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**THE VIOLENCE
AGAINST WOMEN ACT
IN ACTION**

Senator Joseph R. Biden, Jr.
United States Senate
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INTRODUCTION

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This week marks the one-year anniversary of the Violence Against Women Act's passage into law. It took four long years of hearings, reports and courageous women who came forward to talk about their abuse to convince the United States Senate and House of Representatives that combatting family violence and sexual assault should be a national priority. The fight for this legislation took shape as a nationwide educational process, spawning a slow recognition about the nature and extent of violence against women and culminating in a commitment for improving the nation's dismal response.

The years of debate and ultimate passage of the Violence Against Women Act not only provided the resources necessary for action, but also created a momentum. Already, states have made significant strides in turning the Act into action. And the landmark new law has prompted police, prosecutors, judges and victim services groups to combat violence against women at a level unprecedented in our history.

Because of the Violence Against Women Act, all of the 50 states are developing a written, comprehensive plan, mapping out how and where to devote federal and state funds to achieve a more effective response to family violence and sexual assault. In addition, every state has taken steps to treat female victims of violent attacks with respect and dignity. For

example, the Act requires states to pay for the medical exams of rape victims. States have complied, and rape victims will no longer have to pay the medical costs of the rape exam that is necessary to prosecute a rapist. States are also changing their laws to ensure that victims do not have to pay the cost of filing criminal charges against family violence offenders. And efforts to improve the criminal justice system through education, coordination, and innovation are spreading from jurisdiction to jurisdiction across our nation.

This report chronicles these and other efforts to implement the Violence Against Women Act. It identifies achievements of the state and local government officials, police, prosecutors, victim service providers and volunteers who have devoted their talents to helping women victimized by violence. I hope this report will provide these true champions and the countless numbers of others who may not be included in this report, but who nonetheless deserve our gratitude and respect, some practical examples of what their colleagues are doing to serve as an aid in their efforts.

The Violence Against Women Act was built on the "best practices" of what previously occurred in only a very few jurisdictions to encourage their development throughout the nation. In this respect, the passage of the Violence Against Women Act marked as much a culmination of four years of effort as it marks the starting line for progress ahead. For this reason, this report highlights states' efforts that were simultaneous to the Act's passage -- efforts that will be accelerated and improved because of the support that the Act provides.

The call for the Violence Against Women Act came from the grassroots. The implementation of the Violence Against Women Act is being undertaken by the grassroots. This report offers the first update on our nation's progress.

VIOLENCE AGAINST WOMEN -- YESTERDAY AND TODAY

For too long, our justice system, as our society in general, ignored physical violence occurring between a husband and wife or a boyfriend and girlfriend. For too long our nation treated family violence as a "private" matter instead of the criminal act that it is.

To change this unacceptable record, the Violence Against Women Act offered the first-ever federal grants to state and local coalitions of police, prosecutors, judges and victim service organizations to help these groups work together to make arrests, win convictions, seek tough sentences, and offer women the information and practical resources they need. In other words, the Act aims to make the system work for women.

Since it became law, more than \$23 million already have been awarded to all 50 states, the District of Columbia and four other U.S. Territories. These resources are already making tangible differences in states and local communities and helping to change the justice system's response at each step along the way. Of course, to effectively change our laws, policies and practices, we must change the attitudes that have allowed family violence to flourish for so long. The first step toward changing attitudes is to help all Americans become

more informed about family violence and about constructive, effective ways to improve our response.

That is why I am excited to share this report with you. I hope the model programs it features will spark ideas for replication across this country. For example:

- Recognizing that family violence does not occur during a court's typical 9 to 5, Monday through Friday business schedule, courts in several states have revised their procedures so that victims can seek immediate Protection from Abuse (PFA) Orders after-hours. Some courts have even expanded access by allowing judges to issue PFA Orders by telephone during weekends and other non-business hours.
- An innovative cellular phone project, which provides an excellent example of the private business sector working with the courts to better protect victims, makes portable phones available to women with PFA Orders, enabling them to dial one button that automatically links them to the police department if their abuser violates a PFA Order.
- Several states have revised their statutory definitions of domestic violence, rape, sexual assault and stalking to more accurately reflect the severity of these crimes.
- Health Care Providers are being incorporated into the system in states across this country to train them on how to better identify and interview witnesses and collect and preserve evidence.
- States are also taking steps to improve victim services by training special advocates to help victims every step along the way -- from seeking medical attention, to filing charges, testifying in court, notifying them of bond hearings, sentencing dates and of their offenders release from prison.
- More judges are ordering abusers to enroll in mandatory batterer programs.
- More and better education projects are underway, teaching children and adults about family violence and how to get help through the use of billboards, written booklets, theater projects and television specials.
- And, one jurisdiction, Cambridge, Massachusetts, provides an example of one of the most innovative education projects. It has declared itself a "Domestic Violence-Free

Zone," by posting 60 signs showing an open hand blocking a fist. The message -- domestic violence and abuse prevention laws will be strictly enforced.

Two other developments warrant attention as well. On May 23, 1995, the first-ever criminal conviction under the new federal offense of interstate domestic violence was obtained in West Virginia. After deliberating for just two-and-a-half hours, a jury found Christopher Bailey guilty of beating his wife Sonya in West Virginia, then driving her through Kentucky for five days, beating her again and locking her in the trunk of his car, before taking her to an emergency room. Sonya Bailey suffered irreversible brain damage and remains in a permanent vegetative state. When sentenced, he faces 20-years to life in prison.

On July 13, 1995, I was fortunate to take part in the announcement of the Violence Against Women Advisory Council -- a council exemplifying the commitment and determination on the parts of President Clinton, Attorney General Janet Reno, Health and Human Services Secretary Donna Shalala, National Violence Against Women Director Bonnie Campbell and others to put the Violence Against Women Act to work for women across our country. The Council is now at work ensuring that programs listed within the Violence Against Women Act are carried out successfully.

Finally, within the next six months, the National Domestic Violence Hotline, which is required under the Act, will be in operation under the experienced hand of the Texas Council on Family Violence. This toll-free hotline will offer 24-hour counseling, 365 days a year to victims of family violence throughout our nation. Assistance will be provided in a number of languages and for the hearing impaired. In addition to counseling and immediate assistance,

hotline operators will also be able to connect callers with other necessary community services and shelters.

VIOLENCE AGAINST WOMEN ACT -- LOOKING TO TOMORROW

The dollars that have already gone to the front-lines are just the first downpayment of the six year \$1.62 billion Violence Against Women Act. Over the next five years, the Act will provide \$800 million to continue the work already started by police, prosecutors and victims advocates. The Act also provides \$120 million to specifically help police departments implement tough arrest policies in family violence cases -- to ensure an arrest is made whenever there is evidence of physical violence, just as in cases of violence between strangers. To combat the attitudes which underlie family violence, the Act devotes \$235 million to education programs coordinated by rape crisis centers. And an additional \$325 million will be awarded to open more battered women shelters so that 950,000 more women and children have a safe place to stay when violence forces them from their homes.

The Violence Against Women Act is fully funded by the 1994 Crime Law Trust Fund. All the savings necessary for the Trust Fund are achieved by reducing the federal workforce by 272,000 positions over the next five years. To date, 123,824 federal positions have been eliminated -- generating \$4.2 billion to fund all the programs in the Biden Crime Law -- such as the Violence Against Women Act -- for the coming fiscal year. In other words, we have

already paid for the \$1.62 billion Violence Against Women Act without adding a single dollar to the deficit and without adding a single dollar in new taxes.

While the Violence Against Women Act passed with overwhelming bipartisan support in Congress, a majority of the members of the House of Representatives are backing down from their commitment to fully fund the Act. In my view, this is outrageous and unacceptable, especially considering that, as this report demonstrates, police, prosecutors and victim advocates have already turned the Act into a potent weapon against family violence.

The Violence Against Women Act provided, and the President's budget requested, \$294 million for fiscal year 1996. Again, every single dollar of this is funded by the Crime Law Trust Fund, with no effect on the budget deficit and requiring no new taxes.

Nevertheless, the U.S. House of Representatives cut \$87 million -- almost a 30% cut for Violence Against Women programs. Included in these cuts:

- * \$47 million cut from state grants to Police, Prosecutors, and Victim Service Providers;
- * Eliminating all trust fund dollars for Shelter Grants -- depriving 60,000 battered women and their families a safe place to stay; and
- * \$20 million cut in grants to provide better lighting and increased security in public transportation, and national and public parks.

In my view, the introduction of this report is a timely reminder about priorities. Today we hear a profusion of criticism about the widespread depiction of violence in the media and how it has desensitized people, and made violence seem more acceptable. While I believe this is an important issue to address, I am troubled by the fact that noticeably, and inexcusably, absent from this discourse is similar outrage about and condemnation of violence in the home. Without discounting family violence for what it is -- a horrible power game that inflicts torturous injury on millions of women -- we must also think about its effects on the children who witness it. But rather than step up to this task, measures in the House of Representatives have actually begun a wholesale retreat, reducing funding for the Violence Against Women Act and eliminating the Child Abuse Prevention and Treatment Act. This is unacceptable. We have got to get our priorities in order.

Some would say that the government should not get involved in the family -- that people must take responsibility for their own lives and live with their choices. But when victims are forced to stay at home because there are no shelters, and when there is no safety net to help women who have escaped the violence, and when the criminal justice system fails to arrest and prosecute an abuser for his crime, the government has already become involved. It has failed to do its job.

I am committed to ensuring that combatting family violence remains on the top of the nation's priority list and to ensuring that the state and local officials and victim service providers have the information and resources necessary to continue their fight.

* * * * *

In conclusion I would like to thank all of you engaged in the fight against family violence and sexual assault. I especially would like to commend the leadership and commitment of U.S. Attorney General Janet Reno and the National Violence Against Women Director Bonnie Campbell. I also thank my staff on the Senate Judiciary Committee for their work putting together this report -- Claire DeMatteis, Melanie George, Mimi Murphy, Tracy Doherty, Chris Putala and Cynthia Hogan.

Joseph R. Biden, Jr.
Ranking Member
Senate Judiciary Committee
August 24, 1995

STATE SUMMARIES
VIOLENCE AGAINST WOMEN ACT-INSPIRED OR FUNDED PROJECTS AND
LEGISLATION

ALASKA

1992 Domestic Violence Legislation passed by state legislature includes:

- 1) **A revised definition of "domestic violence"** -- Not only is the definition applicable to a marital situation, but also included are relationships involving dating, courtship, and engagement situations.
- 2) **Penalty Upgrade** -- When a perpetrator has in his possession a deadly weapon and, he is violating a domestic violence injunction, his penalty for violating the injunction is upgraded to a felony. It is important to note that he does not have to be using the weapon -- it is applicable by simply possessing it.
- 3) **Introduction of Applicable Evidence** -- If a consent defense is used in a rape trial and/or the defense introduces the victim's character or background, prior negligent acts of the defendant may be introduced.
- 4) **Pending Legislation** -- Legislation now pending would prohibit surreptitious taping of victims by a defendant or any person acting on behalf of a defendant. This is intended to prevent defense attorneys or private detectives calling victims and taping conversations without their knowledge.

COLORADO

Domestic Violence Legislation includes:

- 1) **Health Care Providers** -- Training for those who can assist victims of domestic violence are aided by a 250-page training manual, Domestic Violence: A guide for Health Care Providers. Also developed was a training video program, Domestic Violence: Recognizing the Epidemic, which provides ongoing training for health care providers in clinics, emergency departments, and office-based settings. Finally, a companion reference manual was developed -- Suggested Protocols for Hospitals for Victims of Spousal and Elder Abuse -- which outlines police and protocols for victims of spousal and elder abuse in the emergency department setting.
- 2) **Law Enforcement Training** -- Training will include district wide training in both 1994 and 1995. Virtually 100% participation was recorded among the law enforcement community.

3) **Training Judges** -- In March and April of 1995, Colorado Judges from five different regions attended a day-long workshop in domestic violence cases.

4) **Model Case Management Training for Prosecutors** -- These model case training programs concentrated in enhancing legal representation for domestic violence victims. An experiential training model and materials were developed, implemented and evaluated by 50 criminal justice professionals (primarily prosecutors), domestic violence service providers and victim advocates. This model has been used in training in other states.

CONNECTICUT

Legislation passed by the State Legislature includes:

1) **1986 Family Violence Prevention and Response Act** -- This act represents one of the country's most comprehensive family violence statutes. Police were mandated to arrest under certain conditions. Family Violence Intervention Units were established in each court. The established Family Violence Offender Education Program, a six week educational program, was established as a pre-trial option for certain first time family violence offenders.

2) **1986 Family Violence Victim Advocate Program** -- The program provides 24 Family Violence Victim Advocates to cover each of CT's 22 geographical area courts. It also provides victims with immediate intervention and support services such as emergency shelter, counseling, court assistance, and referral to community services, and assists them to develop safety plans. Also, family relation counselors are aided in the assessment of family violence cases and are permitted to develop their recommendations to the court regarding case disposition. The program makes maximum use of existing community-based domestic violence prevention programs by providing a direct link between these programs -- which hire, train, and supervise the Victim Advocate -- and the court system -- which identifies the victim and refers him/her to the Victim Advocate.

3) **1987 "Victim Rights Cards"** -- Police are required to inform all victims at the scene of their crime about their rights. Officers distribute comprehensive "victim rights cards" as part of this information.

4) **1990 National Judicial Education Training Project** -- Connecticut criminal court judges received a full day training on family violence. From this project, a model curriculum for training judges throughout the country was developed.

5) **1992 Project SAFE** -- This project was originally a physician's campaign on domestic violence designed to engage physicians in a partnership with the local domestic violence program to significantly enhance the identification and response to battered women seeking medical assistance.

6) **1989, 1993 Legal Rights Outline Published** -- "A Guide to Connecticut's Family Violence Laws" was published to include information about how to get help and how to apply for restraining orders without the aid of an attorney.

DELAWARE

Programs that heighten domestic violence awareness include:

1) **Domestic Violence Coordinating Council** -- The Coordinating Council coordinates all relevant agencies that deal with the problem of domestic violence. The primary goal of the Coordinating Council is to improve statewide response and reduce the incidence of domestic violence throughout Delaware.

2) **Violence Against Women Act Implementation Committee** -- The Committee, created by executive order, held two public hearings in order to encourage suggestions, ideas, and comments from the state agencies and private organizations that deal directly with violence against women issues. The Committee also conducted a strategic planning day involving over 40 participants from the fields of law enforcement, prosecution, victim services, court administration, and other private agency representatives. Participants spent the day working together, exchanging ideas and opinions, and helping the Implementation Committee to prioritize the gaps and needs related to violence against women in Delaware.

3) **Prohibition against insurance discrimination** -- In 1995, Delaware passed legislation to prohibit insurance companies from discriminating against victims of domestic violence. The legislation prohibits insurance companies from: (a) asking whether an individual is or was a victim of domestic violence, (b) denying health or life insurance coverage or benefits based on an individual's status as a victim, and (c) setting rates based on whether an individual is or may have been a victim of abuse.

4) **Compensatory medical exams to victims of domestic violence** -- In 1995, Delaware enacted legislation amending Title 11 of the Delaware Code to increase the jurisdiction of the Violent Crimes Compensation Board. Section 9019 of the Delaware Code now ensures that the cost of a forensic medical examination done for the purpose of gathering evidence that can be used in ten prosecution of a sexual offense will not be paid by the victim of a sexual offense. The legislation also requires that defendants convicted of sexual offenses pay a special assessment to the Violent Crimes Compensation Fund.

4) **Domestic Violence Visitation Centers** -- Delaware's first two visitation centers for families with a history of violence are expected to be up and running by November 1995. The visitation centers will provide a safe place for the exchange of children for off-site visitation and will offer on-site supervised visitation.

DISTRICT OF COLUMBIA

Programs pertaining to the prevention of violence against women include:

1) **Criminal Justice Advocacy Project (CJAP)** -- Now in its fourth year, the project provides monitoring and oversight of the criminal justice system to ensure vigorous prosecution of domestic violence crimes. CJAP volunteers are trained by the District of Columbia Coalition Against Domestic Violence (DCCADV). DCCADV members assist women in obtaining social services, increase their willingness to cooperate with prosecution, and ensure that women's needs are considered in the prosecution, plea bargaining, sentencing and probation processes.

Working in close cooperation with the U.S. Attorney for DC, the Coalition's advocates begin work with victims immediately following their initial interview with prosecutors. Advocates explain the criminal prosecution system to the victim, outline alternative dispositions for the abuser (prison, work release, counseling), alert the victim on social services available through the community and government agencies, maintain close contacts with victims to ensure their attendance at and notice of hearings, and discuss other issues that may come up during the criminal prosecution process.

2) **Community Training and Education Project** -- A part-time community education coordinator, hired by the project, coordinates a public education effort throughout the city, which includes distribution of prevention and education materials (brochures, fact sheets, posters and pocket information cards). The coordinator also develops public service announcements and provides information at public fora such as festivals and community meetings.

3) **Theater Project** -- The production, "Ain't No Home," written by local playwrights, was performed throughout the city, including schools, the D.C. Jail/Halfway House, community centers, churches, local churches and workplaces. The play raised the issue of domestic violence within a family and included issues related to police and clergy response, children's issues, and spousal sexual assault and dating violence. With a facilitated discussion afterwards, the production won praise from numerous quarters and generated healthy dialogue about domestic violence and its impact. A Spanish version is currently under production.

ILLINOIS

Domestic violence programs include:

1) **Family Violence Coordinating Council** -- Formed in December 1993 by the Illinois Supreme Court Chief Justice, the council oversees the creation of protocols and training curricula, which are circulated to police chiefs, sheriffs, prosecutors, chief judges, victim advocates and service providers.

INDIANA

Domestic violence programs include:

1) **Training Project on Family Violence for Indiana Law Enforcement Officers** -- A training guide and curriculum is now made available to all Indiana police officers.

IOWA

In 1994, the Supreme Court Task Force on Courts' and Communities' Response to Domestic Abuse issued a Domestic Violence Report detailing Iowa's efforts to address Domestic Abuse in Iowa. This report included the following timeline:

1979 -- Iowa Domestic Abuse law enacted
1985 -- Iowa Coalition against DV established
1986 -- "Warrantless" arrest mandated in domestic abuse cases
1987 -- Mandatory initial appearance before magistrate prior to release is inducted. No contact order to protect the victim or victim's family is necessary.

1990 -- Prosecution of Domestic Abuse in Iowa: A Prosecution Manual is prepared and distributed.

1991 -- Two-day minimum jail sentence for conviction of domestic abuse is passed by the Iowa State Legislature. A seven-day minimum jail sentence for violation of protection order is enacted. A second deferred judgment or deferred sentence for domestic abuse is prohibited. Also established are batterers' education programs, pro se petitions for protection orders are authorized and domestic abuse community forums are held. The Iowa Domestic Abuse Hotline is created. Law enforcement certification is required to include training on domestic abuse and hospitals required to establish domestic abuse protocols.

1992 -- A stalking law is passed by state legislature. 36 batterers' education programs established to serve Iowa's 99 counties; domestic abuse forms are promulgated.

1993 -- A booklet for domestic abuse victims, "How to Protect Yourself From Domestic Abuse Without a Lawyer" is prepared and disseminated. The definition of "domestic abuse" expanded. Batterers' education groups operational at three correctional institutions.

1994 -- A special appropriation of up to \$100,000 is allocated to the judicial department to aid their handling of domestic abuse cases. A one-day program on domestic abuse is sponsored by the Iowa County Attorneys Association. The definition of harassment and stalking is expanded. The "Iowa Domestic Abuse Benchbook" for judges and magistrates is prepared and distributed.

MASSACHUSETTS

Programs heightening domestic violence awareness include:

1) **Domestic Violence-Free Zones** -- In 1995, the city of Cambridge was established a "domestic violence-free zone." The city posted 60 street signs trumpeting "Cambridge is a domestic violence-free zone. Abuse prevention laws will be enforced."

MICHIGAN

Programs pertaining to domestic violence prevention include:

1) **Intervention training** -- The development of the "Beyond He Said/She Said -- Effective Interventions in Violent Families" program included training for court workers as well as an 80 page guidance manual.

2) **Educational Awareness** -- A public education campaign for Fiscal Years 1995-1996 was established to promote awareness of family violence. The campaign included informational billboards, written booklets for educating K-12 teachers on domestic violence, and a brochure aimed at individuals working in the medical professions.

MISSISSIPPI

Legislation passed by the State Legislature is now awaiting the Governor's signature. This legislation includes:

1) **Emergency Law Enforcement Response** -- An act would authorize emergency law enforcement officers to respond in domestic violence cases. It would also revise the duration of the temporary order as well as provide for arrests without a warrant in domestic abuse violations.

MISSOURI

Legislation passed by State Legislature includes:

1) **The Missouri Adult Abuse Act** -- Passed in 1980, the Act enforced mandate arrests for domestic violence crimes.

2) **Alteration in child custody and visitation rights** -- Child custody rights were to be ordered in a manner that best protects the child, parent or any family member from domestic violence.

3) **Funding of domestic violence shelters** -- Every county is to collect \$5 per marriage license to fund local domestic violence shelters. Also, municipal and county court fees may be assessed to fund domestic violence shelters.

4) **Criminal definitions** -- Marital rape became a crime under Missouri law in 1991. Stalking was defined as a crime and as cause for granting an Order of Protection in 1990.

5) **Five-Year State Plan** -- In December 1994, a five-year state plan was introduced which recommended that federal funds from the 1994 Omnibus Crime Bill should be used to implement domestic violence training for Missouri judges, prosecutors, court personnel and lawyers.

NEBRASKA

Programs applicable to domestic violence victims include:

1) **Cellular Phone Project** -- Phones are made available to battered women who are in hiding from their abuser. A push of the button hooks them up with the police department.

2) **Victims' Advocacy Program** -- This State program requires a mandatory hold on all persons arrested for domestic violence. The defendant is then held in jail until he or she appears for a bond hearing held at 11 a.m. the following morning.

When a custodial arrest has occurred, the arresting officer contacts the Coalition immediately. The officer provides the staff person or volunteer with the victim's name, address and injuries. The officer also provides the victim advocate with ten defendants' name and charges. The advocate makes contact with the victim immediately. Also provided to the victim is information of legal options and community services. IF the victim chooses to obtain a protection order, the advocate works to have the order served to the defendant before he is released from jail.

The Coalition for Victims of Domestic Violence also maintains a data base on information regarding the arrests and victims for all agencies that work with the Coalition. The services to victims are provided by the Coalition at no cost to the victim. The Coalition is notified when there is a violation of a protection order so they can contact the victim.

3) **The Domestic Violence Group for Batterers** -- Weekly meetings are held for this abuser's program. The program lasts for 27 weeks. Offenders may enter either voluntarily or by court order -- 95% are court ordered. The cost for such group therapy is \$400.

The coalition receives weekly progress reports on the group participants. If applicable, the information is passed on to probation department.

NEVADA

Programs applicable to domestic violence awareness include:

1) **Mandatory training programs** -- Mandatory two-day training are held for all Nevada judges on domestic violence.

2) **Protection orders** -- Nevada law authorizes temporary protection orders to be granted via FAX if the batterer is in custody. In Las Vegas, an emergency evening/weekend FAX protective order project was initiated in May 1994. Protective orders are made available on a 24-hour basis to victims whose batterers are arrested.

3) **Training for health care providers** -- The Nevada State Attorney General's Office, the Nevada Network Against Domestic Violence and the Nevada Emergency Room Nurses Association sponsor a day-long training in domestic violence for health care providers. Model health care protocols are presented at the training sessions.

4) **Awareness publications** -- "Responding to Domestic Violence in Nevada -- A Plan For Action" was a report which included many recommendations as well as model programs from other states.

NEW HAMPSHIRE

In April 1994, the state developed comprehensive, standardized protocol for the processing of domestic violence cases in the District Courts.

OHIO

Legislation passed by the State Legislature include:

1) **Inclusion of evidence in court** -- This provision allows for the victim in both civil and criminal matters to be accompanied by a victim advocate during all court procedures.

2) **Increased Funding** -- Increases in funding to shelters were made possible through the collection of \$32 additional filing fees for every annulment, divorce or dissolution. On the first business day of each month all monies collected are to be deposited by the clerk of the court.

RHODE ISLAND

Measures passed by Rhode Island legislation in 1994 include:

1) **Changes in the restraining order law** -- Extended eligibility for court-ordered protection to juveniles and adults involved in substantive dating relationships.

2) **Mandatory arrest extension** -- An amendment to the state's mandatory arrest law for domestic violence crimes, expanding coverage to those involved in substantive dating or engagement relationships.

3) **Restraining Orders** -- An amendment to existing law which allows Family Court judges to issue restraining orders by telephone during weekends and other non-business hours. This enhances the protection available to the abuse victim who cannot wait until a court convenes to obtain a restraining order.

4) **Stalking Law strengthened** -- A measure to strengthen Rhode Island's stalking law unanimously passed.

5) **Protection of an out-of-state visitor** -- A bill allowing someone with a restraining order issued in another state to be protected in Rhode Island by the out-of-state order.

6) **Domestic Violence cases move to District/Superior Courts** -- A measure initiated by the Attorney General now requires that all domestic violence criminal cases heard in Family Court be moved to the District or Superior Courts.

7) **New Phone Technology** -- The withdrawal of Call Return from the tariff on telephone calling options, both per call and per line blocking for Caller ID are now available free of charge to Rhode Island customers. NYNEX pays for some reprinting of materials which domestic violence agencies use to advertise the availability of services. The reprinted materials will explain that the agencies do not use Caller ID and that outgoing calls are not always blocked. Call Trace charges will not exceed \$13 in any one billing period. NYNEX will install permanent line blocking at all Domestic Violence Coalition member agencies so that staff and clients can use the telephones safely.

Other programs aiding domestic violence victims include:

1) **Stat Tracker:** For four years, the Coalition has been working with its member agencies and computer consultants to design and implement a state-of-the-art data collection system called StarTracker. The project is nearing completion.

2) **24-hour Toll-Free Hotline:** Established with financial help from NYNEX and contributions from support

TEXAS

Domestic Violence Awareness programs recently signed by the Governor include:

1) **Omnibus Bill** -- This legislation adds to the existing Protective Order law by clarifying the definition of a household member, restricting the issuance of a mutual Protective Order, and clarifying law enforcement's role in enforcing Protective Orders. It also removes all fees charged to the applicant of a Protective Order and does not allow a court to automatically drop a Protective Order because a divorce is pending.

2) **Magistrate's Order for Emergency Protection** -- This order creates an arrestable temporary Protective Order which in effect for 30 days. During the perpetrator's first appearance before a judge after an arrest for either family violence or stalking, the magistrate can issue a temporary Protective Order in effect for as long as one year.

- 3) Designation of Appropriate Protective Order Prosecutor --** Several counties do not have a specific agency assigned to file and prosecute Protective Orders in their area. This bill clarifies which prosecuting agency will have that responsibility.
- 4) Protective Orders Registry and Restricting Firearm Purchases by Violent Offenders --** The Senate Interim Committee on Domestic Violence and the Texas Department of Public Safety agree the state must establish a central system to record all Protective Orders issued. This registry will allow appropriate law enforcement intervention, make Protective Orders issued in Texas enforceable nationwide, and enable gun shop owners to deny Protective Order respondents.
- 5) Enhancements for Repeat Family Violence and Protective Order Offenders --** When the Penal Code was revised in 1993, specific enhancements for repeat family violence offenses and repeat Protective Order violations were removed. This legislation restores the enhanced penalties for these repeat offenders. For repeat family violence offenses and Protective Order violations, the enhancements are: first offense is a Class "A" misdemeanor, second offense is a class "A" enhancement and third offense is a state jail felony.
- 6) Stalking recognized as a crime --** Texas was one of the first states to recognize stalking as a crime. This year, the law was "fine tuned" to better assure the safety of victims. (1) removing the requirement that two reports must be made to law enforcement before action can be taken against the perpetrator, (2) providing for the victim to be notified immediately upon the release of a perpetrator from jail, prison, or holding facility, and (3) allowing the victim of stalking to hold the stalker liable for his actions by suing for monetary damages in a civil court.
- 7) Law Enforcement Training --** The Senate Interim Committee on Domestic Violence recommended that the Texas Commission on Law Enforcement Officer Standards and Education expand their domestic violence training to include appropriate documentation of domestic violence cases. Law Enforcement documentation of the actual injuries and statements made by the victim and witnesses can significantly improve prosecution in family violence cases.
- 8) Cooperation with Child and Adult Protective Services --** The Senate Interim Committee on Domestic Violence recommended that the Texas Department of Protective and Regulatory Services document the abuse of battered women while investigating elder and child abuse. DPRS is also asked by the Committee to provide information to victims of family violence concerning available community services. TCFV recommends that DPRS adopt rules concerning training of their supervisors and caseworkers on battering of women.

9) Removal of Spousal Privilege in Family Violence Cases -- This legislation included: the prioritization of family violence cases in the Government Code; the promulgation of a curriculum and training for prosecutors in family violence related issues; the addition of a notice or court summons which clearly tells the accused that the victim is required to testify and that she cannot be coerced or intimidated into not testifying.

10) Victim Notification -- This notification program authorizes jails and holding facilities to notify victims of family violence immediately upon the release of the perpetrator.

11) Medical Reporting of Domestic Violence - This requires medical professionals to provide suspected victims of domestic violence with referrals for shelter and safety assistance. It also requires they document this referral in their medical records.

12) Expansion of Pre-K Programs for Children -- An amendment made to an omnibus education bill allows homeless parents -- including those relocating in family violence shelters -- to enroll children in Pre-K programs.

UTAH

The following provisions are domestic violence amendments to HB314 which became effective July 1, 1995:

1) No fees for petition for protective order -- When a petition for Protective Order is made there is no longer a filing fee charge nor is there a charge for law enforcement activity pertaining to cohabitant abuse.

2) Ex Parte Orders -- The Court may grant the following relief without notice in an order for protection or a modification issued ex parte:

- * Prohibit defendant from threatening to commit or committing domestic violence
- * Prohibit defendant from harassing directly or indirectly by any means
- * Order defendant to stay away from home, school, employment of petitioner or any designated family member
- * Upon finding that defendant's use or possession of a weapon may pose serious threat of harm, prohibit the defendant from purchasing, using or possessing a firearm or other weapon specified by the court

- * Order possession and use of essential personal effects and/or automobile and direct a law enforcement office to ensure the safety of the petitioner during the reclaiming or repossession of those items
- * Grant temporary custody of any minor children to the petitioner
- * Order any further relief necessary to provide for petitioner's safety and welfare.

The Court is responsible to make sure documents are delivered to law enforcement agency for service by the end of the next business day after the order is issued. State Law enforcement is to provide expedited service.

3) Creation of Statewide Domestic Violence Network -- All orders are available on the network 24 hours after court action. The network is available to court, law enforcement, and other agencies upon request.

4) "Safe at Home,"-- A one-hour seminar is presented by the Attorney General's office to workplaces in Utah.

VERMONT

The Vermont Council on Family Violence was established in August, 1993, promulgated jointly by the Governor and Chief Justice of the Vermont Supreme Court and funded by the state legislature. Its accomplishments include:

1) Domestic Violence Awareness Meetings -- In October 1993, a conference for County Domestic Violence Task Force Members was initiated. A (November, 1994) Networking Conference for County Domestic Violence Task Forces, and a (June, 1995) Conference on Investigating and Prosecuting Domestic Violence Cases -- this particular conference was attended by police, prosecutors, domestic violence advocates, prosecutors advocates, probation and parole officers, family law practitioners, and court clerks.

2) Additional Grants -- The State Justice Institute provided for a half-time director for the Council on Family Violence. Three statewide training sessions and technical assistance grants to county domestic violence task forces were also awarded.

3) Statewide Needs Assessment Survey -- A statewide survey was conducted in the Spring of 1995. The survey report will be issued in the Fall of 1995.

4) **Statewide Repository for Relief from Abuse Orders** -- The repository was implemented June 1, 1995.

WEST VIRGINIA

Efforts to combat family violence include:

- 1) **Revision of Stalking Law** -- In 1994 West Virginia's stalking law was strengthened.
- 2) **Expansion of rural outreach programs** -- Since 1992, major efforts have been in place through funding from the Conrad N. Hilton Foundation to expand rural outreach programs.
- 3) **Law Enforcement Training** -- In 1993, the West Virginia Coalition Against Domestic Violence (WVCADV), State Police, and Marshall University developed Law Enforcement Training Teams that presented 8-hours of training in 30 sites throughout the state. These volunteer teams consisted of law enforcement professionals, prosecutors, and victim advocates.
- 3) **Informational Conferences** -- In May 1995, WVCADV with support from the State Justice Institute facilitated a conference on The Courts, the Community, and the Law: Working Together to Stop Domestic Violence. One goal of this three day event was the initiation of regional domestic violence teams. Eleven were identified and are meeting.
- 4) **Additional Volunteers** -- In 1994 and 1995, WVCADV received 12 AmeriCorps workers/volunteers to serve at eight program sites throughout the state.
- 5) **Informational Booklets** -- In 1994 WVCADV working with the WV Women's Commission, Legal Services, and the Trial Lawyers of America developed and disseminated 20,000 booklets titled Stop the Hurt: A Handbook for Victims of Domestic Violence in West Virginia.

**VIOLENCE AGAINST WOMEN ACT IMPLEMENTATION BY THE
DEPARTMENT OF JUSTICE**

OFFICE OF VIOLENCE AGAINST WOMEN

National Office Dedicated to the Implementation of the Violence Against Women Act

On March 21, 1995, President Clinton appointed former Iowa Attorney General Bonnie Campbell as the Director of the Office of Violence Against Women at the U.S. Department of Justice. Not only does the office represent a national commitment to combatting family violence, more importantly, it is tasked with ensuring that the Act's provisions are turned into action.

FEDERAL LAW ENFORCEMENT

First Criminal Conviction under the new Federal Offense of Interstate Domestic Violence

- On May 23, 1995, the nation's first conviction under the new federal offense of interstate domestic violence was obtained in West Virginia. After deliberating for two-and-a-half hours, a jury found Christopher Bailey guilty of beating his wife Sonya in West Virginia, then driving her through Kentucky for five days, beating her again and locking her in the trunk of his car, before taking her to an emergency room. Sonya Bailey suffered irreversible brain damage and remains in a permanent vegetative state. When sentenced, he faces 20 years to life in federal prison.

Prosecutorial and Other Guidance to Law Enforcement

- The Criminal Division, through the Executive Office of the U.S. Attorneys has notified U.S. Attorneys' Offices of changes under the Violence Against Women Act in Federal Rules of Evidence, federal penalties and federal offenses.

Violence Against Women Firearms Provision

- The Violence Against Women Act makes it unlawful for persons subject to certain restraining orders to possess firearms. The Department of Justice is developing enforcement plans with federal, and state and local law enforcement to effectively implement this new provision.

Restitution - Denial of Benefits

- The Violence Against Women Act requires that if a defendant is certified by a court to be delinquent in paying restitution to a victim, federal agencies shall suspend all federal benefits to that defendant. The Justice Department is implementing procedures to enforce this provision.

Interstate Enforcement of Protection From Abuse Orders -- Full Faith and Credit

- The Justice Department soon will be issuing a comprehensive implementation strategy on how states can carry out the Act's mandate that states enforce Protection From Abuse Orders issued by a court in another state.

Sex Offender Registration Guidelines

- Proposed guidelines for the Jacob Wetterling Crimes Against Children and Sexually Violent Offenders Registration Act were published for comment in the Federal Register on April 12, 1995. Final guidelines will be issued in the Fall of 1995. The statutory deadline for state compliance is September 13, 1997
- As required under the Violence Against Women Act, the Bureau of Prisons has issued a program statement to inform federal prisons of their obligation to notify convicted sex offenders being released from federal facilities of available sex offender treatment programs.

STOP GRANTS

Services, Training, Officer and Prosecutors Violence Against Women Grants

- Congress authorized and appropriated \$26 million for Fiscal Year 1995 STOP Grants, and each state has received \$426,000 under this program. These grants are a downpayment by the federal government to lay the foundation for efforts by states to create and bolster services addressing violence against women.
- All 50 states and 5 territories have received their grants.

Grantees' Conference

- The Justice Department convened a conference for all STOP grantees July 27-29 in Washington, D.C. The conference showcased promising programs which coordinate the efforts of police, advocates, prosecutors, and the courts to combat violence against women. There were a series of workshops that focused on topics such as the application of community policing to violence against women, current research in the area of domestic violence and sexual assault, and the use of advanced technology to prevent and reduce violence against women.

Violence Against Women Advisory Council

- July 13, 1995 marks the date of the announcement of the Violence Against Women Council -- a council exemplifying the commitment and determination on the parts of President Clinton, Attorney General Janet Reno, Health and Human Services Secretary Donna Shalala, National Violence Against Women Director Bonnie Campbell to combat and help prevent family violence and sexual assault. This Council, composed of people with solid track records in the field, is now at work ensuring that the Violence Against Women Act programs are carried out successfully.

VIOLENCE AGAINST WOMEN ACT STUDIES

8 Studies are being conducted by the Department of Justice:

- Confidentiality of Communications Study
- Report on Confidentiality of Addresses for Victims of Domestic Violence
- State Databases Study - on how to collect centralized, computerized information on the incidence of sexual assault and domestic violence within a state
- Record-keeping Study - focusing on the problem of record-keeping of criminal complaints involving domestic violence
- Research Agenda Study - to increase the understanding and control of violence against women

- Report on Battered Women's Syndrome and its use at trial
- Stalking Report - concerning the incidents of stalking and domestic violence
- National Study on Campus Sexual Assault

**VIOLENCE AGAINST WOMEN ACT IMPLEMENTATION BY THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

National Domestic Violence Hotline

- The Department of Health and Human Services awarded a grant to establish a National Domestic Violence Hotline. The Hotline is expected to be in operation by winter, 1996.

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