessing unemployment claims based on domestic violence. **H.R. 851, S.367 (105th Congress), Sponsors:** Rep. Roybal-Allard (D-CA), Sen. Wellstone (D-MN) **Contact:** Charlotte Oldham-Moore, Wellstone, 224-5641, Ellen Riddleberger, Roybal-Allard, 225-1766. ⇒ **House VAWA '99, H.R. 357, Title VII Subtitle D, Reps. Conyers (D-MI), Morella (R-MD), Roybal-Allard (D-CA).**

TITLE III. - Protections for Victims of Domestic Violence Under Programs Authorized under the Social Security Act

Section 3001. Waivers for Victims of Domestic Violence under the TANF Program - finds that Congressional intent of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 was to allow states to take the effects of domestic violence into consideration by allowing good cause, temporary waivers of the requirements of the program for victims of domestic violence; places no numerical limits upon States in the granting of good cause waivers; provides that individuals granted good cause waivers shall not be included in the participation rate for purposes of applying limitations or imposing penalties on the States; allows for Secretarial review and possible revocation of good cause waivers granted in States where penalties have been imposed. **Sponsor:** Sen. Murray (D-WA) **Contact:** Juley Fulcher, NCADV, 544-7358.

Section 3002. Disclosure Protections under the Child Support Program - protects victims fleeing from domestic violence from disclosure of their whereabouts through the federal child support locator service. **Sponsor:** Sen. Murray (D-WA) **Contact:** Juley Fulcher, NCADV, 544-7358. ⇒ **House VAWA '99, H.R. 357, Title IV Subtitle H, Reps. Conyers (D-MI), Morella (R-MD), Roybal-Allard (D-CA).**

Section 3003. Bonus to Encourage Women and Children's Well-Being - amends the Social Security Act to provide bonuses to States that demonstrate high performance in operating their State welfare programs by providing recipients and low-income families with adequate access to affordable and quality childcare; by effectively placing recipients in sustainable wage, non-traditional employment; and by adequately addressing domestic violence in the lives of recipients of assistance; requires HHS and others to develop a formula for measuring State performance, **H.R. 699, Sponsor:** Rep. Woolsey (D-CA), **Contact:** Yolanda Wu, NOWLDEF, (212) 343-4324.

TITLE IV. - Miscellaneous Provisions - technical amendments to existing programs to ensure access to funds to address violence against women in all communities. ⇒ **House VAWA '99, H.R. 357, Title I, Reps. Conyers (D-MI), Morella (R-MD), Roybal-Allard (D-CA).**

For more information about BWESSA or VAWA '99, contact Juley Fulcher, Public Policy Director, or Marlo Cohen, Public Policy Assistant, in the Washington, DC Office of NCADV at (202) 544-7358.



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BATTERED IMMIGRANT WOMEN PROTECTION ACT OF 1999 H.R. 3083

FACT SHEET

The Battered Immigrant Women Protection Act of 1999 H.R. 3083 sponsored by Reps. Schakowsky (D-IL), Morella (R-MD), and Jackson-Lee (D-TX) continues the work that began with the passage of the first Violence Against Women Act in 1994. Prior to VAWA 1994, immigration laws ensured that abusive citizens and permanent residents had total control over their spouses immigration status. As a result, battered immigrant women and children were forced to remain in abusive relationships, unable to appeal to law enforcement and courts for protection for fear of deportation. VAWA 1994 immigration provisions provided a remedy by allowing battered immigrants to file their own applications for immigration relief without the cooperation of their abusive spouse or parent, enabling them to flee the violence and find safety.

Despite the successes of the immigration provisions of VAWA 1994, subsequent immigration reform bills drastically reduced access to VAWA immigration relief for battered immigrants. VAWA 1999 seeks to restore and expand access to a variety of legal protections for battered immigrants so they may flee violent homes, obtain court protection, cooperate in the criminal prosecution of their abusers, and take control of their lives without the fear of deportation.

The Battered Immigrant Women Protection Act of 1999 H.R. 3083 (Reps. Schakowsky (D-IL), Morella (R-MD), and Jackson-Lee (D-TX) addresses:

- **VAWA Restoration Act:** This section allows battered immigrant women and children to obtain permanent immigration status without leaving the U.S. Under current immigration laws, many battered immigrants will be forced to leave the U.S. to obtain their lawful permanent residence. Traveling outside the U.S. deprives these women of the protection provided by courts, legislation, custody decrees, and law enforcement. This section allows battered women to safely obtain immigration status in the U.S. This section allows battered immigrant women placed in immigration proceedings to apply for cancellation or suspension, restoring them to the legal relief they were granted under VAWA in 1994. Additionally, this section exempts VAWA applicants from the cancellation removal cap and allows battered immigrants to file motions to reopen their immigration case beyond the ninety day limitation.
- **Problems with VAWA Implementation:** This section grants battered immigrants access to information about their abuser's immigration status that they need to file under VAWA immigration relief. Additionally, this section ensures that changes in the abuser's citizenship or immigration status will have either a positive effect or no effect on a battered woman's application for immigration relief. Likewise, the abuser's deportation or death will not bar the battered immigrant from applying for relief. This section also requires INS to adjudicate pending family-based visa applications without the abuser when credible evidence of abuse is presented to the INS and allows remarriage of battered immigrants after their self-petition has been approved.
- **Waivers for VAWA Eligible Applicants:** This section grants the Attorney General the discretion to

waive certain bars to immigration relief and grounds of deportation for qualified VAWA applicants. Circumstances for the waiver include women who: acted in a criminal manner in self-defense; were convicted of violating a protection order issued to protect themselves which should not have legally been enforced against them; acted out of fear or under the duress of their abuser. This section also exempts battered immigrants from certain other immigration violations that would bar them from VAWA immigration relief. This section removes barriers to VAWA relief which were newly imposed by post-VAWA immigration bills.

- **Physical Presence Waiver:** A VAWA applicant must be continuously present in the US in order to obtain VAWA status in proceedings. An abuser who wishes to undermine the victim's cooperation with authorities in his criminal prosecution for domestic violence need only remove the victim from the U.S. for a certain period of time to render her ineligible for VAWA immigration relief in proceedings. This section allows the Attorney General to waive certain breaks in continuous presence for humanitarian purposes when the applicant has been a victim of domestic violence.
- **Improved Access to VAWA:** This section removes the U.S. residency requirement, granting access to VAWA protection to abused wives and children of U.S. military, U.S. government workers and other U.S. citizens and lawful permanent residents residing abroad. This section also deletes the extreme hardship requirement, which impedes access to VAWA for many unrepresented victims. It allows children, who are included in their mother's VAWA petition when they are under twenty-one, to receive their green cards, along with their mother, after turning twenty-one. It also allows VAWA applicants under twenty-one years old to include any children they may have in their self-petition or cancellation application. VAWA self-petitioning would also be available to victims who file within two years after divorce from their abuser, death or loss of legal immigration status of their abusive spouse or parent. This section also expands access to VAWA self-petitioning to certain other needy immigrants battered by family members.
- **Improved Access to VAWA Status in Immigration Proceedings (Cancellation of Removal):** This section expands access to VAWA status in immigration proceedings to: victims of elder abuse, spouses married to bigamists, abused sons and daughters over 21 years old, and abused spouses and children living abroad who are married to or are the children of citizens or resident abusers. This legislation allows child abuse victims filing as minors, sons or daughters to include any children they may have cancellation cases. It also provides battered immigrants with the option of including children in their VAWA cancellation application.
- **Good Moral Character:** This section creates a discretionary waiver for good moral character determinations for VAWA self-petitioners, VAWA cancellation, and VAWA suspension of deportation cases. Waivers are permitted when there is a connection between the abuse and the commission of, arrest for, conviction of, or plea to a crime.
- **Battered Immigrant Women's Economic Security Act:** Battered immigrants who leave their abusers often sever ties with their prime source of economic support. Congress offered battered immigrants with pending or approved cases before INS access to immigration relief, work permits, and some public benefits. This section addresses gaps, errors and oversights in current legislation that impede battered

immigrant women's ability to flee violent relationships and survive economically. This section ensures that battered immigrants with pending immigration applications are able to access public benefits, Food Stamps, SSI, and housing.

- **Access to Shelter Services and Legal Representation:** This section grants VAWA eligible battered immigrants access to funds from the Legal Services Corporation to be used in their protection order and immigration cases. It also allows programs to use private funds to represent any battered immigrant who qualifies for relief under state domestic violence laws. Legal Services attorneys provide these immigrants with access to the legal system enabling them to flee violent homes while gaining economic security. This section also clarifies that the definition of "underserved populations" under VAWA clearly covers immigrants. It specifically allows VAWA and other domestic violence grant funds, including civil legal assistance funds, to be used for legal and social service assistance to battered immigrants and it requires a report to be submitted to Congress detailing how funds are being used to serve underserved populations.
- **VAWA Training:** This section makes grant money available for training of federal and state civil and criminal judges, including immigration judges, INS officers, the military and other justice system personnel dealing with issues affecting battered immigrants. There have been increased reports of judges, prosecutors and police who are inquiring into the immigration status of domestic violence crime victims who call them for help. When this happens, battered immigrants are unwilling to call the police or seek protection orders. Instead they are forced to remain with their abusers and continue suffering ever increasing violence. This training will enable judicial and law enforcement system employees to restrain from arbitrarily inquiring into the immigration status of crime victims and refocuses their attention toward the perpetrators of domestic violence.
- **Protection for Certain Crime Victims Including Crimes Against Women:** This section allows victims of rape, torture, incest, battery or extreme cruelty, sexual assault, female genital mutilation, forced prostitution, trafficking, being held hostage, or any other violent crime to obtain a non-immigrant visa. The victim can self-petition for a visa but will need to submit an affidavit from a law enforcement officer, prosecutor or state enforcement agency verifying that they have information that has assisted or would assist in the investigation or prosecution of a crime. By providing temporary legal status to aliens who have suffered severe victimization, this provision will strengthen the ability of law enforcement agencies to investigate and prosecute cases of trafficking aliens and cases of domestic violence while protecting victims of such offenses.
- **Nicaraguan and Central American Relief Act (NACARA), Haitian Refugee Immigration Fairness Act, and Cuban Adjustment:** Under these provisions, battered spouses and children of NACARA petitioners, Haitian Refugee Immigration Fairness Act petitioners and Cuban adjustment applicants may self-petition for relief. Moreover, this legislation removes the requirement that battered immigrant spouses and children of Cuban Adjustment applicants must be living with the Cuban Adjustment applicant at the time of filing.

For more information, contact Leslye Orloff or Janice Kaguyutan at the Immigrant Women Program of NOW Legal Defense and Education Fund (202) 326-0040 tel., (202) 589-0511 fax.

BATTERED IMMIGRANT WOMEN PROTECTION ACT (H.R. 3083) 66 COSPONSORS

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Republicans Underlined

★ Sponsor of VAWA Restoration Act '98 (H.R. 4291)

★ Voted in support of 245(i) legislation

★ Sponsor of VAWA '99 (H.R. 357)

\$ Sponsor of VAWA Reauthorization Bill (H.R. 1248)

★ Sponsor of VAWA '94 (not full listing)

* as of April 17, 2000 NOWLDEF



Violence Against Women Act of 1994 Reauthorization Needs

NOW LEGAL DEFENSE

AND EDUCATION FUND 119 CONSTITUTION AVENUE, N.E., WASHINGTON, D.C., 20002 (202) 544-4470 FAX (202) 546-8605

Authorization for the Violence Against Women Act of 1994 ("VAWA '94") ends in 2000 and many vital VAWA '94 programs are already overdue for reauthorization! **Congress will not be able or willing to fund the violence programs at appropriate levels unless these programs are reauthorized immediately. The Violence Against Women Act of 1999 reauthorizes this critical funding for these important programs at the levels needed for the next 5 years.** Below is a summary of the original authorization schedule of VAWA '94 programs.

**☛ Programs in need of immediate reauthorization in order to inform Congress' Budget and Appropriations allocations for 2001!
This begins in January, 2000!**

National Domestic Violence Hotline

VAWA '94 authorized \$400,000 per year through fiscal year 2000 to create and run a national domestic violence telephone hotline. Since the hotline opened on February 2, 1996, operators have assisted more than 250,000 callers. The demand for services has far exceeded Congressional expectations when the original funding amounts were put in place. In addition to reauthorization, an increase in authorization is essential to maintain this invaluable resource.

Battered Women's Shelters and Services

VAWA '94 authorized \$325 million for battered women's shelters through fiscal year 2000. While this funding has provided thousands of women and children with safe harbor, continued and increased funding is needed to ensure that all battered women and children have a safe place to go.

Victims of Child Abuse Programs

VAWA '94 authorized funding through fiscal year 2000 for victims of child abuse, including money for advocates, judicial training and televised testimony.

Rape Prevention Education

VAWA '94 authorized funding for national rape prevention education and training and local hotlines through fiscal year 2000.

Youth Education and Domestic Violence

VAWA '94 authorized funding for fiscal year 1996 for the development of 4 model programs for the education of young people about domestic violence and violence among intimate partners. Congress has never authorized funding for the implementation of the model programs that were developed.

Violence Against Women Intervention, Prevention, and Education

VAWA '94 directed the National Research Council to develop a research agenda to help reduce violence against women. Congress has never authorized funding to carry out that research agenda.

Safety for Women in Public Transit and Public Parks

VAWA '94 authorized funding for lighting, surveillance, security and other capital improvements to public transit, national parks, and public parks to reduce violent crimes against women. These funds were never appropriated and the safety improvements never made.

Law Enforcement and Prosecution Grants to Combat Violence Against Women

These grants, commonly referred to as STOP grants, were provided to each State and territory to implement a coordinated effort among all systems in the State (law enforcement, judicial, social services, shelters, etc.) in order to improve the legal response and victim services in the cases of violent crimes against women. VAWA '94 authorized funding for these grants through **fiscal year 2000**.

☛ Programs already overdue for reauthorization!

☛ Grants for Community Initiatives

VAWA '94 authorized \$10 million in demonstration grants to non-profit local organizations to establish model programs on domestic violence intervention and prevention which were to be designed and implemented as a coordinated community effort. This program was only authorized through **fiscal year 1997** and is in need of reauthorization.

☛ Education and Training for Judges and Court Personnel

VAWA '94 authorized \$1.3 million for the development and dissemination of model programs for training State and Federal court judges and court personnel in the laws regarding violence against women. All monies were authorized only for **fiscal year 1996**. However, no funds were appropriated and the judges and court personnel have never received the benefit of this training program.

☛ Grants to Encourage Arrest Policies

VAWA '94 authorized funding through **fiscal year 1998** for grants to States, Indian tribes and local governments to implement mandatory arrest or pro-arrest programs, to improve the tracking of domestic violence cases, to increase the coordination among police, prosecutors and the judiciary in cases of domestic violence, to strengthen legal advocacy service programs for victims of domestic violence, and to educate judges about domestic violence. This program is in need of reauthorization.

☛ Rural Domestic Violence and Child Abuse Enforcement

VAWA '94 authorized grants to rural States and localities and Indian tribes through **fiscal year 1998** to improve the prosecution of domestic violence and child abuse cases and to increase prevention strategies and victim services in these isolated areas so often lacking in resources. This program has been so crucial that appropriations exceeded authorization in fiscal year 1998 and were continued in fiscal year 1999.

☛ National Stalker and Domestic Violence Reduction

VAWA '94 authorized \$6 million through **fiscal year 1998** for access to federal crime databases by civil and criminal courts for use in domestic violence and stalking cases, as well as the inclusion of stalking and domestic violence information in crime databases.

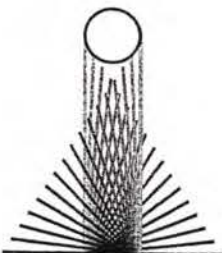
☛ Federal Victims' Counselors

VAWA '94 authorized federal victim-witness counselors to provide a crucial link between prosecutors and victims in the federal prosecution for sex crimes and domestic violence in federal jurisdictions such as the District of Columbia through **fiscal year 1998**. This program has been so successful that Congress appropriated double the authorized sum for fiscal year 1998.

☛ Education and Prevention Grants to Reduce Sexual Abuse of Runaway, Homeless, and Street Youth

VAWA '94 provided grants to non-profits through **fiscal year 1998** for street-based outreach and education, treatment, counseling, and referral of runaway and homeless youth who are being victimized by sexual abuse or are at risk of such victimization.

For more information about the reauthorization proposals of the Violence Against Women Act of 1999, contact Pat Reuss in the Washington, DC NOW LDEF office at (202) 544-4470 or Juley Fulcher in the NCADV office at (202) 745-1211.



National Task Force to End Violence Against Women

**NOW LEGAL DEFENSE
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How To Plan A Local Town Meeting To Support VAWA '99

Thanks for your interest in helping the National Task Force on Violence Against Women get the word out about the Violence Against Women Act of 1999 (VAWA '99). This informational guide offers some tips on how to plan a local public education event around VAWA '99. Nothing is better than a good 'ol fashioned town meeting to get the community talking about the importance of addressing violence against women and its impact upon all of us.

Planning Your Town Meeting

1. Form an organizing committee.

Identify individuals and organizations in your area that may be interested in planning a town meeting. Consider a cross-section of participants, such as women's groups, civic groups, government officials, local law enforcement, youth groups, disability groups, senior citizen groups, health care professionals, religious and educational leaders, local campus leaders, immigrants rights advocates, domestic violence and sexual assault advocates, gay and lesbian groups, union and labor organizers, as well as and interested citizens. All can offer unique input and lend strong support to the event.

Consider the possibility of bringing a VAWA '99 focus to an established local effort, such as a community fair, picnic, panel discussion or political forum.

2. Choose the focus.

Decide how big you want your event to be. Do you just want a literature table and a mini-postcard campaign at a local fair? Or, do you want a more formal meeting in a municipal building or local school auditorium?

Identify your focus and format. On which provisions of the bill would you like to focus? How do you want to present the issues? For example, a town meeting held in New York City last year was presented in a hearing-type format. The meeting consisted of three panels--one on sexual assault, a second on workplace violence and a third on domestic violence. Each panel had three speakers -- a violence survivor, an advocate and someone who talked about solutions. Each speaker made a brief five minute statement using their personal experience to highlight the provisions in the new bill that they personally thought were important and why. The event was hosted by then Congressman Charles Schumer of New York, one of the co-sponsors of VAWA '98, and was about two hours long. This was a great way to cover a number of issues in a modest period of time.

3. Identify your target audience.

Determine your target audience and the number of people you think may attend. Gather any contact information that will help you reach your target audience. If you would like to make contact with potential participants through the organizations that participate in the National Task Force To End Violence Against Women, just contact the Washington, DC office of NOW LDEF for assistance.

It is important to be realistic about what you can do. Try not to choose too many issues and too many speakers. Be sure to leave time for discussion and questions.

3. Planning and Scheduling

Choose the date and location as early as possible. In setting the date, consider having it coincide with a special calendar event such as a local election or domestic violence awareness month. Also consider joining forces with a community event such as a local teen night, a college "take back the night" rally, or a senior citizen forum.

In choosing a location, remember that you may need to reserve space in advance. Be sure the location is suited for the event that you are planning. Check for adequate space, lighting, acoustics, accessibility, parking, and availability of audio-visual equipment. Pick locations near public transportation if possible.

Invite your Congressperson(s) to participate. At present the House version of VAWA '99 presently has 160 co-sponsors. If your representative is a co-sponsor of this bill, he/she would welcome an opportunity to talk to the community about why this bill is important. If they have not yet signed on, it is an opportunity for the community to solicit their support. Don't limit yourself to your local Congressional representative. Your state governor, town mayor or other elected officials may also want to get involved. Remember this is a great forum for them as well. In addition, they may be able to help you access resources, including a large venue and advertising at free or low cost.

Establish a time frame for getting your various tasks accomplished. If you have a large coalition or group of organizers, establish committees or subcommittees and delegate the duties.

Determine your financial needs such as copying costs, honoraria, travel expenses for the speakers, refreshments, audio-video set-up and room rental.

Allow plenty of time to contact potential participants. Keep them advised as to any change in plans.

Have a resource/literature table where you can provide information about the bill and where local

groups can provide information about their services and events.

4. Publicize the event.

Submit releases to newspapers, TV and radio stations. Produce flyers, posters and other types of announcements. Submit editorials and articles to local newspapers. For tips, see *Talking Back: Getting Your Message Out*.

5. Make acknowledgment arrangements.

Keep track of all names and contact information of the invited participants. Prepare program invitations and flyers with acknowledgments of those groups and individuals who are assisting. Be sure to send post-event appreciation notices to all who helped.

6. Follow-up

Let the National Task Force To End Violence Against Women know about the success of your event. How many people attended? What media covered the event? Did the program reach a diverse audience? How many people participated in the planning and coordination?

Good Luck!!!

For additional information contact NOW LDEF at 202-544-4470 or 212-925-6635.

Adapted from "Invest in the Future: Support Safe Motherhood" a publication from the American Association for World Health. To obtain a copy contact: American Association for World Health, 1825 K Street, NW, Ste. 1208, Washington, DC 20006, tel: (202)466-5883.

April 1999



FACTS ABOUT DOMESTIC VIOLENCE

Nearly one in every three adult women experiences at least one physical assault by a partner during adulthood.¹

Women are at an increased risk of harm after separation from an abusive partner. Separated women are 3 times more likely than divorced women and 25 times more likely than married women to be victims of violence at the hands of an intimate partner.²

According to National Crime Victimization Survey data from the Department of Justice (a conservative estimate) between 1992 and 1996, women and girls over 12 experienced, on average, 960,000 incidents of assault, rape and murder at the hands of a current or former spouse or intimate partner annually. During the same period, the same surveys found that men were victims of about 150,000 violent crimes by current or former spouse or intimate partner.³ Other surveys have found a much higher rate of domestic violence against women.⁴

- Of the estimated more than 1,000,000 persons age 65 and over who are victims of abuse each year, at least two-thirds are women. In almost 9 out of 10 incidents of domestic elder abuse and neglect the perpetrator is a family member and adult children of the victims are the largest category of perpetrators and spouses are the second largest category of perpetrators.⁵
- In 1996, 65% of all intimate partner homicides involved guns.⁶ Family and intimate assaults involving guns are 12 times more likely to result in death than other family and intimate partner assaults.⁷
- In 1994, approximately 37% of women seeking injury-related treatment in hospital emergency rooms were there because of injuries inflicted by a current or former spouse or intimate partner.⁸
- A recent survey found that over 50% of abused women lost at least three days of work monthly due to abuse⁹ and surveys show at least 60% of abused women report being late for work due to abuse.¹⁰ Sixty percent of battered women surveyed in one study had been reprimanded because of work problems associated with abuse, and 70% reported difficulty in performing their job because of abuse.¹¹
- To prevent their immigrant wives from reporting domestic violence, men may threaten to take her children away from the United States, fail to file papers to legalize her immigration status, or threaten to report her to INS to get her deported.¹²
- Children who witness domestic violence are at a high risk of anxiety and depression, and exhibit more aggressive, antisocial, inhibited and fearful behaviors.¹³
- Domestic violence is strongly correlated with child abuse. Studies have found that between 50% and 70% of men who abuse their female partners also abuse their children.¹⁴
- Of all homeless women and children, 50% are fleeing domestic violence.¹⁵

ENDNOTES

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7. Linda E. Saltzman, et al, "Weapon Involvement and Injury Outcome in Family and Intimate Assaults," 267 *Journal of the American Medical Ass'n* 3043 (1992).
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9. Connie Stanley, *Domestic Violence: An Occupational Impact Study* 17 (Tulsa, Oklahoma, July 27, 1992); Louise Laurence & Roberta Spalter-Roth, *Measuring the Costs of Domestic Violence Against Women and the Cost Effectiveness of Interventions* 25 (IWPR, Victims' Services & the Domestic Violence Training Project, May 1996).
10. Melanie Shepard & Ellen Pence, *The Effect of Battering on the Employment Status of Women*, 3 *Affilia* 55, 58 (1988); see also Laurence & Spalter-Roth at 25.
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12. Leti Volpp, Family Violence Prevention Fund, *Working With Battered Immigrant Women: A Handbook to Make Services Accessible* (1995).
13. Einat Peled, Peter G. Jaffe and Jeffrey L. Edelson, *Ending the Cycle of Violence: Community Responses to Battered Women* 4-5 (1995); Mary Kenning, Antia Merchant and Alan Thompkins, "Research on the Effects of Witnessing Parental Battering: Clinical and Legal Policy Responses" 238-39, in *Woman Battering: Policy Responses* 237 (Michael Steinmen, ed., 1991).
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LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

The Violence Against Women Act of 1999
"VAWA '99" – H.R. 357

The 1994 Violence Against Women Act made important strides in reforming our system's response to women victimized by gender-based assaults. One overlooked component of ending violence against women is protecting children from domestic violence and sexual assault. Batterers often harm children as well as their intimate partners. Witnessing violence has a devastating impact on children. Further, the system often fails victims of child sexual abuse. Finally, sexual assault and dating violence are problems for too many teenage girls.

THE PROBLEM

- Between 50 and 70% of men who abuse their female partners also abuse their children.¹
- Children who witness violence are at a high risk of anxiety and depression, and exhibit more aggressive, antisocial, inhibited and fearful behaviors.²
- Children often fail to report child sexual abuse because of a fear of retaliation, or a belief that the abuse is their fault.³
- Separated women are three times more likely than divorced women and twenty-five times more likely than married women still living with their husbands to be victimized by a batterer.⁴
- According to one study, 5% of abusive fathers threaten during visitation to kill the mother, 34% threaten to kidnap their children, and 25% threaten to hurt their children.⁵
- The need for supervised visitation centers far exceeds the number of available programs, resulting in courts ordering unsupervised visitation and endangering parents and children.⁶
- New data just released by the Department of Justice finds that teenage girls (age 16-19) experience one of the highest rates of violence by an intimate partner when compared to other age groups.⁷
- Although adults may be more likely to warn girls about sexual danger posed by strangers, 96% of survivors under 12 years old, 85% of those 12 to 17 years old, and 67% of those 18 or older were raped by family members, friends, or acquaintances.⁸
- According to a 1996 report by the American Psychological Association (APA), custody and visitation disputes are more frequent when there is a history of domestic violence. Further, fathers who batter mothers are twice as likely to seek sole custody of their children⁹ and they may misuse the legal system as a forum for continuing abuse through harassing and retaliatory legal actions.
- Despite the perception that mothers always win custody cases, studies show that fathers who contest custody win sole or joint custody in 40 to 70 percent of cases.¹⁰

THE RESPONSE

VAWA '99 includes important programs addressing harms to children from domestic violence and sexual assault, which also promote increased safety for their mothers.

Safe Havens for Children (Title II, Subtitle A) funds supervised visitation programs to protect children from injury and trauma in domestic violence and sexual abuse cases and to protect the other parent from injury or trauma at the hands of the abusive parent by providing safe and secure locations for visitation and/or visitation exchange.

Violence Against Women Prevention in Schools (Title II, Subtitle B) provides grants to adapt, implement, and disseminate educational curricula and materials on violence against women, including training for school personnel, for children in elementary and secondary schools. It also allows the grants to be used to develop effective school policies for addressing the violence that children and adolescents may be witnessing or experiencing themselves.

Family Safety (Title II, Subtitle C) amends the federal Parental Kidnaping Prevention Act (PKPA) to provide a defense to women who flee across state lines to escape domestic violence or sexual assault, and to ensure that a civil court can consider domestic violence and the parent and child's safety when determining which State should hear a custody dispute. It also pulls the Full Faith and Credit and Custody pieces of the PKPA more in line with the Uniform Child Custody Jurisdiction Enforcement Act which States are beginning to adopt.

Domestic Violence and Children (Title II, Subtitle D) states the Sense of Congress in favor of a presumption of a child's primary residence being with the primary caretaker and a presumption against joint custody in cases of domestic violence, as well as promoting other state law reforms to protect victims in domestic violence cases.

Child Welfare Worker Training on Domestic Violence and Sexual Assault (Title II, Subtitle E) provides demonstration grants to child welfare/child protection agencies to implement policies and procedures and training on domestic violence, including building community networks with local domestic violence programs to better serve victims.

Child Abuse Accountability (Title II, Subtitle F) allows the attachment of a private pension to satisfy a tort judgment in a child abuse case.

January 12, 1999

For more information contact Juley Fulcher or Marlo Cohen at the National Coalition Against Domestic Violence, at (202) 544-7358.

ENDNOTES

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VIOLENCE IN THE LIVES OF YOUNG WOMEN

The Violence Against Women Act of 1999
"VAWA '99" – H.R. 357

Lynn began dating 17-year-old Garry when she was 15; he "regularly slapped and punched her, called her 'fat' and once flung her across the room." Once, he beat her so severely that she ended up in the hospital "with a smashed nose, black eyes, and bites, blood and bruises all over her body".¹

"I didn't want to tell anybody what happened to me, because I was too ashamed and embarrassed that I let it happen. I figured everybody would be like, 'we told you so,' because nobody liked my boyfriend. But I loved him, and I never expected him to hit me or force things during, like, sex. I don't say I was a victim, because I want to think on some level that he did love me." — Karan, age 18²

A 12-year-old junior high school student was raped and sodomized by three boys in the basement of her school. The boys were suspended for 10 days each. Despite her parents' repeated requests, the girl was not transferred and remains in the same class with the offenders.³

While many girls endure sexual violence, battering, and harassment, violence against women is typically cast as a problem facing adults. And although three out of every four child victims of violence are girls,⁴ violence against children is typically cast in gender-neutral terms. Thus, violence against girls and young women is often not given the attention needed to address the problem and make young women and girls safe. Moreover, without education and outreach, girls and young women are often forced to suffer in silence. Like adult women, girls often do not reveal the victimization they experience, whether out of love, shame, fear of retaliation, or fear of not being heard.⁵ Her silence may even become the weapon of a victimizer. Given the fear of escalated violence if they refuse to give in to male pressure, some girls report saying "yes" or falling silent when they want to say "no".⁶ The problem is exacerbated by the fact that so many children are witnessing male violence in their own homes which "may set the tone for boys to accept violence as normal, and for girls to see it as inevitable in their own relationships."⁷ It is essential that we break the silence about the violence that millions of girls and young women face every year.

Consider the following facts:

- According to the U.S. Department of Justice, young women between the ages of 16 and 24 experience the highest rates of violence by current or former intimate partners.⁸
- Forty percent of teenage girls between the ages of 14 and 17 report knowing someone their age who has been hit or beaten by a boyfriend.⁹
- One third of high school and college students experience violence in an intimate relationship during their dating years. According to community-based surveys, more than half of adolescent girls who reported being sexually assaulted were assaulted while on dates.¹⁰
- According to the U.S. Department of Education, there were an estimated 4,000 incidents of rape or other types of sexual assault in public schools across the country during the 1996-1997 school year.¹¹
- According to a 1992 survey, 62 percent of all forcible rape cases occurred to victims who were under 17 years of age; 32 percent of victims of rape were between 11 and 17 years old; 29 percent of victims were younger than 11 years old.¹²
- In 1996, convicted rape and sexual assault offenders serving time in state prisons reported that two-thirds of their victims were under the age of 18. Fifty-eight percent said their victims were 12 and younger.¹³

- More than 50% of female victims of violence by an intimate partner live in households with children under the age of 12.¹⁴
- Girls who reported that they had been sexually or physically abused were more than twice as likely as non-abused girls to report smoking, drinking and using illegal drugs. In addition, 32 percent of girls who had been abused reported bingeing and purging.¹⁵

The Response:

The Violence Against Women Act of 1999 or "VAWA 99" (H.R. 357) contains a number of components designed to address the violence in the lives of girls and young women.

Recognizing Teen Dating Violence - The current federal statutory definitions of domestic violence do not cover dating violence; they only specifically cover violence in relationships between current or former spouses, individuals who have a child in common and individuals who have lived together. The result is that only limited VAWA funding is available to address dating violence, leaving both adult and teen victims of dating violence with less than adequate services and protections. However, it is teenagers who are particularly negatively impacted by this unnecessary constraint. VAWA '99 would modify the federal definitions of domestic violence to include dating violence, thereby assuring that programming money is available to address the problem.

Violence Against Women Prevention in Schools - Title II, Subtitle B of VAWA '99 would provide grants to adapt, implement, and disseminate educational curricula and materials which were created under the original VAWA to address violence against women and girls. The grants would include training for school personnel and for children in elementary and secondary schools. The grants could also be used to develop effective school policies for addressing the violence that children and teens may be witnessing at home or experiencing themselves in a dating relationship.

Rape prevention education - Title III, Subtitle A of VAWA '99 would establish a National Resource Center on Sexual Assault and continue and expand the ongoing national and community efforts at rape prevention and education that are crucial for the safety of all girls and young women.

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Violence Against Women Act of 1999 "VAWA '99" — H.R. 357

VIOLENCE AGAINST OLDER WOMEN

In 1994, Congress enacted the Violence Against Women Act (VAWA I), a landmark piece of federal legislation that contained a broad array of ground-breaking laws to reduce and eliminate the epidemic of violence against women and children. VAWA I funded important systemic innovations in federal, state and local programs to assist victims of violence, enhance prosecution of domestic violence and sexual assault crimes, and prevent violence against women and children in their homes and on the streets. Despite VAWA I's successes, legislators and advocates alike agree that VAWA I was only a first step. To this end, the Violence Against Women Act of 1999 (VAWA '99 — H.R. 357) offers a more comprehensive approach to ending violence against women and children by expanding the programs and services created under VAWA I to specifically reach underserved populations that are experiencing violence, such as older women.

THE PROBLEM: Older women are frequently abused by family members, caretakers or intimate partners. However, scant attention is paid to this troubling phenomenon because domestic violence is usually cast as an issue affecting only younger and middle-aged women. Friends, neighbors, and even health care providers and other professionals may not recognize the signs of abuse in older women. They may mistakenly attribute symptoms of abuse and neglect to "old age" or conditions commonly associated with old age, such as dementia or an unsteady gait. Additionally, older women are often more economically vulnerable than younger women, and may fear poverty, homelessness, or loss of health care benefits if they report abusive behavior by a spouse or family member. Older abused women are often ashamed to speak out and lack knowledge of or access to effective support or assistance programs when they do try to seek help. This is due to a combination of a shortage of education and outreach programs specifically tailored to older women and the lack of training and technical assistance available to Offices on Aging, victim services, law enforcement and the justice system in dealing with older battered women.

CONSIDER THE FOLLOWING FACTS:

- **More than two-thirds of all abusers/neglecters/exploiters of older women are family members** — adult children (36.7%), spouses (12.6%), other family (10.8%), grandchildren (7.7%), and siblings (2.7%).¹ A study on elder sexual abuse found that 78% of suspected offenders were family members, and of that number, 39% were the victims' adult sons and 29% were the victim's spouses.²
- **Reports of domestic abuse against the elderly rose from 117,000 in 1986³ to 293,000 total reports in 1996.⁴** After taking the rates of reporting into account, the National Center for Elder Abuse extrapolates that there were 818,000 total elderly domestic abuse victims in 1994.⁵ In 1995 and 1996, 66% and 67.3%, respectively, of the victims in reported elder abuse cases were women.⁶
- **Victim's services programs are not meeting the needs of older abused women.** Despite widespread elder abuse by family members, older women are not effectively utilizing traditional victim's services programs. A survey conducted under the auspices of the Wisconsin Bureau on Aging examined 52 domestic abuse

programs in that state and found that 60% of the programs had served fewer than 10 older battered women in their entire histories.⁷ Another study in Florida found that less than 2% of the women using shelters in that state in 1991 were older women.⁸

THE SOLUTION: Title VI, Subtitle A of VAWA '99 (H.R. 357) amends and expands the original Violence Against Women Act, the Older Americans Act, and other related federal statutes to create a comprehensive approach that aims to eradicate violence against older women. Some of the key provisions included are:

- ◆ **Training programs for law enforcement, prosecutors, social service and health care providers** in recognizing, investigating, prosecuting, addressing and treating cases of elder abuse.
- ◆ **Initiatives to encourage domestic violence and sexual assault programs to develop services targeted at older abused women** and to provide increased access to and availability of domestic violence shelters and sexual assault programs. This section includes grants for outreach to elder women and for research on the sexual assault of older women and on the obstacles to providing shelter services to older abused women.
- ◆ **Grants to law school clinical programs** to incorporate cases of elder abuse and sexual assault into their caseloads.
- ◆ **Community initiatives and projects to prevent and combat elder abuse.** This section makes grants available to coordinate activities that focus on intervention and prevention of abuse against older women.
- ◆ **Initiatives to give preference to health profession training programs** that include a requirement for their students to receive significant training in the identification, treatment and referral of elder victims of domestic violence and sexual assault.

VAWA '99 contains these and many other provisions to end violence against traditionally underserved populations, such as training programs for judicial personnel, health care professionals, and social service providers to better assist disabled women; funding to Native American tribes to provide services, protection and justice to victims of domestic violence and sexual assault; and several provisions to allow battered immigrant women to leave abusive U.S. citizen or permanent resident spouses without fear of deportation or other adverse consequences.

Contact Juley Fulcher or Marlo Cohen in the Public Policy Office of the National Coalition Against Domestic Violence at (202) 544-7358 for more information.

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Violence Against Women Act of 1999 “VAWA ‘99” – H.R. 357

VIOLENCE AGAINST WOMEN WITH DISABILITIES

THE PROBLEM: Special issues arise when women with disabilities are the victims of abuse or violence, particularly if the abuser is someone close to them. Service providers and workers in the criminal justice system are often unaware of the unique issues facing women with disabilities and do not adequately identify and address such issues.

- Women with disabilities are more likely to be the victims of abuse and violence than women without disabilities because of their increased physical, economic, social, or psychological dependence on others.¹
- In domestic violence cases, women with disabilities stay with their batterers almost twice as long as women without disabilities.²
- Violence and abuse against women with disabilities takes many forms, including verbal abuse, physical abuse, sexual assault, forced isolation, control over economic resources, and the withholding of equipment, medication, transportation, or personal care assistance.³
- Many women with disabilities fail to report because they are dependent on their abusers and fear being abandoned or institutionalized.⁴
- Many women with disabilities are unable to leave abusive or violent spouses or co-habitants because of the inaccessibility of services or the fear of abandoning dependent children.⁵
- Law enforcement, the criminal justice system, legal services, and victim services are often not equipped or trained to effectively identify and respond to abuse or violence against women with disabilities.⁶
- Respondents to a national survey of 200 disabled women rated abuse and domestic violence as the number one priority issue to confront. They identified two key information needs: the development and dissemination of materials for women with disabilities and service providers about violence, and the dissemination of information to victim assistance programs and criminal justice agencies about their legal requirements to serve women with disabilities.⁷
- Disabled women are less likely to be believed when they report incidents of abuse or assault. Despite the high rates of violence, most crimes against disabled women go unreported.⁸

THE SOLUTION: Title VI, Subtitle B, of VAWA '99 (H.R. 357) amends the original Violence Against Women Act of 1994 to focus attention on the needs of women with disabilities and to protect such women from violence and abuse. Some of the key provisions are:

- **Creating grants for technical assistance programs that provide information on violence, abuse, and sexual assault against women with disabilities.** The amendment would provide funding for groups to compile information on the requirements of the Americans with Disabilities Act. This information would be sent to victims' services, battered women's shelters, and other facilities, along with suggestions on inexpensive ways to come into compliance so that women with disabilities receive appropriate assistance when contacting these programs. Grants would also be available to provide outreach activities to ensure that women who are individuals with disabilities and victims of domestic violence and sexual assault are aware of their rights and safety options.
- **Educating law enforcement personnel and employees of the criminal justice system about the special issues that arise when women with disabilities are the victims of abuse and violence.** Current law already encourages programs to educate police, prosecutors, judges, court personnel and victim services about domestic violence and sexual assault. This amendment provides that the special issues that arise when victims of violence have disabilities are addressed in these programs.
- **Providing for research and data collection on violence against women with disabilities.** The lack of complete and accurate information concerning violence against women with disabilities makes it a more difficult problem to solve. Studies must be done about the frequency and nature of abuse and violence against this highly vulnerable segment of the population. Under VAWA '99, research is encouraged that would include studies of women with disabilities that are victims of domestic violence and sexual assault.

For more information contact Curt Decker, NAPAS, at (202) 408-9514.

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The Access to Safety and Advocacy Act

Title IV Subtitle F of VAWA '99 (H.R. 357)

Title I Subtitle D of BWESSA (S. 1069)

The Access to Safety and Advocacy Act of VAWA '99 is intended to enhance safety and justice for victims of domestic violence through improved access to the justice system. Victims of domestic violence are often inundated with legal problems including the need for restraining orders, custody & visitation orders, reimbursement for medical bills and property damage, resolution of landlord-tenant disputes, and assistance with complicated divorce cases. The Act issues grants to provide legal assistance, lay advocacy, and referral services to victims who have inadequate access to sufficient financial resources for appropriate legal assistance. These grants would be available to every state, tribal land, territory, and commonwealth.

Victims of domestic violence face more than just bruises, broken bones, and broken spirits — they also face a complicated and varying set of legal problems. For example:

- ⇒ Mary is trying to leave her abusive husband. She has no job and no money, but she fears leaving her 3 children behind because her husband has threatened to harm them if she leaves. After a particularly severe beating, Mary is forced to leave the home without her children, fearing for her life. She needs legal assistance in order to obtain a protection order, custody of her children, and child support.
- ⇒ Sue's ex-boyfriend broke into her apartment and destroyed almost everything she owned including her furniture, her clothes, and her home office. He broke the windows in her car, and has repeatedly broken the windows in her apartment. Now her landlord is trying to evict her and her insurance company is increasing her premiums. Her ex-boyfriend's actions have left her in financial ruin and she is unable to afford legal assistance.

The Problem:

- Currently, the majority of domestic violence service providers nationwide report that victim demand for lay and legal advocates far exceed their availability.¹
- A civil protection order can resolve a survivor's family-law problems swiftly (e.g., temporary custody, temporary child support, etc.), but it only provides temporary relief — many orders expire in 6-12 months. Because so few domestic violence victims are represented by counsel, only a small percentage understand the need to file for permanent relief early in the life of their civil protection order. In the District of Columbia, for example, approximately 65% of petitioners and 70% of respondents are unrepresented in civil protection order cases.²
- Fathers who batter the mother of their children are twice as likely as non-violent fathers to seek sole custody of their children.³ And despite the perception that mothers always win custody cases, studies show that fathers who contest custody win sole or joint custody in 40-70 percent of cases.⁴ It is not unusual for contested custody cases to cost over \$30,000⁵. In 1997, full time working women earned only 74.9% of median earnings for men.⁶ Clearly, battered women are often severely disadvantaged in legal proceedings against the batterer.

- According to one study, 5% of abusive fathers threaten to kill the mother during visitation, 34% threaten to kidnap their children, and 25% threaten to hurt their children.⁷ Statistics such as these reinforce the need for proper legal assistance for women fighting for the rights and lives of their children.
- According to a survey of the domestic violence shelters in Texas, approximately 75% of the shelters reported a great need for more legal services for divorces in domestic violence cases and 85% indicated a great need for legal services in regards to child custody cases. Only 25% of those surveyed believed that the quality of legal representation available reflected that legal counsel was informed about the issue of domestic violence.⁸

The Response:

The Access to Safety and Advocacy Act provides grants for domestic violence programs, bar associations, law school clinic programs, coalitions, and many other types of organizations to aid domestic violence victims who are unable to afford appropriate legal assistance with legal representation or lay advocacy in civil actions, administrative proceedings, or criminal cases.

These grants will be available to promote:

- ✓ better and more readily available legal assistance to enhance victim safety, economic protection, and protection of child victims
- ✓ the encouragement of partnerships between domestic violence programs, law firms, and advocacy programs
- ✓ increases in pro bono or low-cost representation by the private bar
- ✓ improved judicial and administrative handling of *pro se* cases
- ✓ an increase of clinical programs on domestic violence in law schools and increased continuing education programs for practicing attorneys

March 2, 2000

For more information, contact Juley Fulcher or Marlo Cohen at the National Coalition Against Domestic Violence at 202-745-1211.

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Violence Against Women Act 1999 VAWA '99 - H.R. 357

IMPLEMENTATION OF FULL FAITH AND CREDIT Title IV, Subtitle B

Background:

The Violence Against Women Act of 1994 requires states and tribal jurisdictions to give full faith and credit to protection orders issued by another state or Indian tribe. The goal of this legislation was to protect women if they are traveling, relocating, or if their daily activities take them across jurisdictional lines.

Here are some examples of how the legislation is meant to work:

- ⇒ A woman living in Washington, DC obtains a protective order from a Washington, DC court to protect her from her abusive ex-boyfriend. She works in Maryland. If her abuser stalks her at her job in Maryland, her DC order of protection is valid and enforceable by the Maryland police and courts.
- ⇒ A woman lives in Nevada. She obtains a protective order from a Nevada court to protect her from her abusive husband and files for divorce. The protection order gives her temporary custody of their two children. She takes her children to California to visit their grandparents during the Christmas holidays. Her abusive husband follows her to California and attempts to forcibly remove the children from the home of their grandparents. Her order of protection is valid and enforceable by the California police and courts.
- ⇒ A Sioux woman lives on the Sioux reservation with her abusive boyfriend during the summer. She obtains a protective order from the tribal court and goes back to college in the fall. Her abusive ex-boyfriend follows her and begins harassing her at school in South Dakota. Her order of protection is valid and enforceable by the South Dakota police and courts.

The Problem:

While the goal of the statute seemed straightforward, implementation has not been quick or easy. In fact, many jurisdictions have done nothing to implement full faith and credit. Police officers, court personnel, and judges often refuse to enforce the orders of other state and tribal courts. The barriers to implementation differ from jurisdiction to jurisdiction but here are some examples of common problems:

- Women have called the police when their batterers are harassing them only to be told that there is nothing that can be done because the order of protection from another state or tribal jurisdiction is not valid in the jurisdiction where the police have been called.
- In some cases, women have been denied access to the courts, being told by court personnel that filing a claim to hold the batterer in contempt for violating a court order is only possible in the state or tribal jurisdiction that issued the protective order.

- Judges have refused to enforce the orders of other states, claiming that the order of protection must be registered in the new jurisdiction in order for it to be enforceable in that jurisdiction.
- Some courts have required that a new protective order be issued on the protecting state's form, and that the new order be served on the batterer before it is enforceable in that state.
- Protection orders issued by tribal courts have been virtually ignored by state jurisdictions and, more significantly, tribal courts are not legally recognized to have enforcement jurisdiction over offenders who are non-tribal members, even for crimes that they commit on the reservation.

These are all problems that VAWA '94 was meant to address. Non-enforcement means that victims of domestic violence are not safe. A protection order only provides protection to the extent that it is enforced by the police and the courts. It is crucial that we provide states and tribal jurisdictions with the information, tools and guidance that they need to carry out the full faith and credit requirements of VAWA '94 and provide safety for victims of domestic violence.

What VAWA '99 Does:

Title IV, Subtitle B addresses this problem directly. The proposed legislation:

- ✓ Clarifies VAWA's full faith and credit provisions to ensure meaningful enforcement by states and tribes by explaining that an enforcing jurisdiction can not require registration of an order issued in another jurisdiction in order to enforce the order.
- ✓ Clarifies that tribal courts have jurisdiction over any person -- tribal member, non-member Indian or non-Indian -- who violates a protection order within the tribal court's jurisdiction.
- ✓ Clarifies that custody and visitation provisions of a protection order should be accorded full faith and credit.
- ✓ Requires police officers called to the scene to assume a protective order from outside jurisdictions to be a valid and enforceable order.
- ✓ Directs the United States Attorney General to issue regulations specifying what states must have in place to be in compliance with VAWA full faith and credit provisions.
- ✓ Provides grants to states to implement full faith and credit. Eligible activities include: training police and court personnel; developing, installing or expanding data collection and communication systems to identify and track protection orders; and developing Memoranda of Understanding and other cooperative efforts across jurisdictional lines.
- ✓ Two years after passage of this subtitle, takes a ten-percent reduction in state Byrne grant funding for states that the Attorney General has deemed to be out of compliance with full faith and credit. A state that has been assessed the penalty will have a period of six months to come into compliance to reclaim lost funding. If after six months a state still fails to comply the funding will be redistributed to states in compliance.

February 29, 2000

For more information contact Juley Fulcher or Marlo Cohen in the Public Policy Office of the National Coalition Against Domestic Violence, at (202) 745-1211.



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FACT SHEET - Domestic Violence and the Military

"As the number of married service couples increase, more couples are fac[ed with] the challenge: of balancing military duties and family obligations."¹ The Department of Defense (DoD) is faced with a similar challenge of balancing military readiness and its responsibility to military families. The following discussion provides an overview of the DoD procedures for addressing incidents of domestic violence, the prevalence of domestic violence in the military, and suggestions for achieving a balance between the important interests of the armed forces, family welfare, and military strength.

Q Is domestic violence really a problem in the military?

A. Yes. There are over 800,000 married couples in the armed services. Although, "the majority of military families cope reasonably well and are satisfied with military life, a substantial percentage are at risk for partner violence."² The DoD has documented an increase in the rate of "substantiated abuse" from 14.5 per 1,000 spouses in Fy 1990 to 22.0 per 1,000 spouses in fiscal year (Fy)1997.³

Q. How accurate are the pre-1997 rates of "substantiated abuse?"

A. Unclear. The DoD modified its procedure for tabulating the rate of "substantiated abuse from counting cases (which could include several incidents) in 1990 to counting incidents."⁴ Accordingly, it is impossible to ascertain whether the prior statistics reflect an accurate rate of "substantiated abuse" or should be equal to or higher than the 22.0 per 1,000 spouses in 1997. DoD data includes: "reports of physical abuse that did not require medical treatment and reports of emotional abuse without any physical abuse."⁵ Such data, however, is considered *unsubstantiated* unless it meets the DoD Family Advocacy Program's (FAP) definition of a "substantiated case."

Q. What is the definition of a "substantiated case" of abuse?

A. The DoD Family Advocacy Program defines a "substantiated case" as one in which the "preponderance of available information indicates that abuse has occurred."⁶ The DoD maintains a central registry of spousal abuse rates (which is separate and distinct

from the registry of substantiated rates). The central registry consistently reports a higher number of spousal abuse cases or includes anonymous self or spouse reported incidents of violence (versus the substantiated rates which exclude such reports). Also, [as previously noted] prior to Fy 1997 substantiated rates were ascertained by counting cases *versus* incidents of abuse. Accordingly, the rate of substantiated abuse should be viewed as a floor rather than a ceiling.

Q. What is the DoD Family Advocacy Program?

A. The FAP was formally established by the DoD in 1981 as part of policy directive 6400.1. The DoD has mandated that each of the military services establish programs for the prevention, reporting, investigation, assessment, treatment, and follow up of child abuse and neglect and spouse abuse. The programs and services addressing the problems of child abuse and neglect and spouse in the military are collectively referred to as the Family Advocacy Program (FAP). Responsibility for the FAP "rests with the commander and his or her designated Family Advocacy Program Officer (FAPO). Unless otherwise assigned, the commander and the FAPO are responsible for ensuring that the action to be taken in each program is completed." ⁷The directive emphasized a coordinated approach at several levels:⁸

- Among the Services;
- Between the Services and civilian agencies; [and]
- Between the FA.P and similar medical and/or social programs, such as those dealing with substance abuse."⁹

Q. What are Military Protective Orders and how do they function within the reporting system?

A. Military Protective Orders (MPOs) are "similar to civil court orders of protection. They are issued by commanding officers, and formal hearings are not required. If ordered ex parte, they do not normally exceed 10 days in duration. If a longer period of safety and protection is required, the commanding officer normally gives victims and alleged offenders an opportunity to respond to abuse allegations. The purpose of the MPO is to stabilize the situation and to provide additional time for incident investigation while taking into account any hardships that may be imposed on both victims and alleged offenders. MPOs may direct service members to stay away from victims or designated places; refrain from contact with victims; refrain from doing certain things; and provide support for family members." ¹⁰

Q. What steps do FAPs follow in processing an incident?

A. In 1992, the DoD. "implemented uniform program standards for all installation FAPs."¹¹ These standards address program components which include, but are not limited to:

- "organization and management of the FAP;
- family support [prevention] services; [and]
- investigation, assessment of the complaint; and disposition of F.A.P. cases."¹²

Specific requirements for handling family advocacy cases are encompassed within these program areas from the "receipt of the initial report of abuse and opening of a case through case closure."¹³

Q. What type of penalties exist or what is the current level of offender accountability?

A. "When a service member has been accused of committing a family violence offense the commanding officer must direct or make a formal inquiry into such charges. After the investigation is complete, (s)he may dismiss the charges, initiate administrative action, impose non-judicial punishment (NJP), convene a summary or special courts-martial (if empowered to do so), or forward the case to general courts-martial convening authority."¹⁴ Dependent on the severity of the offense, punishments from punitive censure to confinement.

Q. Based on available research what policy recommendations have been made by military and civilian authorities?

A. The most commonly cited recommendations include:

- "Primary prevention [e.g., general education about the abuse] and secondary prevention efforts [e.g., services for high risk population] should be expanded;
- Self-reporting should be encouraged. Victims and aggressors may be reluctant to come forward due to concerns about confidentiality, fear of the consequences, and lack of knowledge about available services;
- Enhancement of confidentiality protection for F.A.P. victims and abusers [e.g., limit membership on review committees, when the commander notification is necessary label "eyes only" communication];

- Place higher level of emphasis on victim assistance [job training & search assistance, expand treatment options to address different types and levels of abuse];
- Have entire officer network share in the responsibility of teaching nonviolence [versus] just the FAP network."¹⁵
- Increase research funding for intervention and testing of the practices that are currently being utilized [e.g., team experienced civilian researchers with military researchers].
- Increase funding to surrounding non profits/parallel programs
- FAP definition of abuse lacks clarity or are not widely understood (and may not be the definition applied by commanders). Result: Lack of clarity may negatively affect reporting behavior and influence decisions about how to respond when "abuse" is reported.¹⁶
- Define parameters or narrow commanders' latitude of discretion: "The decision to take legal or disciplinary action rests solely with the service member's commanding officer; FAP staff rarely even make recommendations. Lacking training or uniform guidelines for dealing with abuse cases, commanders handle each incident on a "case by case basis," weighing various factors into their decisions. Because commanders have considerable discretion in how they respond to abuse cases, the overall military response to abuse incidents appeared to many arbitrary and inconsistent."¹⁷
- Follow Office of the Under Secretary of Defense for Personnel and Readiness (OUSD (P & R)), recommendation to utilize individual therapy by treating each partner in "separate but coordinated programs," that are "run by psychologists or social workers. "Research on the efficacy of these programs indicates they reduce aggression over time."¹⁸
- "Uniform Code of Military Justice (UCMJ) Article 128 definition of assault lacks clarity or fails to distinguish between various types of assaults and the seriousness of the harm that may be done. Unless an assault falls under one of the specifically enumerated aggravated assaults, it by default may only be charged as an Assault Consummated by a Battery (government limited to maximum confinement punishment of six months)."¹⁵

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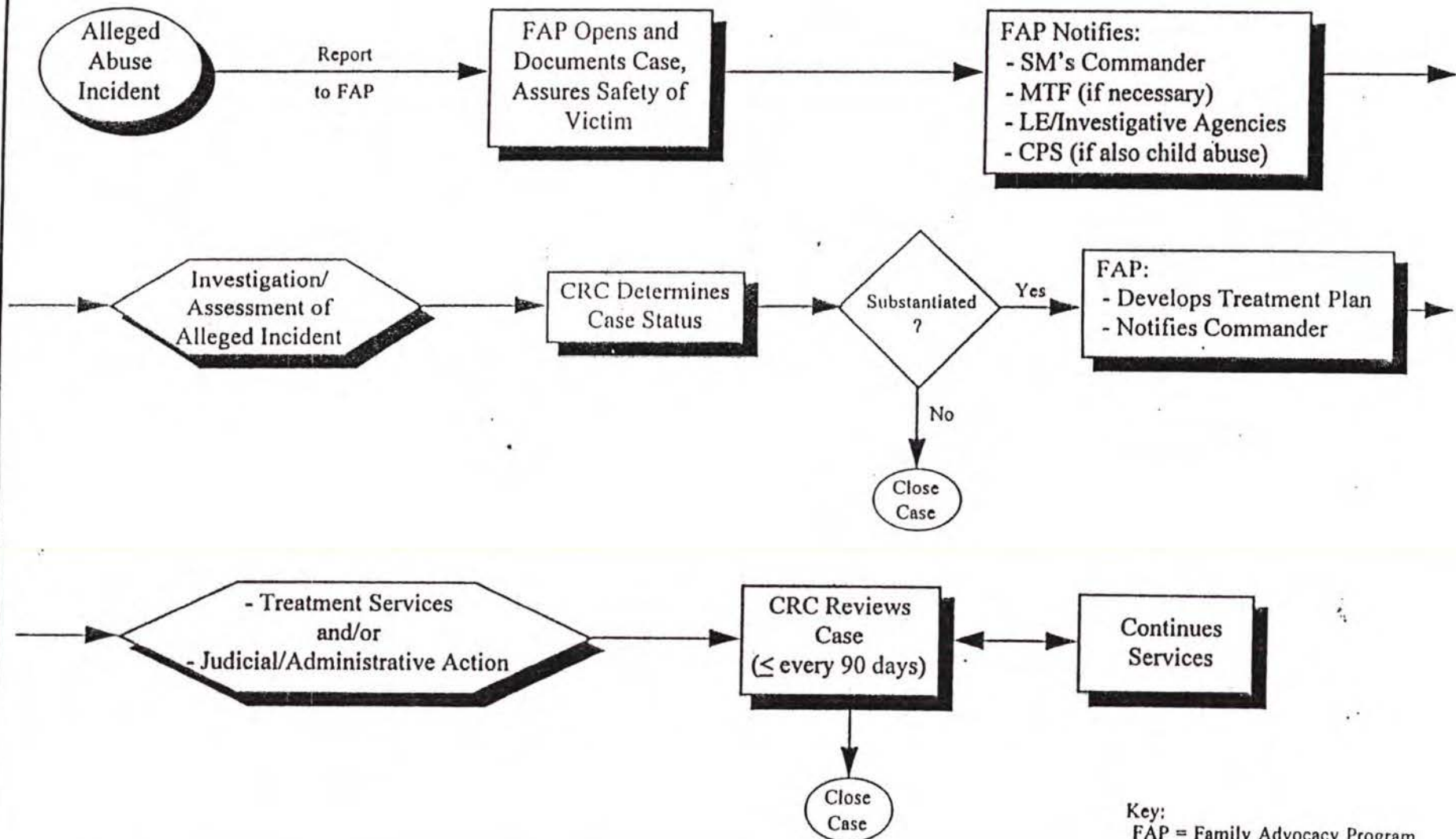
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EXHIBIT II-5
OVERVIEW: FAMILY ADVOCACY PROGRAM PROCEDURES FOR
RESPONDING TO INCIDENTS OF SPOUSAL ABUSE



Key:
 FAP = Family Advocacy Program
 SM = Service Member
 CPS = Child Protective Services
 MTF = Medical Treatment Facility
 LE = Law Enforcement
 CRC = Case Review Committee

⁷ Family Advocacy Program: Standards and Self Assessment Tool, Assistant Secretary of Defense (Force Mgmt and Personnel) (1992).

⁸ *Abuse Victims Study Final Report*, Under Secretary of Defense for Personnel (1994).

⁹ *Id.*

¹⁰ Randy N. Eltringham, Ed.D. 14 *The Impact of Domestic Violence on Your Legal Practice: A Lawyer's Handbook*, American Bar Association Comm'n on Domestic Violence, 14-1 (1996).

¹¹ *Id.*, See also West, Carolyn M., *N.N.F.R.: Partner Violence: A 20-Year Literature Review and Synthesis* (1995).

¹² *Id.*

¹³ *Id.*, See also Exhibit 1

¹⁴ Randy N. Eltringham, Ed.D. 14 *The Impact of Domestic Violence on Your Legal Practice: A Lawyer's Handbook*, American Bar Association Comm'n on Domestic Violence, 14-3 (1996).

¹⁴ *Id.*

¹⁵ *Abuse Victims Study Final Report*, Under Secretary of Defense for Personnel (1994).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁵ Lieutenant Commander Peter A. Dutton, JAGC, USN, *Spousal Battering as Aggravated Assault: A Proposal to Modify the UCMJ*, *Naval Law Review* (1996).

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Violence Against Women Act 1999

Domestic Violence Training Grants for CPS Workers

Title II, Subtitle E

Background

Child abuse and domestic violence often occur in the same family and are linked in ways that have serious consequences for the safety of both the children and the parent who is not the predominant aggressor. First, domestic violence often results in physical or psychological harm to children. Second, even when it does not, it can compromise the ability of both the battered woman and the domestic violence perpetrator's ability to parent. Finally, the effectiveness of child abuse interventions is limited if domestic violence and the safety of the adult victim are not addressed.

- In a national survey of over 6,000 American families, researchers found that 50 percent of the men who frequently assaulted their wives also frequently abused their children (Straus & Gelles, 1996).
- Reviewing 200 substantiated child abuse reports, the Massachusetts Department of Social Services found that 30 percent of the case records mentioned domestic violence (Hangen, 1994).
- The Oregon Department of Human Resources reported that domestic violence was present in 41 percent of the families experiencing critical injuries or deaths due to child abuse or neglect (Oregon children's Services Division, 1993).
- 80 to 90 percent of children living in homes with domestic violence are aware of the violence (Carlson, 1984).
- Adolescents who have grown up in violent homes are at risk for recreating the abusive relationships they have seen (Jaffe and Sudermann, 1995).
- Women are eight times more likely to hurt their children while they themselves were being battered than after they left the abusive relationship (Straus, Gelles, and Steinmetz, 1980).

While research and service providers have noted an overlap between domestic violence and child abuse, domestic violence programs and CPS are collaborating to address it in only a handful of communities.

What VAWA does:

Title II, Subtitle E provides grants to states, Indian tribal governments, or units of local government to enable child welfare service agencies to partner with domestic violence service providers, coalitions and programs to train staff and modify policies, practices and services so that they are consistent with the following principles:

- 1) they protect the children,
- 2) they increase the safety and well-being of the children, including increasing the safety of the nonabusing parent;
- 3) they increase the safety of the children by supporting the autonomy and capacity of the adult victim;
- 4) They hold perpetrators, not the victims, responsible for stopping the abusive behaviors.

Eligible grantees are states, Indian tribal governments or local governments partnering with domestic violence service providers. Grantees must:

- 1) Develop protocols for screening intake assessment investigation and follow-up to reports of abuse and neglect, and
- 2) Train staff about domestic violence and sexual assault and their impact on children and adult victims, screening for domestic violence and assess danger to children and adult victims, appropriate interventions that give appropriate consideration to preserving those family members not responsible for the abuse, protection of victim confidentiality.
- 3) Develop community-based networks of services and supports that respond effectively to the needs of child and adult victims of domestic violence and sexual assault.

Authorized amounts are \$3, 000,000 for FY 2000, \$4,000,000 for FY 01, \$5,000,000 for each year FY 02 –FY 04.

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Violence Against Women Act of 1999 “VAWA ‘99” — H.R. 357

HOUSING FOR VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT

The Violence Against Women Act of 1994 (VAWA I) made significant progress toward reducing instances of domestic violence. It funds important systemic innovations in federal, state and local programs to assist victims of violence, enhances prosecution of domestic violence and sexual assault crimes and prevents violence against women and children in their homes and on the streets. VAWA I's success has also served to highlight areas where more comprehensive services and resources are needed. To this end, the Violence Against Women Act of 1999 (VAWA '99--H.R. 357) expands programs and services created under VAWA I and adds new programs that affect the safety and economic concerns of battered women and their children. VAWA '99 increases funding for battered women's shelter services, and includes a provision for supportive housing for individuals or families victimized by domestic violence, stalking or adult or child sexual assault.

THE PROBLEM: Many women who leave their abusers are forced to return to their abusers because of inadequate shelter or lack of money. Even if they leave their abusers to go to a shelter, they often return home because the isolation from familiar surroundings, friends and neighborhood resources makes them feel even more vulnerable. Shelters and transitional housing facilities are often located far from a victim's neighborhood. Consider the following.

- The overall number of emergency shelters beds for homeless people is estimated to have decreased by an average of 3% in 1997 while requests for shelter have increased on the average by 3%. Emergency shelters struggle to meet the increased need for services with about 32% of the requests for shelter by homeless families going unmet due to inadequate resources for services.¹
- Of all homeless women and children, 50% are fleeing domestic violence.²
- Among cities surveyed, 44% identified domestic violence as a primary cause of homelessness.³

THE RESPONSE: VAWA '99 includes provisions that address victims' safe, decent and affordable housing needs. Title I, Subtitle C - Battered Women's Shelters and Services provides \$1 billion in shelter services for battered women. VAWA '99 also includes a new, supportive housing program geared to victims of domestic violence and sexual assault. Title IV, Subtitle A - Domestic Violence and Sexual Assault Victims' Housing provides \$50 million through the supportive housing program of the Stewart B. McKinney Homeless Assistance Act to:

- Directly target funds to shelter providers to ensure that most of the funding goes directly toward transitional housing for clients;
- Obtain new money for shelter and social service providers to collaborate with affordable housing developers to provide transitional housing for domestic violence victims;
- Expand VAWA I's definition of transitional housing beyond tenant-based vouchers;
- Broaden eligibility criteria to include organizations that provide transitional housing placement to their clients despite the lack of housing in their missions;
- Require a 25% match for services from a source other than the \$50 million for transitional housing for domestic violence and sexual assault victims; and
- Provide a 5% set-aside to Indian tribes or Indian tribal organizations.

VAWA '99 contains these and many other provisions to mitigate the effects of violence and sexual abuse and to prevent their recurrence. For more information, please contact Susheela Varky, McAuley Institute, (301) 588-8110 x264 or svarky@mcauley.org.

Resources

¹ The United States Conference of Mayors, A Status Report on Hunger and Homelessness in America's Cities, December 1997, Appendix: "Hunger and Homelessness in America's Cities. A Thirteen Year Comparison of Data."

² The Women and Housing Task Force, *Unlocking the Door III: A Call to Action, Battered Women*, September 1996 (citing Schneider, Elizabeth, *Legal Reform Efforts for Battered Women: Past, Present and Future* (prepared for the Ford Foundation)).

³ The United States Conference of Mayors, A Status Report on Hunger and Homelessness in America's Cities, December 1997, Appendix: "Hunger and Homelessness in America's Cities. A Thirteen Year Comparison of Data."

CREATING HARMONY



ENDING VIOLENCE

Violence Against Women Act of 1999 "VAWA '99" — H.R. 357

Rape, Sexual Assault and the Use of Date Rape Drugs

In 1994 Congress passed the Violence Against Women Act, an historic piece of federal legislation that contains a broad array of ground breaking laws to combat the epidemic of violence against women. Despite VAWA's success, legislators and advocates alike agree that many gaps in our laws remain. In the past few years the use of date rape drugs in cases of rape and sexual assault has received increased public attention. Title III, Subtitle F, Rescheduling and Classification of Date Rape Drugs is one important step in addressing this problem.

What is the Problem?

Drugs and alcohol are often used to incapacitate victims of rape and sexual assault. The most common substances used in drug induced rape are Rohypnol, GHB and ketamine.

- The National Drug Intelligence Center reports that 57,000 tablets of Rohypnol were seized in a raid in 1995.
- The DEA attributes 32 deaths and 3,500 incidents, including overdoses to GHB since 1992.
- The DEA, in an article dated February 4, 1997, states that ketamine abuse is increasing. In an article in the "Forensic Drug Abuse Advisor" ketamine is cited as the "hot new drug of abuse."

What are Rohypnol, GHB and Ketamine?

Rohypnol is...

- A sleeping pill, 10 times more powerful than valium.
- A drug that causes a decrease in blood pressure, memory impairment, drowsiness, visual disturbances, dizziness and confusion.
- A drug whose effects may persist up to 8 hours.
- Potentially fatal when put in alcoholic drinks.

Current Legal Status — Rohypnol is a schedule IV controlled substance. It is not medically sold in the United States.

GHB is...

- A banned anesthetic.
- Commonly used as a colorless clear liquid.
- A drug that causes decreased inhibitions, then drowsiness, then sleep.
- A drug which, in high doses, results in immediate intoxication, deep, unresponsive sleep and amnesia.
- Potentially fatal when mixed with alcohol.

Current Legal Status — GHB is illegal to manufacture or distribute but not to possess or use in the United States. GHB is of potential use in the treatment of narcolepsy. However, a schedule I drug may still be used for clinical trials if approved by the FDA.

Ketamine is...

- An animal tranquilizer that causes hallucinations and convulsions in humans.
- Commonly called "special K" on the street.
- Mixed in drinks to immobilize a woman targeted for sexual assault.
- A drug that can cause an agitated person to become violent and a depressed person to commit suicide.

Current Legal Status — Ketamine is not a scheduled drug. It is used in veterinary medicine. Veterinary use will not be affected by ketamine's classification as a schedule IV drug.

What is the Solution?

Title III, Subtitle F – Rescheduling and Classification of Date Rape Drugs, of VAWA '99 will amend the Controlled substances Act to increase the criminal penalties for the unlawful use of rohypnol, GHB and ketamine. This provision will not only serve as a deterrent to their distribution but also give law enforcement the tools that they need to keep these drugs out of the hands of perpetrators of crimes of sexual violence.

What can you do?

- ✓ Support VAWA '99.
- ✓ Be sure your Representative is a sponsor of H.R. 357, VAWA '99.
- ✓ Participate in public education efforts.

For more information on the rape and sexual assault provisions in VAWA '99, contact Susan Higgenbotham, South Carolina Coalition Against Domestic Violence and Sexual Assault at (803)256-2900 or Diane Moyer, Esq., Pennsylvania Coalition Against Rape at (717)728-9740.

For general information about VAWA '99, contact Juley Fulcher at the National Coalition Against Domestic Violence in Washington, DC at (202)544-7358.

March 9, 1999

Resources

The Flunitrazepam Blues: The Spreading of Abuse of Rohypnol, National Drug Intelligence Center, June 1998.

Ketamine: The Hot New Drug of Abuse, The Forensic Drug Abuse Advisor, Vol. 9, Issue 6, June/July 1997.

Ketamine Abuse Increasing, U.S. Department of Justice, Drug Enforcement Administration, February 4, 1997.

FDA Re-Issues Warning on GHB, FDA Talk Paper, February 18, 1997.

Drug-Facilitated Rape: What Members of the Multi-Disciplinary Team Need to Know, Discussion Paper, Narcotic and Dangerous Drug Section, Criminal Division, U.S. Department of Justice, April 20, 1998.

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The New Drugs of the 1990's Control Act, Testimony by Senator Biden, April 30, 1998.

Potent Sedative Leaves Rapists' Prey Defenseless. Associated Press. May 30, 1996.

Senators Hear from Women Victimized by Date Rape Drug, Press Release, Senator Coverdell, July 16, 1996.

Pennsylvania Coalition Against Rape

125 N. Enola Drive ■ Enola, PA 17025 ■ Phone: 717-728-9740 ■ Fax: 717-728-9781

THE WHITE HOUSE
WASHINGTON

Violence Against Women Act Meeting

Friday, May 19 2000
10:30 am – 11:30am
Roosevelt Room

Agenda

Maria Echaveste, Assistant to the President and Deputy Chief of Staff

Melanne Verveer, Assistant to the President and Chief of Staff to the First Lady

Lynn Cutler, Deputy Assistant to the President and Senior Advisor to the Vice President and the Chief of Staff

Lisa Brown, Counsel to the Vice President

Beth Nolan, Counsel to the President

*Bonnie Campbell
Director, Violence Against Women Office
Department of Justice*

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Violence Against Women Act of 1999 "VAWA '99" -- H.R. 357

TITLE IV: DOMESTIC VIOLENCE PREVENTION

The Violence Against Women Act of 1994 (VAWA) made significant inroads in the prevention of domestic violence. This progress, though, has brought to our attention several areas where additional Congressional action is required to continue the fight against domestic violence that we began in 1994. Having sufficient resources to live independently is a significant factor in a woman's ability to leave her abuser. Many battered women have limited economic resources. They cannot afford to establish new housing arrangements to be safe from their batterers or to hire attorneys to obtain protection orders, divorce decrees, and child custody orders. Even when battered women do obtain protection orders, law enforcement does not always honor them, as required under VAWA, once battered women leave their ordering states' jurisdictions. Further, fleeing battered women also are concerned that their abusers will discover their new homes. Finally, many insurance companies deny victims of abuse access to all lines of insurance by using domestic violence as an underwriting criterion.

THE PROBLEM

- Women who do leave their abusers lack emergency shelter options. The overall number of emergency shelter beds for homeless people is estimated to have decreased by an average of 3% in 1997 while requests for shelter have increased on the average by 3%. Emergency shelters struggle to meet the increased need for services with about 32% of the requests for shelter by homeless families going unmet due to inadequate resources for services.¹
- In 1994, an informal survey by the staff of the Subcommittee on Crime and Criminal Justice of the U.S. House Judiciary Committee revealed that eight of the 16 largest insurers in the country used domestic violence as a factor in deciding whether to issue insurance and in determining premiums.
- In 1996, 65% of all intimate partner homicides involved guns.² Family and intimate assaults involving guns are 12 times more likely to result in death than other family and intimate partner assaults.³
- Fathers who batter the mother are twice as likely to seek sole custody of their children than are nonviolent fathers.⁴ It is not unusual for contested custody cases to cost over \$30,000.⁵ In 1997, full time working women earned only 74.9% of median earnings for men.⁶
- Eighty percent of women who are stalked by former husbands are physically assaulted by that partner and 30 percent are sexually assaulted by that partner.⁷

THE RESPONSE

VAWA '99 includes important programs addressing the safety and economic concerns of battered women.

Domestic Violence Victims' Housing (Title IV, Subtitle A) makes funding available for supportive housing services through the McKinney Homeless Assistance Act, including rental assistance to victims trying to establish permanent housing safe from the batterer.

Full Faith and Credit for Protection Orders (Title IV, Subtitle B) clarifies and ensures meaningful enforcement by states and tribes of the 1994 VAWA's full faith and credit provisions; reduces Byrne grants to States by 10% for failure to comply with the full faith and credit requirements of VAWA '94 but with safeguards to allow law enforcement to come into compliance with full faith and credit before suffering a noncompliance penalty; increases access to funding for states to implement full faith and credit protocols.

Victims of Abuse Insurance Protection (Title IV, Subtitle C) prohibits discrimination in issuing and administering insurance policies to victims of domestic violence with uniform protection from insurance discrimination.

National Summit on Sports and Violence (Title IV, Subtitle D) is a sense of Congress that a national summit of sports, community and media leaders with expertise in anti-violence advocacy and youth advocacy should be convened to develop a plan to deter acts of violence.

Keeping Firearms from Intoxicated Persons (Title IV, Subtitle E) adds intoxication to the list of grounds for prohibiting sale of firearms.

Access to Safety and Advocacy (Title IV, Subtitle F) issues grants to provide legal assistance, lay advocacy and referral services to victims of domestic violence who have inadequate access to sufficient financial resources for appropriate legal assistance; includes set-aside for tribes.

Strengthening Enforcement to Reduce Violence Against Women (Title IV, Subtitle G) amends the Interstate Domestic Violence Statute to make it a crime to commit domestic violence or to violate a protection order in the course of travel in interstate commerce; criminalizes stalking in the course of travel in interstate commerce.

Disclosure Protections (Title IV, Subtitle H) protects victims fleeing from domestic violence from disclosure of their whereabouts through the federal child support locator service.

January 12, 1999

For more information contact Juley Fulcher or Marlo Cohen at (202) 544-7358.

ENDNOTES

1. The United States Conference of Mayors, A Status Report on Hunger and Homelessness in America's Cities, December 1997, Appendix: "Hunger and Homelessness in America's Cities. A Thirteen Year Comparison of Data."

2. Lawrence A. Greenfeld, et al, *Violence By Intimates: Analysis of Data on Crimes By Current or Former Spouses, Boyfriends and Girlfriends* 3 (Bureau of Justice Statistics 1998).

3. Linda E. Saltzman, et al., "Weapon Involvement and Injury Outcome in Family and Intimate Assaults," 267 *Journal of the American Medical Ass'n* 3043 (1992).

4. American Psychological Association, *Report of the American Psychological Association Presidential Task Force on Violence and the Family* 40 (1996).

5. Joan Zorza, *How Battered Women Can Fight For Custody With Little Money* 7 (1997).

6. Bureau of Labor Statistics, U.S. Dep't of Labor, *Usual Weekly Earnings of Wage and Salary Workers: Third Quarter* 1997 (Oct. 22, 1997).

7. Center for Policy Research, *Stalking in America*, July 1997.



NATIONAL DOMESTIC VIOLENCE HOTLINE

1-800-799-SAFE (7233)

1-800-787-3224 (TTY FOR THE DEAF)

Summary Information

Passage of HR 357—the Violence Against Women Act of 1999—is crucial to addressing the needs of battered women across the United States. Since beginning operations on February 21, 1996 through February 15, 1999, the Hotline has received 292,996 calls from victims of domestic violence and their concerned family and friends. Re-authorizing funding for the National Domestic Violence Hotline at the level set in HR 357 will ensure that this important service continues to provide the information, support, and referrals battered women need.

Who is calling the Hotline?

- ◆ *A young pregnant woman in Boston says her husband hit her last night and her three year old son tried to stop him. She asks if we know someone in her area who can help her. Referrals are provided.*
- ◆ *A Spanish-speaking victim in Arizona needs shelter for herself and her three children and wants to return to her hometown. A Hotline advocate calls a shelter in Phoenix, connects with a Spanish speaking counselor, and gets the counselor's name and directions to the shelter for the caller.*
- ◆ *A father in San Francisco calls to talk about his daughter, who moved to New Jersey and who hasn't called him in three months. He knows her boyfriend is abusive, and he wants to tell her how to get help in New Jersey when he calls her. A Hotline advocate gives him the names and numbers of several programs in New Jersey, and the name of San Francisco programs in case she returns home.*

Services available

- Hotline staff and volunteers provide victims of domestic violence and those calling on their behalf with crisis intervention, information about domestic violence, and referrals to local service providers.
- Hotline services are available 24 hours a day, 7 days a week, toll-free from anywhere in the United States, District of Columbia, Puerto Rico or the U.S. Virgin Islands.
- One call to the Hotline at 1-800-799-SAFE or 1-800-787-3224 (TTY for the Deaf) summons help in English or Spanish. Hotline staff and volunteers also have access to translators in 139 languages.
- Hotline call volume averages 9,000 calls per month with calls coming from all across the US and its territories.
- The Hotline provides educational and promotional materials in English and Spanish free of charge to organizations across the country, including state and national coalitions, shelters, law enforcement, WIC centers, radio and television broadcasters, health care providers, and others. These materials have been distributed in every state and US territory.
- The Hotline database contains more information on more than 4,000 organizations nationwide that provide shelter, counseling, legal advocacy, food and clothing, safety planning or other services. This database is the largest of its kind ever in existence and is continually updated and expanded.
- The Hotline Data Collection Program collects, analyzes, and makes available national data on the nature, scope and impact of family violence on the United States for use by professionals and policy makers at the local, state and national levels. This data has never before been available.

Who is Supporting the National Domestic Violence Hotline?

- The Hotline has received wide public support for its work, including financial support from foundations, corporations, and individuals.

Jane Doe Inc.

Violence Against Women Act of 1999 "VAWA '99" – H.R. 357

Title III – Sexual Assault Prevention and Education

In 1994 Congress passed the Violence Against Women Act (VAWA I), an historic piece of federal legislation that contains a broad array of ground-breaking laws and programs to combat the epidemic of violence against women and girls. Despite VAWA I's success, legislators and advocates agree that many gaps in our laws to protect and prevent further victims of violence remain. VAWA I funded important systemic innovations in national, state and local services to assist victims and prevent domestic violence. The success of these domestic violence programs provides a model for implementation of similar resources to prevent rape and sexual assault.

THE PROBLEM

- In 1995, approximately 876,100 forcible rapes and attempted rapes were perpetrated against women in the U.S.¹
- 54% of women raped in 1992 were younger than 18 years of age. 22% were under 12 years old and 32% were 12 to 17 years old when they were first raped.²
- 1 in 6 women has experienced an attempted or completed rape in her lifetime.³
- Women are 10 times more likely than men to be victims of rape or sexual assault.⁴
- In sexual assaults of female victims 12 years or older, 26% of offenders were intimates (current or ex-spouse, partner, boyfriend/girlfriend), 3% were other relatives, 53% were friends or acquaintances and 18% were strangers.⁵
- An estimated two-thirds of all rapes are not reported to the police.⁶ Many factors contribute to underreporting, including embarrassment, fear of retaliation or further injury, and fear of court police and court procedures that too often scrutinize and judge the victim's behavior, history and credibility.
- Several sociocultural influences contribute to the incidence and prevalence of sexual assault. These include increased acceptance of interpersonal violence, adversarial stereotypes of male and female relationships, prevalent myths about rape and sex role stereotyping.⁷
- A survey found that in one-third of all rapes and physical assaults perpetrated against women, the victim sustained an injury. In 36%⁸ to 41%⁹ of all such injury victimizations, the victim received some type of medical care (e.g., paramedic care, emergency room treatment, physical therapy).

Sexual assault service providers steadfastly labor in their communities and states to try to support survivors and end violence against women and girls, but because of the lack of adequate informational and organizational resources, are confronting a nearly impossible struggle.

THE RESPONSE

Rape prevention education (Title III, Subtitle A) establishes a National Resource Center on Sexual Assault; helps state coalitions provide technical assistance, information dissemination and educational programs to increase awareness about rape prevention; allots funds for the creation of tribal sexual assault coalitions.

Standards, practice, and training for sexual assault examinations (Title III, Subtitle B) evaluates existing standards of training, practice and payment of forensic examinations and recommends a national protocol.

Violence against women training for health professionals (Title III, Subtitle C) gives priority in funding to medical schools and training programs that require students to be trained in identifying, treating, and referring patients who are victims of domestic violence or sexual assault.

Prevention of custodial sexual assault by correctional staff (Title III, Subtitle D) established guidelines regarding the prevention of custodial sexual misconduct in prisons; prohibits individuals who have been convicted of or found civilly liable for sexual misconduct from becoming correctional staff; criminalizes sexual conduct between correctional staff and prisoners.

Hate crimes prevention (Title III, Subtitle E) amends federal hate crimes legislation to permit federal prosecution for bias crimes based on gender, sexual orientation and disability; funds additional FBI and law enforcement personnel to assist state and local law enforcement.

Rescheduling and classification of date-rape drugs (Title III, Subtitle F) amends the Controlled Substances Act by transferring flunitrazepam and by adding gammahydroxybutyrate to Schedule I and ketamine to Schedule III.

Access to safety and advocacy for victims of sexual assault (Title III, Subtitle G) makes grants available to enhance and improve legal assistance and advocacy on behalf of low-income and indigent persons who have inadequate access to sufficient financial resources for appropriate legal assistance.

March 8, 1999

For more information, contact Stephanie Brown at Jane Doe Inc., MCASADV, (617) 248-0922.

ENDNOTES

¹ National Institute of Justice, Centers for Disease Control and Prevention. *Prevalence, Incidence, and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey*. (November 1998).

² *ibid.*

³ *ibid.*

⁴ U.S. Department of Justice Statistics, Bureau of Justice Statistics National Crime Victimization Survey. *Criminal Victimization 1996: Changes 1995-96 with Trends 1993-96*. (November 1997).

⁵ U.S. Department of Justice Statistics, Bureau of Justice Statistics National Crime Victimization Survey Special Report. *Violence Against Women: Estimates from the Redesigned Survey*. (August 1995).

⁶ U.S. Department of Justice, Bureau of Justice Statistics Executive Summary. *Sex Offenses and Offenders*. (December 1996).

⁷ Schwartz, I.L. "Sexual Violence Against Women: Prevalence, Consequences, Societal Factors, and Prevention. *American Journal of Preventative Medicine*. 7 (6). (1991).

⁸ National Institute of Justice, Centers for Disease Control and Prevention. *Prevalence, Incidence, and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey*. (November 1998).

⁹ U.S. Department of Justice Statistics, Bureau of Justice Statistics National Crime Victimization Survey Special Report. *Violence Against Women: Estimates from the Redesigned Survey*. (August 1995).



119 CONSTITUTION AVENUE, N.E., WASHINGTON, D.C., 20002 (202) 544-4470 FAX (202) 546-8605

Domestic Violence and Work: What You Can Do to Help Battered Women

The Problem: Domestic violence is not confined to the home. In many cases, batterers may harass, stalk, or assault the victim at her job. Studies have shown that as many as 70 percent of employed battered women were harassed at work by their batterers. Unfortunately, many battered women are doubly-penalized -- first at home, and then at work -- if they are fired or demoted because of the abuse or because they took time off to go to court, to the doctor, or to make arrangements for their safety and the safety of their families.

Employers are beginning to recognize that it makes good business sense to develop policies and programs to help employees who are coping with domestic violence. Counselors are working with battered women to help them keep their jobs in the face of violence. Policymakers and legislators are developing initiatives to ensure that battered women are treated fairly at work, given time off for health and legal matters and provided the benefits and support needed to leave violent relationships and reach safety.

Whether you are an employer or an employee, a union member, an advocate or concerned community member, you can join the national effort to address this important problem. Following is a summary of initiatives being taken around the country to develop new policies and laws that help battered women with work-related issues that arise as they seek safety.

Working Together to End Domestic Violence at Work: While there are many things employers can do, they can start by issuing and implementing domestic violence policies in their workplace, holding educational and training sessions for employees and supporting community efforts to address domestic violence.

Policies: Employment policies can be critically important in helping battered women keep their jobs while dealing with the violence in their lives. Policies can help reduce the chance that domestic violence will surface at the workplace because employees will be more likely to work with management to develop safety plans if they are assured that they will not be penalized if they disclose that they are in an abusive relationship. Policies and collective bargaining agreement provisions addressing such issues as leave, flex time and disability should permit battered women to attend to legal or medical needs, or to alter their schedules so that a battering partner can no longer track their whereabouts. Desk locations, work assignments or telephone numbers can be changed to ensure safety from batterers. Some employers assign security personnel to escort employees to their car or to public transportation. Others have adapted sexual harassment or workplace violence policies to specifically address domestic violence. These steps, which frequently are no- or low-cost, help ensure the safety of everyone at work.

Training and Education: One of the most important components of a workplace response to domestic violence is a training and education campaign. Informing employees about domestic violence and about workplace and community resources to help victims can be key in letting women know about their options and encouraging them to get the help they need. General workplace awareness can help remove the stigma that frequently surrounds domestic violence and encourage women to develop workplace safety plans. Projects such as Battered Women Employed (BWE), a joint project of NOW Legal Defense and Education Fund and the Legal Aid Society of San Francisco, have developed fact sheets about battered women's employment rights.

Community Initiatives: Employers play important roles in community efforts to address domestic violence. Some work closely to support local service providers. Others make in-kind donations, such as food, clothing or telephones, consistent with their line of business. Still others participate in community initiatives to share information, mentor companies that have not yet addressed domestic violence, and advance an array of policies to improve workplace responses to domestic violence. In New York, for example, private companies have teamed up with small businesses, labor organizations, domestic violence advocates and government agencies to form SAFE@WORK, a coalition created to collect and disseminate resources about the impact of domestic violence at the workplace and how to deal with it.

Legislative and Policy Initiatives to Help Battered Women at Work

Federal Legislation: The key piece of legislation, the **Violence Against Women Act of 1999 (H.R. 357)**, has an entire section, Title VII, that addresses battered women's employment rights. Among other things, the bill would prohibit workplace discrimination against victims of domestic violence, stalking or sexual assault, provide leave time and unemployment benefits for domestic violence victims and sexual assault survivors, and provide tax credits for businesses that develop prevention and education programs to address domestic violence. These same employment provisions appear in the **Battered Women Economic Security and Safety Act BWESSA (S. 1069)**, and some are included in the **Violence Against Women Act** introduced in the Senate (S. 51). The full texts of these bills are available at <http://thomas.loc.gov> (type in the bill number). To receive summaries of the legislation or to get involved, contact Rachel Little at NOW LDEF (202) 544-4470 or rlittle@nowldefdc.org.

State and Local Initiatives: Some state and local governments have passed laws in three key employment areas: Anti-Discrimination, Employment Leave, and Unemployment Compensation:

Employment Anti-Discrimination Laws. Several states have enacted laws that prohibit employment discrimination on the basis of an employee's status as a domestic violence victim. Legislation recently enacted in California prohibits job discrimination against domestic violence victims for taking time off from work to obtain relief to ensure the health, safety and welfare of themselves or their children. Rhode Island prohibits employers from refusing to hire, discharging, or discriminating against a person *solely because she seeks or obtains a protective order*; Texas prohibits *welfare programs* from denying a victim of family violence access to education, training, employment and other services; and Maryland's Governor signed an Executive Order that prohibits unfair treatment of *state employees* by the employer based solely on their status as domestic violence victims.

Leave from Employment. Some new state laws provide paid or unpaid leave for domestic violence victims who need to take time off from work to deal with the medical, legal, and other effects of domestic violence. Maine and Miami-Dade County Florida have passed legislation providing employment leave for domestic violence victims. Similar legislation is pending in Pennsylvania. These bills differ in the amount of leave available, whether it is paid, and the types of services or proceedings for which leave may be taken.

Unemployment Insurance. At least 6 states have enacted laws that provide unemployment compensation for employees who lose their jobs due to domestic violence. These states include California, Connecticut, New Hampshire, Maine, New York, North Carolina, and Wyoming. Several other states have similar legislation pending including: Delaware, New Jersey, Oregon and Washington. In some other states, domestic violence victims may be eligible for benefits under existing unemployment compensation statutes.

For more information, contact Julie Goldscheid at (212) 925-6635, or Jackie Payne at (202) 544-4470. For additional resources, go to <http://www.nowldef.org>; <http://www.Safeatworkcoalition.org>; or the Family Violence Prevention Fund's Workplace Resource Center at <http://www.fvpf.org>.



NOW LEGAL DEFENSE

AND EDUCATION FUND 119 CONSTITUTION AVENUE, N.E., WASHINGTON, D.C. 20002 (202) 544-4470 FAX (202) 546-8605

THE HATE CRIMES PREVENTION ACT of 1999 (HCPA) AMENDS 18 U.S.C. § 245 TO INCLUDE GENDER BIAS CRIMES

Current federal hate crimes legislation, 18 U.S.C. § 245 makes it a federal crime for private individuals to commit bias-motivated violence against persons engaging in certain federally-protected activities (such as voting) on the basis of race, color, religion or national origin. The Hate Crimes Prevention Act of 1999 (HCPA) amends the law to extend coverage beyond protected activities and to allow federal prosecutors to pursue bias crimes based on gender, as well as sexual orientation and disability.

WOMEN ARE TARGETS OF GENDER BIAS CRIMES:

New Hampshire: Although convicted on five occasions for assaulting one woman, a batterer never served time for the assaults. Upon his next assault conviction, a trial court judge held that the batterer had a pattern of assaulting, terrorizing, and demeaning women and that his actions were motivated by gender bias. The judge used the state hate crime law to impose a sentence of more than double the jail time that would have otherwise been given for a misdemeanor assault conviction. As a result, the man will now serve two to five years in jail.¹

Maine: A serial batterer was found to have violated that state's civil bias law for his crimes against women. Two former girlfriends and his ex-wife recounted his abuse, including severe physical battering, death threats, assault on his wife while she was pregnant, constant slurs and profanities, calling the women "sluts," "bitches," and "whores," and telling them that they made him sick. He was ordered to stay away from the three women and to refrain from violence against other women.²

Massachusetts: A Massachusetts state court found a serial batterer's abuse constituted bias crimes against women under the state's bias crime law. Four women testified that his abuse included severe physical battering, rape, death threats, and unlawful restraint. In conjunction with the physical abuse, the man constantly verbally abused the women, making derogatory comments and calling them "whores", "bitches", and "sluts."³

FEDERAL HATE CRIME LEGISLATION SHOULD TREAT GENDER BIAS CRIMES AS IT TREATS OTHER BIAS CRIMES.

Bias-Motivated Crimes Against Women Are Forms of Sex-Based Discrimination. Bias crimes against women are directed at women because of their gender. As with all bias crimes, gender bias crimes are attacks against an individual that send a message to all women and make them afraid. They limit where women work, live, study, and travel.

Florida: The media reports that a serial murderer "has a taste for petite brunettes." One by one, the bodies of his women victims are discovered horribly mutilated. Women in the community sleep in groups with guns. They leave town by the hundreds, many refusing to return. The murderer is eventually identified when his DNA matches semen from the crime scenes.⁴

Women Need Uniform Protection Against Bias Crimes. While states hold primary authority for prosecuting gender-based hate crimes, federal law is needed to ensure that women in every state have uniform recourse against bias-motivated violence. Presently only 20 states have laws addressing gender bias crimes.⁵

Gender bias crimes frequently go unpunished by state authorities. As Congress recognized when it enacted the 1994 Violence Against Women Act (VAWA), state law enforcement systems still persist in treating crimes committed against women less seriously than comparable crimes affecting men.⁶ Unfortunately, the majority of states still do not have laws prohibiting gender bias crimes. Even in the 20 states that have enacted these laws, many lack comprehensive penalties, procedures and enforcement.

Twenty-two State Attorneys General have gone on record urging Congress to amend 18 U.S.C. §245 to include gender-bias crimes. They stated: "The amendment to 18 U.S.C. Section 245 would provide invaluable tools for the United States Department of Justice and the United States Attorney to combat hate crimes effectively. Therefore, we strongly urge passage of this important hate crimes legislation."⁷

Nevada: In another state without gender bias crime laws, a woman befriends a man on the internet and agrees to meet him. For security reasons she insists they meet at her parents home, where she lives. He and another man come to the home, handcuff her, stuff her into the trunk of the car, kidnap, rape and assault her. They then drive her home telling her that no one will believe her. When she reports the assault, local police laugh at her, call her a liar, and tell her that if she is lying she will have to pay for the cost of the lab tests. The matter is not pursued until months later when a second victim, a seventeen year old girl, is lured to the same man's apartment, raped and escapes half naked. Four other women come forward to report that the local authorities treated their claims of sexual assault in a similar manner.⁸

Florida: In a state without laws against gender-bias crime, a woman runs from a fraternity house, naked and crying. She calls the police, alleging that she had been raped and that it had been videotaped. The police find the video tape in which at least one man assaults the woman while several of his "brothers" commentate for the video, stating "This is what you call . . . Rape. Rape. Rape. Rape white trash," "The night we rape a white-trash crack-head bitch," "It is Rape-thirty in the morning," and "Notice the struggle of the hands." After viewing the video, local police claim the video clearly demonstrates consent and arrest the woman for making a false report. The men have not been arrested.⁹

Until 18 U.S.C. § 245 includes gender bias crimes, victims of multi-bias crimes will not have justice. Women of color, lesbians, bisexuals, trans-gender individuals and those who resist traditional roles are targeted for violence based on intersecting forms of bias. Until 18 U.S.C. § 245 is amended to include gender bias crimes, their unique experience of violence based on intersecting forms of hate cannot be fully addressed.

Outlawing gender-based bias crimes brings the United States into compliance with international law. As a signatory to the International Covenant on Civil and Political Rights ("ICCPR"), the United States is obliged to provide broad protection against gender-based violence.¹⁰

NOT EVERY ACT OF VIOLENCE AGAINST WOMEN WOULD BE PROSECUTED .

Only crimes containing evidence of gender-motivation will be covered. As with other bias crimes, gender bias crimes will only be charged in those cases that meet the criteria for a bias crime prosecution. Generally accepted guidelines for identifying bias crimes direct courts to employ common sense and to look at a range of factors, including: a history of misogynistic behavior, a pattern of assaulting women, sexual violence, bias language, epithets, extreme brutality, mutilation, and seemingly motiveless cruelty that characterizes bias crimes.¹¹ For example:

Arkansas: Two days after her second wedding anniversary, a woman was found stabbed approximately 130 times in the breasts, vagina, buttocks, both eyes and forehead. Her husband was charged with the murder.¹²

Gender bias crimes are identifiable. Congress recognized the applicability of those guidelines to gender-motivated crimes when it enacted the Civil Rights Remedy of VAWA 1994. Federal Courts have identified violence motivated by gender bias in a variety of contexts, including cases brought under the VAWA Civil Rights Remedy.

Federal District Court, Washington: Raped, restrained, battered, disfigured, threatened with a loaded shotgun, and verbally threatened and harassed upon attempting to leave, a Washington woman sued her ex-husband under the VAWA civil rights remedy. The court found that the allegations of rape and sexual violence were sufficient to conclude that the violence was gender motivated. These allegations included gender-specific epithets, acts that perpetuated stereotypes of a woman's submissive role, severe and excessive attacks, especially during pregnancy, and acts of violence committed without provocation and at times when the plaintiff asserted her independence.¹³

States retain primary authority to prosecute crimes of sexual assault and domestic violence. Under Section 245's certification requirement, federal resources may only be invoked for hate crimes prosecution once the Attorney General has certified that a prosecution is "in the public interest and necessary to secure substantial justice."¹⁴

The HCPA contains a "jurisdictional requirement" that further limits the gender bias cases subject to federal prosecution. Under HCPA, gender, sexual orientation, and disability based bias crimes may only be prosecuted where the crime is connected to interstate commerce. This ensures federal involvement only where traditional federal interests are involved.

WOMEN LACK FEDERAL PROTECTION AGAINST BIAS CRIMES.

No Federal Criminal Laws. None of the federal criminal civil rights laws specifically include gender. Section 245 currently is limited to bias crimes based on race, color, religion or national origin. Other federal criminal civil rights laws (such as those applying to public officials) prohibit interference with constitutionally-protected rights, but the courts have not consistently treated civil rights violations against women as covered by existing federal criminal law.

VAWA Provides No Criminal Remedy. The VAWA 94's Civil Rights Remedy¹⁵ permits a woman to bring a civil lawsuit for a gender-based bias crime. VAWA's felony provisions only cover interstate domestic violence and interstate violation of a protective order. Women surviving all other forms of gender bias crimes have no federal criminal recourse, even if their state law enforcement system has not prosecuted the crime.

The Hate Crimes Statistics Act Excludes Gender. The HCSA documents bias crimes on the basis of race, ethnicity, religion and sexual orientation, but excludes bias crimes against women. This limits documentation of gender-based violence and effective training of law enforcement personnel.

INCLUDING GENDER IN THE HCPA ENJOYS WIDE SUPPORT

The Clinton Administration strongly supports including gender bias crimes in the federal hate crime law. President Clinton recognizes that "we must prohibit crimes committed because of a victim's sexual orientation, gender or disability" because "all Americans deserve protection from hate."¹⁶ Noting that, "current federal law does not permit us to prosecute hate crimes based on an individual's gender, disability or sexual orientation," *United States Attorney General Janet Reno* has urged Congress to pass the HCPA to "close the gap in the law."¹⁷

*The Department of Justice believes gender based bias crimes should be treated like all other bias crimes and supports amending 18 U.S.C. § 245. In 1998 the DOJ testified before both the House and Senate Judiciary Committees supporting the enactment of the HCPA because it would significantly increase the ability of state and federal law enforcement agencies to work together to solve and prevent a wider range of hate crimes, including those based on gender, than is possible under the current law.*¹⁸

*The American Public believes hate crime legislation is incomplete without gender. In a February 1999 poll conducted by CNN, Gallup, and USA Today, eighty-three (83) percent of those polled believe that if hate crime legislation is enacted it should include bias crimes against women.*¹⁹

A more detailed memorandum further explaining why gender-based bias crimes must be recognized and how they should be evaluated is available from NOW LDEF. For further information, contact Julie Goldscheid, NOW LDEF (212) 925-6635 or Jackie Payne, NOW LDEF (202) 544-4470.

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1. Laura Kiernan, "N.H. Judge Applies Hate-Crimes Law in Case of Man's Assault on Woman," *The Boston Globe*, p.38 (June 13, 1993).
2. Maine v. Cabana, No. CV-98-034 (Maine Sup. Ct. Feb. 9, 1998).
3. Massachusetts v. Aboulez, No. 94-0984H (Mass. Sup. Ct. Mar. 14, 1994).
4. Deborah Sharp, "Trial begins in college slayings," *USA TODAY*, p. 3A (February 14, 1994).
5. Anti-Defamation League, 1999 Hate Crimes Laws, 20-21 (1998).
6. See, e.g., S. Rep. No. 103-138, at 49 (1993) (citing studies of state gender-bias task forces); S. Rep. 102-197, at 46-47 (1991) (same); Ericson v. Syracuse Univ., 98 Civ. 3435, at p.3 n.1 (S.D.N.Y. Apr. 13, 1999) (recounting reports of gender-bias task forces).
7. See Letter from twenty-two members of the National Association of Attorneys General to Senate Judiciary Chairman Orrin Hatch and Ranking Member Patrick Leahy, U.S. Senate (March 5, 1998) (on file with NOW Legal Defense and Education Fund).
8. The Associated Press, "Woman: Nev. Cops Called Me a Liar," *Newsday*, p. A24 (March 24, 1999).
9. See Statement of UF/SFCC Campus NOW (April 1, 1999) (on file with NOW LDEF); Brian Geller, "Videotape a Focus of Controversy," *Gainesville Sun* (April 2, 1999).
10. See International Covenant on Civil and Political Rights, opened for signature Dec. 16, 1966, S. Treaty Doc. No. 95-2, 999 U.N.T.S. 171 (ratified by United States on June 8, 1992). International human rights standards recognize gender-based violence as an impermissible form of discrimination. See, e.g., Compilation of General Comments and Recommendations Adopted by Human Rights Treaty Bodies, at General Recommendation 19, p.112 U.N. Doc. NRI/GEN/1/Rev.2 (29 March 1996).
11. See U.S. Dep't of Justice Federal Bureau of Investigation, Hate Crimes Data Collection Guidelines 1-4; Northwest Women's Law Center et al., Gender Bias Crimes: A Legislative Resource Manual 12-14 (1994); Center for Women Policy Studies, Violence Against women as Bias Motivated Hate Crimes: Defining the Issues 8-12 (1991). Decisions analyzing other civil rights laws, such as Title VII or 42 U.S.C. § 1985 (3) also demonstrate how circumstantial evidence can establish bias motivation underlying violent acts.
12. Suzanne Pharr, "Hate Violence Against Women: A Long Killing Season," *Violence Against Women* (National Network of Women's Funds, Spring 1991).
13. Ziegler v. Ziegler, No. CS-97-0467-WFN (E.D. Wa. Sept. 24, 1998).
14. 18 U.S.C. § 245 (a)(1).
15. 42 U.S.C. § 13981 (1998).
16. See Statement by the President, Office of the Press Secretary, The White House, (Nov. 10, 1997).
17. See Statement of Attorney General Janet Reno on Hate Crimes Legislation, DOJ Press Release, (Oct. 13, 1998).
18. Hearing on the Hate Crimes Prevention Act of 1998, S. 1529, before the Senate Comm. on the Judiciary, 105th Cong., 1st Sess. (July 8, 1998) (statement of Eric H. Holder, Jr., Deputy Atty. Gen.); Hearing on the Hate Crimes Prevention Act of 1998, H.R. 3081, before the House Comm. on the Judiciary, 105th Cong., 1st Sess. (July 22, 1998) (statement of Bill Lann Lee, Acting Asst. Atty. Gen.).
19. CNN/Gallup/USA Today conducted 2/19/99-2/21/99 (February 23, 1999) (on file with NOW LDEF).



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Real-Life Gender Bias Crimes

The following are all true stories of violence against real women summarized from newspaper articles and court cases. These examples have been identified as gender-bias crimes by using the widely accepted FBI guidelines for identifying bias crimes. Under these guidelines, analysts use common sense and look at a range of factors, including whether there is: *a history of misogynistic behavior, a pattern of assaulting women, sexual violence, bias language, epithets, extreme brutality, mutilation and seemingly motiveless cruelty that characterizes bias crimes.*¹ While a few of these examples demonstrate that states with gender bias crime laws are able to identify violence motivated by gender bias, others demonstrate why federal jurisdiction over these crimes is imperative.

Arkansas: A woman's badly mutilated body was discovered just two days after her second wedding anniversary. She had been stabbed approximately 130 times in the breasts, vagina, buttocks, eyes and forehead. Her husband was ultimately charged with the murder.²

California: On February 15, 1999, a man bound, gagged, and eventually killed a woman, her daughter, and a young woman friend in the women's hotel room just outside Yosemite National Park in Northern California. The bodies of the mother and the young friend were found a month later in the trunk of their car, so badly burned the cause of death was difficult to establish. The daughter's body was found nearby, her throat slashed so deeply she was nearly decapitated. According to the murderer, he sexually assaulted her for hours before killing her. A few months later the same man struck in Yosemite again, attacking a young woman in her home. After an intense struggle the man decapitated the young woman and dumped her body in a stream behind her home. He has since confessed to all of the murders, explaining that he has fantasized about killing women for the last thirty years. He did not know any of his victims, he targeted them simply because they were women.³

California: On November 3, 1998, a man was arrested after walking into the Humboldt County Sheriff's Department and admitting that he had hurt a lot of women. He pulled a woman's severed breast from his coat pocket, saying the evidence was "the tip of the iceberg." The man confessed to killing four women, describing how he picked up one woman as she walked near a shopping mall. He decapitated her, severed her arms and breasts and cooked one breast in the oven. He burned the woman's clothing and disposed of her body parts in various locations. Her nude torso was discovered 12 days later in a slough. The man admitted to authorities that he often picked up prostitutes and other women and that it was not uncommon for women to stop breathing while they were having sex with him.⁴

Connecticut: Two police officers have been charged with having coerced sexual favors from women under threat of arrest. While in uniform and on duty, Officer Rivera is alleged to have repeatedly coerced five different women to engage in sexual acts under threat of arrest. He forced one woman into his police vehicle and took her to a remote location, ordered her to pose nude while lewd photos were taken and forced her to engage in fellatio. He forced another to lie on the seat of the vehicle while he masturbated over her face and chest, forced her to masturbate with the police baton, and to engage in fellatio. He coerced another into engaging in sexual acts in exchanged for promises that his official actions would be influenced thereby. He grabbed another woman who was walking with her minor daughter, forced her into his patrol car, and told her: "Bitch, you are going to jail." "You f----- slut. One of these days you are going to suck my d--- and my a--hole" and forcibly ejected her from the car. Officer Basile is alleged to have: forced a woman into his vehicle, driven her to a remote location and coerced her to engage in fellatio with him, under threat of arrest; coerced

another to engage in fellatio with him, under threat of arrest; and coerced yet another woman to engage in fellatio with him on numerous occasions, also under threat of arrest. While these two officers have pleaded innocent to these charges, a third officer who was present and did not intervene in the incidents has pleaded guilty to aiding and abetting the officers, and a fourth man, a former officer, pleaded guilty to providing the camera that was used to take the lewd photos of the first victim.⁵

Illinois: Upon his confession, a man was convicted for the horrific murder of a 21 year old woman who was abducted on her way to work and whose mutilated body was later found in a cemetery. Authorities believe the man belonged to a cult blamed for the kidnappings, rapes, and mutilation murders of 18 Chicago-area women in the early 80's.⁶

Florida: The media reported that a serial murderer "has a taste for petite brunettes." One by one, the bodies of his women victims were discovered horribly mutilated. Women in the community slept in groups with guns. According to USA Today, women left the college town by the hundreds, many refusing to return. The murderer was eventually identified when his DNA matched semen from the crime scenes.⁷

Florida: A woman ran from a fraternity house, naked and crying. She called the police, alleging that she had been raped and that it had been videotaped. The police found the video tape in which at least one man assaulted the woman while several of his fraternity "brothers" commentate for the video, stating "This is what you call . . . Rape. Rape. Rape. Rape white trash," "The night we rape a white-trash crack-head bitch," "It is Rape-thirty in the morning," and "Notice the struggle of the hands." After viewing the video, local police claimed the video clearly demonstrated consent and arrested the woman for making a false report. The men have not been arrested.⁸

Maine: A serial batterer was found to have violated that state's civil bias law for his bias crimes against women. Two former girlfriends and his ex-wife recounted his abuse, including severe physical battering, death threats, assault on his wife while she was pregnant, constant slurs and profanities, calling the women "sluts," "bitches," and "whores," and telling them that they made him sick. He was ordered to stay away from the three women and to refrain from violence against other women.⁹

Massachusetts: A Massachusetts state court found a serial batterer's abuse constituted bias crimes against women under the state's bias crime law. Four women testified that his abuse included severe physical battering, rape, death threats, unlawful restraint and constant verbal abuse. He called the women "whores", "bitches", and "sluts", and made derogatory comments that they and all women are weaker than men, and not as smart as men.¹⁰

Michigan: A young woman was severely and repeatedly beaten by her husband. He kicked her with steel-toed boots, broke her arm, and repeatedly penetrated her vagina with the barrel of a loaded handgun, all the while threatening to kill her. After she left him he stalked, harassed, threatened, and assaulted her. She filed for divorce and got an order of protection, but the police refused to enforce the order. One day as she was on her way to work, he abducted her in public at gun point. He battered her, raped her repeatedly, and attempted to take her across state lines. She escaped and her testimony got him convicted. Four and one-half years later he was released from prison. Two weeks after that, he was back stalking, threatening, and harassing her. Perhaps realizing that the law does not protect her and those like her, the commission granted her an unrestricted license to carry a concealed weapon.¹¹

Nevada: A woman befriended a man on the internet and agreed to meet him, but for security reasons insisted that he meet her at her parents home, where she lives. He and another man came to the home, handcuffed her, stuffed her into the trunk of the car, kidnapped, raped and assaulted her. They then drove her home telling her that no one would believe her. When she reported the assault, local police laughed at her, called her a liar, and told her that if she was lying she would have to pay for the cost of the lab tests. The case was not pursued until months later after a second victim, a seventeen year old girl, was lured to the same man's apartment, raped and escaped half naked. After learning how the case was handled, four other women in the community reported similar treatment by the local authorities.¹²

New Hampshire: Although convicted on five occasions for assaulting one woman, a batterer never served time for the assaults. Upon his next misdemeanor assault conviction, a trial court judge held that the batterer had a pattern of assaulting, terrorizing, and demeaning women and that his actions were motivated by gender bias. The judge used the state hate crime law to impose a sentence of more than double the jail time that would have otherwise been given for a misdemeanor assault conviction. As a result, the man will now serve two to five years in jail.¹³

Washington: Raped, restrained, battered, disfigured, threatened with a loaded shotgun, and verbally threatened and harassed upon attempting to leave, a Washington woman sought justice from the legal system. She sued her ex-husband under the VAWA civil rights remedy. The federal court judge found that the allegations of rape and sexual violence were sufficient to conclude that the violence was gender motivated. These allegations included gender-specific epithets, acts that perpetuated stereotypes of a woman's submissive role, severe and excessive attacks, especially during pregnancy, and acts of violence committed without provocation and at times when the plaintiff asserted her independence.¹⁴

Virginia: A college student was raped in her dorm three times by two men within minutes of first meeting them. During a college disciplinary hearing, one of the men conceded that she twice told him "no" before he raped her. The young woman eventually dropped out of school and returned home after the school permitted one of the alleged assailants to return on a full athletic scholarship with no discipline other than being required to attend a one-hour educational session. Although her VAWA civil rights case against the men was eventually dismissed on other grounds, each court to analyze the facts found evidence of gender bias. Indeed, one judge said the case had "all the earmarks of a hate crime."¹⁵

1. See U.S. Dep't of Justice Federal Bureau of Investigation, Hate Crimes Data Collection Guidelines 1-4; Northwest Women's Law Center et al., Gender Bias Crimes: A Legislative Resource Manual 12-14 (1994); Center for Women Policy Studies, Violence Against Women as Bias Motivated Hate Crimes: Defining the Issues 8-12 (1991). Decisions analyzing other civil rights laws, such as Title VII or 42 U.S.C. § 1985 (3) also demonstrate how circumstantial evidence can establish bias motivation underlying violent acts.

2. Suzanne Pharr, "Hate Violence Against Women: A Long Killing Season," *Violence Against Women* (National Network of Women's Funds, Spring 1991).

3. Daniel Klaidman and Patricia King, "The Handyman and His 'Voices,'" *NEWSWEEK*, p. 36 (August 9, 1999).

4. Trucker Describes Slaying to Jury," *The Eureka Times-Standard* (April 8, 1999).

5. U.S. v. Rivera, No. 3:99CR63AWT (D. Conn. Apr. 8, 1999) (Grand Jury Indictment); U.S. v. Basile, No. 3:99CR64AWT (D. Conn. Apr. 8, 1999) (Grand Jury Indictment).

6. "IL Executes Man for 1982 Murder," *The Associated Press* (March 17, 1999).

7. Deborah Sharp, "Trial begins in college slayings," *USA TODAY*, p. 3A (February 14, 1994).

8. See Statement of UF/SFCC Campus NOW (April 1, 1999) (on file with NOW LDEF); Brian Geller, "Videotape a Focus of Controversy," *Gainesville Sun* (April 2, 1999).

9. Maine v. Cabana, No. CV-98-034 (Maine Sup. Ct. Feb. 9, 1998).

10. Massachusetts v. Aboulez, No. 94-0984H (Mass. Sup. Ct. Mar. 14, 1994).

11. Pam Maples, "Domestic Violence: Old Problem, New Attitudes; Attacks on Women are a Form of Hate Crime, Many Feminists Argue," p.4B *St. Louis Dispatch* (June 13, 1993).

12. The Associated Press, "Woman: Nev. Cops Called Me a Liar," *Newsday*, p. A24 (March 24, 1999).

13. Laura Kiernan, "N.H. Judge Applies Hate-Crimes Law in Case of Man's Assault on Woman," *The Boston Globe*, p.38 (June 13, 1993).

14. Ziegler v. Ziegler, No. CS-97-0467-WFN (E.D. Wa. Sept. 24, 1998).

15. Brzonkala v. Virginia Polytechnic and State Univ., 132 F.3d 949, 963 (4th Cir. 1997), rev'd on other grounds, 169 F.3d 820 (4th Cir. en banc 1999).