

The Violence Against Women Act (VAWA) is up for reauthorization this year. As reported in the Fall 2004 issue of this newsletter, VAWA's passage in 1994 and its reauthorization in 2000 dramatically changed the landscape for victims who previously suffered in silence with limited assistance. Under the leadership of Senator Joseph Biden (D-DE), VAWA has been remarkably effective in moving society in the direction needed to end domestic violence, sexual assault, dating violence and stalking. Reauthorization and expansion of VAWA are the next vital legal steps. Like its predecessors, the 2005 reauthorization has the potential to vastly improve the services and funds available to help victims.

Service providers, advocates and law enforcement officials are mobilizing to make improvements to VAWA a Congressional

priority. The 2005 reauthorization has the chance to improve upon its predecessors by taking a more holistic approach. In addition to continuing VAWA's focus on legal and criminal justice system remedies, proposals from advocates seek to build upon that core by implementing ten years' worth of lessons learned. Specifically, advocates are recommending to



Congress that the proposed legislation take the approach that a survivor's problems are not just legal or criminal in nature – and a complete solution must not be confined to those areas either. Rather, it must include measures designed to help survivors become self-sufficient in other areas of life, including housing, health care and the workplace.

“Past legislation has effectively concentrated on funding shelters, hotlines, rape crisis centers and legal initiatives, but it is now time to reposition and become more big-picture oriented,” says Roberta Valente, Policy Consultant, National Network to End Domestic Violence. “By becoming socially and culturally

In the coming weeks, the VAWA 2005 reauthorization is expected to be introduced in Congress. The National Task Force to End Sexual and Domestic Violence Against Women is a diverse, national coalition of more than 70 agencies committed to passing the reauthorization.

Washington, D.C.'s Legal Momentum is coordinating the Task Force, which plans to work diligently in support of VAWA 2005. The National Center on Domestic and Sexual Violence is proud to be a Task Force member.

VIOLENCE AGAINST REAUTHORIZATION

responsive, we can work on prevention and eradication in a way we didn't think we could ten years ago.”

In recognition of this larger need, advocates are urging a comprehensive approach to solving the problems of domestic violence, dating violence, sexual assault and stalking. “We must ensure that the laws and programs are developed to meet the multiple needs of survivors, paying particular attention to the specialized needs of Native women, as well as disabled women and girls and ethnic, racial and immigrant communities,” says Valente.

BY LYNN ROSENTHAL AND LISALYN JACOBS

Recommendations for VAWA 2005 also focus on prevention, with new programs to assist children and teens who have experienced domestic violence and sexual assault. These programs will draw in new partners, including the health care system, schools and community-based programs.

Some of the key proposals for VAWA 2005 include enhancements to Services, Training, Officers, Prosecutors (STOP) Grants, full faith and credit provisions, enhanced services for military victims of domestic and sexual violence and sexual assault services. [See listing on page 8 of the proposed recommendations for the 2005 reauthorization.]

STOP GRANTS

STOP Grants, initially enacted in the 1994 legislation, were designed to improve interactions among victims' services, victims, law enforcement, prosecutors and the courts. Recognizing that victims often find themselves trapped in a system with no clear route between the separate components, Congress provided a means to make victims safer and supported more cooperatively by their communities. One service provider explained, “STOP Grants are the best place to start helping victims. By providing simpler, smoother transitions between service providers, the system ensures we're making things easier, not harder for victims.”

While STOP Grants have been enormously successful, advocates, service providers, and law enforcement officials believe there are several areas where improvement is necessary:

1. Expanding authorization to \$225 million per year to support the grants;
2. Emergency and long-term victims' services programs;
3. Adding new definitions for key crimes and practices for VAWA grant programs to ensure that services are delivered consistently and comprehensively address the wide range of problems that victims of domestic violence and their children face; and
4. Requiring the U.S. Department of Justice and its grantees to develop improved mechanisms for providing linguistically accessible and culturally specific services.

Advocates, service providers and law enforcement officials also agree that a key component to greater success is a requirement that racial, ethnic, immigrant and other underserved communities have a stronger role in the development of programs affecting them and that states must ensure

WOMEN ACT ON 2005

these groups are receiving equitable distributions of funding.

FULL FAITH AND CREDIT

Protection orders, often a necessary initial component in the rebuilding of a survivor's life, were of limited use before VAWA. A victim was often protected only within the jurisdiction where the order was originally issued, turning any travel outside that jurisdiction into a dangerous act. As a result, victims were effectively limited in their travel, whether it was a visit to parents or even working in an adjoining state.

VAWA's full faith and credit provision remedies this problem. It granted any protection order issued by a state, territory or Indian tribe, and meeting the conditions set forth in the code, full faith and credit by the court of another state, territory or Indian tribe. Survivors can now cross jurisdictional lines for work, travel or relocation and know they are protected by law enforcement officials in the new jurisdiction.

VAWA 2005 recommendations offer several significant improvements to the full faith and credit provision:

1. New language clarifying enforcement responsibilities for courts and law enforcement, ensuring that custody and visitation provisions within protection orders will be enforced along with antiviolence and stay-away provisions of protection orders.
2. Electronic and facsimile versions of protection orders enforceable across state lines.
3. The definition of protection orders would expand to include any injunction issued for the purpose of protecting a person from domestic violence, dating violence, sexual assault or stalking.

ENHANCED SERVICES FOR MILITARY VICTIMS

The 2005 recommendations for VAWA reauthorization include provisions relating to the military (victims serving in the military as well as those victimized by military service members). In this proposal, Congress would establish a commission of military leaders and civilian experts to oversee implementation of recommendations from past and present U.S. Department of Defense (DOD) task forces on domestic

violence and sexual assault, specifically those recommendations addressing the availability of confidential services for victims. The commission would facilitate collaboration between civilian authorities and military installations, as well as between DOD and other federal agencies.

Advocates believe that Congress should build on its past efforts by providing for research and the publication of information relating to the accessibility and efficacy of batterer intervention programs targeting military offenders. Along these lines, included in the 2005 reauthorization proposal are provisions for public education and prevention campaigns, development of contractual relationships with various support hotlines, availability of sexual assault nurse examiners and implementation of the Victim Advocacy Program.

SEXUAL ASSAULT SERVICES ACT

The Sexual Assault Services Act (SASA) was developed in recognition of the vital role of rape crisis centers. Many factors influence an individual's response to and recovery from sexual assault, including the social support network available. VAWA advocates and service providers believe that despite the tremendous progress these centers have made in meeting victims' needs, their ability to help has historically been hampered by a significant lack of resources. There has never been a federal funding stream dedicated entirely to the provision of direct services for victims of sexual violence, and shortage of state-level funding caused by budget cuts in the recent years has exacerbated the problem.

Many centers have been forced to reduce staff size, have administrative staff assume direct-service duties, have staff work longer hours and cut both the frequency of counseling sessions and hours of hotline operation — among the most crucial services the centers provide. This lack of resources has been particularly damaging to underserved populations, in which victims experience sexual assault at very high rates. Even more troublesome is that many communities still have no accessible rape crisis services at all. The lack of accessible rape crisis centers is a particular problem given that one in six women and one in 33 men in the U.S. have experienced an attempted or completed rape as either a child or an adult.

The proposed SASA will create desperately needed funding for direct services to sexual assault victims, as well as provide resources for state sexual assault coalitions. SASA would also award grants to assist tribes and states in their effort to provide services to adult and minor sexual assault victims and

their family and household members. The grants could be used for general intervention and advocacy and could provide training and technical assistance relating to sexual assault. In line with other initiatives, SASA would authorize grants for nonprofit organizations that

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provide culturally specific intervention and assistance for victims of sexual assault.

Marybeth Carter, President, National Alliance to End Sexual Violence, comments, “Passage of the proposed SASA portion is critically important to all sexual assault victims and their families. Without this dedicated federal funding stream, victims and their families — including tribal communities, communities of color and other underserved populations — will have little or no access to the help that they desperately need and deserve.”

— continued on page 6

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Employer Fails to Heed Protective Order, Resulting in Kidnapping, Rape and \$2.25 Million in Favor of Domestic Violence Victim

In February, a federal jury awarded a \$2.25 million verdict to a Maryland security guard. The security guard was terrorized at her workplace by her shotgun-wielding former boyfriend after her supervisor violated a court-issued protective order and intentionally assigned her to a location where the assailant would have access to her. The National Crime Victim Bar Association (NCVBA) says this case underscores the need for employers to develop and strictly adhere to policies related to employees who obtain domestic violence protective orders.

The verdict, posted in federal district court in Greenbelt, MD, awarded \$2 million in compensatory damages and \$250,000 in punitive damages to Dominique Gantt against her former employer, Security USA, Inc. Legal issues of liability in this case were argued before the U.S. Court of Appeals for the Fourth Circuit and the Supreme Court of the United States before presentation to a jury.

Gantt's attorney, Dawn V. Martin, sees the verdict as a victory not only for her client, but for all victims of domestic violence. According to Martin, "Every battered woman trying to escape domestic violence must protect herself, not just at home, but also in her workplace. If employers ignore protective orders and batterers have access to these women at their place of employment, they will be unable to protect themselves from injury or even death."

Jeff Dion, Deputy Director of the NCVBA, says it is common for stalkers and batterers to show up at the workplaces of their victims and commit acts of violence. "Employers have been held liable in tort for failing to protect employees from acts of domestic violence that occur on their premises; particularly when they're on notice of the threat," said Dion.

"The increased liability exposure represented by this case is just one more expense that employers will bear if they fail to acknowledge the impact that domestic violence can have on their bottom line," said Dion.

A case summary and news accounts are available at www.ncdsv.org/publications_protectorders.html.

"Supreme Court to Decide," continued from page 1

threats to kill or harm her or attempts or threats to take the children.⁴ Protective orders can be a valuable tool for safeguarding victims from further violence as they make attempts to flee. However, one study in Massachusetts showed that only six percent of protective-order defendants were convicted of violating the order.⁵

"Protective orders are not merely a piece of paper," said Fernando Laguarda, a member of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo and chairman of NNEDV. "They are life-saving tools. Law enforcement officials should have policies in place for dealing with victims when protective orders are violated to ensure battered women who are in danger receive due process."

The Court ruling is expected this summer.

The case, the amicus brief and several news accounts are available at www.ncdsv.org/publications_protectorders.html.

1. Tjaden, Patricia and Nancy Thoennes (2000), "Extent, Nature and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey," The National Institute of Justice and the Centers for Disease Control and Prevention, retrieved January 9, 2004.
2. The Commonwealth Fund, "Health Concerns Across a Woman's Lifespan: 1998 Survey of Women's Health," May 1999.
3. Carlson, Bonnie E. (1984), "Children's observations of interpersonal violence," pp. 147-167 in A.R. Roberts (Ed.), "Battered women and their families." NY: Springer. Straus, M.A. (1992), "Children as witnesses to marital violence: A risk factor for lifelong problems among a nationally representative sample of American men and women," Report of the Twenty-Third Ross Roundtable, Columbus, OH: Ross Laboratories.
4. Buzawa & Buzawa (1996), "Domestic Violence: The Criminal Justice Response," 2nd ed., p. 201.
5. Adams & Powell, "Tragedies of Domestic Violence: A Qualitative Analysis of Civil Restraining Orders in Massachusetts," Office of the Commissioner of Probation, Massachusetts Trial Court, p. 17 (1995).

"VAWA 2005 Reauthorization," continued from previous page

OTHER AREAS OF INTEREST

Proposals for VAWA 2005 also aim to enhance victim services through public information campaigns designed to reach immigrant, racial and ethnic communities. Such campaigns would require the active participation of members of the targeted communities in the campaign development.

These recommendations, championed by Representative Hilda Solis (D-32-CA), seek to increase awareness about services available to victims and to bring information to communities in a culturally appropriate manner.

Enhancement is also critical for the provisions aimed at victims with disabilities. Victims with disabilities typically seek assistance through disability service providers. The proposed change would strengthen collaboration between disability service providers and domestic violence and sexual assault programs. The model would provide funding for domestic violence and sexual assault advocates within disability programs, so that victims with disabilities would have more immediate access to the services they need. In addition, these groups would be able to work together to improve domestic violence and sexual assault programs' compliance with the Americans with Disabilities Act.

Finally, Native women's groups have done a tremendous job at educating

the movement to end violence against women about the unique barriers facing service development and intervention for crimes against Indian women.

Improvements to the existing tribal programs would bring additional resources and increased authority to Indian nations to help reduce the inordinately high rates of domestic violence and sexual assault perpetrated upon Indian women.

IN CONCLUSION

The effectiveness of VAWA is evident in the progress that continues to be made. We increasingly see local, state and national laws changing and responding to victims' needs, and victims coming forward in ever-increasing numbers. The VAWA 2005 reauthorization is critical if we are to progress toward a society in which domestic violence, sexual assault, dating violence and stalking are eradicated. We have come far, but we still have a long way to go.

For more information about the VAWA 2005 reauthorization, visit www.vawa2005.org.

Please note that the programs described in this article are proposals under consideration for inclusion in the VAWA 2005 reauthorization bill. As the bill has not been finalized, we cannot be certain that the proposals will be included as described.



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**Register Now for
 Expert Witness
 Training!**

The National Center is presenting a training for expert witnesses in domestic violence cases, **October 6-7, 2005**, in Austin, TX. This 1½-day training is for domestic violence service providers and professionals with advanced degrees who are interested in being considered as expert witnesses in court cases involving domestic violence.

Registration is \$75 and is limited to 50 participants. Cosponsors include the University of Texas at Austin School of Social Work, Institute on Domestic Violence and Sexual Assault; the University of Texas School of Law; SafePlace of Austin; and the Travis County Task Force on Domestic and Sexual Violence. For more information, visit www.ncdsv.org or e-mail Vickie Smith at vsmith@ncdsv.org.

This training has been coordinated with the *Fifth Biennial Trapped by Poverty/Trapped by Abuse National Research Conference* (see blurb, far right).

**PROPOSED RECOMMENDATIONS FOR
 VAWA 2005 REAUTHORIZATION**

- Children and Youth Crimes and Courts**
- Economic Security**
- Health Care Response**
- Housing**
- Immigrant Issues**
- Prevention**
- Responding to Communities of Color**
- Services and Outreach**
- Services for Military Victims**
- Sexual Assault Services**
- Tribal Programs**



For information about Sexual Assault Awareness Month, visit the National Sexual Violence Resource Center at www.nsvrc.org.

*Fifth Biennial
 Trapped by
 Poverty/Trapped
 by Abuse
 National Research
 Conference*

The University of Texas at Austin School of Social Work, Institute on Domestic Violence and Sexual Assault; the University of Michigan School of Social Work; and the DePaul College of Law, Schiller, DuCanto & Fleck Family Law Center will sponsor the Fifth Biennial Trapped by Poverty/Trapped by Abuse National Research Conference, October 7-9, 2005, in Austin, TX. The conference is for researchers, service providers, advocates, and policy makers to explore the intersection between intimate partner violence and poverty. The National Center is proud to be a cosponsor. For more information, visit www.utexas.edu/ssw/ceu/trapped.