



Memorandum

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SUBJECT: Impact of the Violence Against Women Act**FROM:** Garrine P. Laney
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With passage of the Violence Against Women Acts (VAWA) of 1994 and 2000,¹ Congress attempted to address some critical issues facing female victims of violence. Through a number of measures, Congress sought to assist law enforcement agencies to identify criminal offenders and prevent them from reoffending. VAWA addresses domestic violence by authorizing funding to: prosecute perpetrators; educate the public about VAWA, domestic violence, stalking, and sexual assault; offer training for law enforcement officers, prosecutors, court personnel, and other criminal justice practitioners; encourage partnerships among law enforcement and victim service providers at the state, tribal, and local levels; and improve direct services to victims through Special Training Officers and Prosecutors grants (STOP) and other VAWA programs. Penalties for committing violence against women were increased to stress the seriousness of such crimes. The STOP program allows states, territories, and tribes to establish models for addressing violence against women that are based on the needs of the local community.

For FY2004, Congress appropriated \$520 million for VAWA programs. The following is a brief discussion of selected issues related to violence against women and the impact of VAWA.

¹ Violence Against Women Act, Title IV of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322); Violence Against Women Act of 2000 as Division B of the Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386).

Trends in Reporting and Incidence of Gender-Biased Violence

According to the National Crime Victimization Survey² (NCVS), from 1993-2001, nonfatal intimate partner violence³ fell significantly for both females and males. The drop in intimate partner violence against women for this period was 49%, while the decline for males was 42%. In 1993, 1.1 million women were victims of nonfatal violent crimes, compared to 588,490 female victims in 2001. Of total female victims in 2001, 41,740 were victims of rape/sexual assault, 44,060 were victims of robbery, 81,140 suffered aggravated assault, and 421,550 suffered simple assault.

Although men were also victimized by intimate partners, their number and percent of the intimate partner violence population was small compared to women. In 1993, 162,870 men were victims of nonfatal violent crimes, compared to 103,220 men in 2001. About half of these acts of violence in 2001 were simple assault (50,310), followed by aggravated assault (36,350) and robbery 16,570.⁴

For the years 1993-1998, the NCVS indicates the peak rates of intimate partner violence against females were for victims 20-24 years old, regardless of race or ethnicity. Overall, the rates of intimate partner violence for black females were 35% higher than for white females and about 2½ times the rates of women of other races. The survey found no difference in intimate partner victimization rates between Hispanic and non-Hispanic persons.⁵ During this same period, the percentage of victims of intimate partner violence who reported to police differed by race and ethnicity. The percentages of black (67%) and Hispanic (65%) female victims of intimate partner violence who reported to police were significantly higher than those of white women (50%) or white men (45%). The percentage of women who reported the crime in 1998 (59%) was greater than in 1993 (48%). Over half of victims did not report their abuse to the police because they viewed it as a “private or personal matter” or because they were afraid of reprisal by the perpetrator.⁶

² The National Crime Victimization Survey is one of two measures of crime in the United States that the Department of Justice uses. Designed to complement the annual compilation of crime information that the FBI reports to law enforcement agencies, the survey of crime victims also counts criminal incidents that have not been reported to the police.

³ An intimate partner involves current or former spouses, boyfriends and girlfriends.

⁴ U.S. Department of Justice, Bureau of Justice Statistics, Crime Data Brief, *Intimate Partner Violence, 1993-2001*, by Callie Marie Rennison, BJS Statistician, (Washington: Feb, 2003), p. 1

⁵ *Ibid.*, p. 4.

⁶ U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Special Report, *Intimate Partner Violence and Age of Victim, 1993-1999*, by Callie Marie Rennison, BJS Statistician, Jan. 31, 2002, p. 7.

Changes in Laws and Penalties Related to Gender-Biased Violence

VAWA's criminal justice components have led to significant changes in laws and penalties for gender-related violence. Stronger arrest policies changed the perception of the public, law enforcement officers, prosecutors, and judges that domestic violence was a family problem that could be solved through mediation and other nonlegal interventions, to one that requires a formal criminal justice sanction. Creation of special prosecutors to pursue domestic violence cases is intended to avoid competition with other units in the prosecutors' offices for scarce trial or investigative resources.⁷

According to an evaluation of Special Training Officers and Prosecutors grants (STOP), between 1998 and 2000, states had enacted over 660 laws on domestic violence, sexual assault, or stalking. Many of these laws changed state criminal codes and procedures. To emphasize the seriousness of domestic violence, many states have made it a separate crime with increased penalties. The primary source of funding for law enforcement and prosecution training on violence against women has been the STOP program authorized under VAWA. With funds from the STOP program, states can develop a uniform policy to direct a criminal justice response to crimes against women. All states have passed laws making stalking a crime; some have made it a felony.⁸

VAWA's full faith and credit provisions provide that a civil protection order issued by the court of one state or tribe must be acknowledged and enforced by the court of another state or tribe. New rules of evidence state that generally a victim's past sexual behavior is not admissible in federal civil or criminal cases on sexual misconduct.

VAWA and Services to Victims

In concert with law enforcement and prosecution goals, VAWA also provides for extensive services for victims. A substantial amount of VAWA funding is intended for these victim services. VAWA is intended to empower victims of intimate partner violence by providing victim/witness specialists or court advocates, education, counseling, housing and protection. Since passage of VAWA, victims of domestic violence and sexual assault are to be assured of receiving expert testimony and tests for venereal disease.

The STOP grants support employment of specialized detectives and patrol officers, and a designated prosecutor, resulting in a greater willingness of victims to report violence to law enforcement and often increases in conviction rates as well as consistency in sentencing, according to an evaluation of the program.⁹

Also through VAWA, transitional housing assistance grants are available to states, local governments, Indian tribes, and other organizations. Victims of domestic violence who need transitional housing can receive a maximum of 24 months in housing assistance, including

⁷ Uekert, Brenda K., et al., *Evaluation of the STOP Violence Against Women Grant Program: Law Enforcement and Prosecution Components*, June 15, 2001, p. 12. Unpublished, but available electronically at <http://www.ncjrs.org/AlphaTitles.html#E>. Hereafter cited as *Evaluation of the STOP Violence Against Women Grant Program*.

⁸ *Ibid.*, pp. iii-iv.

⁹ *Ibid.*, p. xi.

utilities payments, security deposits and other expenses related to relocating to transitional housing.

VAWA also provided a grant to establish a National Domestic Violence Hotline. Grant funds are used to support the use and operation of a telephone line, employment, training, and supervision of staff to answer calls and to provide counseling and referral services 24 hours a day; to establish a database containing information and services for victims of domestic violence; and costs of a national campaign to advertise the hotline. The Hotline is administered by the Secretary of Health and Human Services.

VAWA and Law Enforcement and Criminal Justice Systems

After a four-year investigation of violence against women, which included testimony from law enforcement officials, judges, physicians, social scientists, and victims, many in Congress concluded that violence against women was a problem of sufficient scope that they called for a federal role. When Congress passed the Violence Against Women Act in 1994, one of its objectives was to address the systemic gender bias that was reflected in state legal systems, resulting in victims of rape or domestic violence being deprived of the equal protection of the laws and the redress to which they were entitled.¹⁰ It chose to address the problem by providing substantial federal funds, through the grant process, to assist states and communities in dealing with perpetrators of domestic crime and sexual assault. At one time, domestic violence was widely perceived as a private affair. VAWA was intended to play an educative role for the public, state officials, law enforcement and criminal justice personnel. Through education and training, tougher laws on violence against women, and changed policies, intimate partner violence is now treated as a serious crime at federal and state levels.

VAWA provides for the Attorney General to distribute grants to state domestic violence and sexual assault coalitions for the purpose of intervening and preventing domestic violence and sexual assault through information and training. Law enforcement agencies, through grants, can obtain data collection equipment that enables tracking of convicted domestic violence abusers and perpetrators of sex crimes.

VAWA provides grants to private, nonprofit agencies for prevention of sexual abuse and exploitation of runaway, homeless, and street youth. Funds can be used for street-based outreach, education, counseling and referrals for those subject to or at risk of sexual abuse. The Act also provides for trained sexual assault forensic medical personnel to collect and preserve evidence and provide expert testimony and treatment of sexual assault injuries.

VAWA and Prevention of Gender-Based Violence

VAWA was intended to help prevent gender-related violence by strengthening protections under interstate statutes; by expanding the coverage of protective orders so that directives issued in one state are recognized in every other state; enacting legislation to make crossing state lines for the purpose of stalking a federal offense; making changes in postal service regulations to prevent disclosure of an address to an abusive spouse; and effecting changes in laws relating to immigrant status to assist battered alien spouses so they do not have to shield their abuser in order to gain residence. VAWA increases penalties for anyone

¹⁰ Biden, Senator Joseph R., Jr., "The Civil Rights Remedy of the Violence Against Women Act: A Defense," *Harvard Journal on Legislation*, vol. 37, Winter 2000, p. 3.

who travels interstate with the intention of killing, injuring, harassing, or intimidating an intimate partner or who actually commits the crime.

Prior to VAWA, a battered immigrant seeking residence in the United States was potentially dependent on a legally resident spouse or former spouse to petition for immigration preference status (which must be obtained before becoming a lawful permanent resident) for him/her, thus giving the abusive intimate partner tremendous power. Congress provided increased protection for battered immigrants by creating special rules to allow them to remain in the United States.

Under school and campus security provisions of VAWA, schools must collect statistics on campus crime, including sex crimes, and must develop, publish, and distribute information on campus security policies and law enforcement. VAWA 2000 also provides that STOP grants be awarded for programs to combat “dating violence.”

Rape Prevention and Education Grants enable rape crisis centers or similar nonprofit entities to conduct educational seminars, operate rape crisis hotlines, provide training for staff, students, and campus personnel, and increase awareness of sexual assaults. Under VAWA, grants are also available for state coalitions to provide information and training on domestic violence and sexual assault intervention and prevention.

Research Findings on VAWA

Efforts to assess the efficacy of VAWA programs have faced significant challenges. For example, the General Accounting Office (GAO) recently concluded that an impact evaluation of STOP grant programs for reducing violence against Indian women had a variety of statistical and methodological problems.¹¹ In addition, according to congressional testimony of GAO official Laurie E. Ekstrand in 2002, grant files for the Violence Against Women Office (VAWO) discretionary grants often lacked the proper documentation to ensure that necessary monitoring activities occurred. Consequently, GAO concluded that VAWO could not “systematically determine staff compliance with monitoring requirements and assess overall performance.”¹²

VAWA 2000 requires the Violence Against Women Office to prepare biennial reports on the effectiveness of projects funded under VAWA programs, resulting in major current evaluation studies. To assist VAWO in meeting this statutory requirement, VAWO has a cooperative agreement with the University of Southern Maine, Muskie School of Public Service, to develop tools for a grantee to self-report and to draft reports to Congress.

Despite problems associated with assessing the efficacy of the VAWA, some studies have been conducted on the impact of VAWA and provide some insight. One of them used a telephone survey to investigate the effects of VAWA STOP funds on services that criminal

¹¹ U.S. General Accounting Office, *Justice Impact Evaluations, One Byrne Evaluation was Rigorous; All Reviewed Violence Against Women Office Evaluations Were Problematic*, (GAO-02-309), pp. 2-3, 27.

¹² U.S. General Accounting Office, *Violence Against Women Office, Problems with Grant Monitoring and Concerns about Evaluation Studies*, Laurie E. Ekstrand, Director, Justice Issues, testimony before the Senate Committee on the Judiciary, Subcommittee on Crime and Drugs, Apr. 16, 2002 (GAO-02-641T) pp. 2-3.

justice based agencies provided to victims of domestic violence, stalking, and sexual assault. To obtain information about STOP grant programs, the study surveyed two samples of program representatives from over 60 VAWA STOP criminal justice based victim service subgrantee programs and about 100 programs with which they worked cooperatively in serving victims of domestic violence, stalking, and sexual assault. Of surveyed programs, a majority reported that they were able to serve more victims, and expand and offer more comprehensive services as a direct result of STOP funding. Survey respondents indicated STOP grants helped to empower victims of violence and to improve their well-being. In addition, survey participants reported that STOP grants directly affected victims' understanding of criminal justice system actions by keeping victims better informed about their cases; improved the criminal justice system's treatment of victims; yielded more successful prosecutions; reduced the number of victims who withdrew their support for prosecution; and increased the number of domestic violence cases reported to law enforcement.¹³

Another study evaluated the impact of law enforcement and prosecution components of the STOP Violence Against Women Grant Program. In conducting research, the authors found that grant funds were used to support varied services and activities and that project implementation differed from one locality to another based on local needs and capabilities. Ironically, provisions of VAWA that were designed to allow flexibility in addressing violence against women issues and to reflect state and local needs have created methodological problems for researching the impact of grant projects.¹⁴

Even with these challenges, the authors of the study found that at the state level the STOP program had a significant impact on the extent and scope of law enforcement and prosecution training. It encouraged collaboration between criminal justice professionals and non-profit victim services organizations. Unlike in the past, training is now typically delivered by teams of professionals from criminal justice and private organizations. In encouraging states to pass mandatory or preferred arrest policies in the area of domestic violence, the laws changed the focus of law enforcement investigations and prosecution from the complainant to evidence collection. In requiring that 25% of funds be allocated to victim services agencies, the STOP program boosted statewide coalitions. These coalitions influenced legislative activity by lobbying state legislators to change laws and policies concerning violence against women.¹⁵

The STOP program offers an important source of funding for cities, counties, and states, providing for activities that would be impossible without federal funding, according to the program's evaluation. While at one time, special domestic violence law enforcement and prosecution units were few, many exist today because of VAWA. By requiring that grant funds be allocated across law enforcement, prosecution, and victim services, the STOP program has contributed to the development of a coordinated community response to violence against women. The authors of the study concluded that victims of violence are

¹³ Smith, Barbara E., Robert C. Davis and Laura B. Nickles, *Impact Evaluation of Victim Services Program: STOP Grants Funded by the Violence Against Women Act: Executive Summary*, July 24, 2000. Unpublished, but available electronically at [<http://www.ncjrs.org/AlphaTitles.html#E>].

¹⁴ Uekert, *Evaluation of the STOP Violence Against Women Grant Program*, p. xi.

¹⁵ *Ibid.*, p. xii.

receiving services never before provided, their complaints are taken seriously, and offenders are held accountable for their actions.¹⁶

Issues Related to Indian Victims of Gender-Based Violence

Many Indian tribes lack correctional facilities, courts, prosecutors and law enforcement within their jurisdictions to protect the community from crime. In addition, they also lack the legal codes that would make acts of domestic violence, sexual assault, and stalking illegal. Often tribes rely on neighboring jurisdictions to protect Indian victims and punish offenders. As a result of a poor law enforcement infrastructure, research indicates that American Indians and Alaska Natives, particularly women, are nearly twice as likely as other racial groups to be victimized by crime. American Indians and Alaska Natives also are much more likely to be victims of stalking than other Americans. Unlike other races, offenders in intimate violence with American Indian victims tend to be of a different race.¹⁷ For example, 75% of perpetrators of intimate violence against American Indians are reported to be of a different race compared to 11% of perpetrators of violence among victims of all races. The percentage of cases of violence reported to the police by American Indians is similar to other racial groups (45%). The two reasons most often given by American Indians for not reporting acts of violence to the police are that it is a “personal matter” (26%) or it is “too unimportant” (24%).¹⁸

To assist Indian tribal governments in combating violent crimes against women and to increase the quality of victim services, Congress created the STOP Violence Against Indian Women Program (STOP VAIW) in 1994. The original VAWA of 1994 required that 4% of the STOP formula grant appropriation be set aside for awards to tribal governments for FY1995 to FY2000; the VAWA of 2000 increased the set aside to 5%. The STOP VAIW program grant differs from grants to non-tribal entities in that it permits *both* enhancement of existing services and the establishment of services for victims of domestic violence, sexual assault, stalking and child abuse. Presently, the Violence Against Women Office provides funding for 265 tribes across 26 states, which includes the 130 federally recognized tribes and consortia projects serving multiple tribes. The Act requires STOP VAIW grantees to allocate 25% of grant funds to law enforcement activities, 25% to prosecution efforts, 30% to non-governmental, non-profit victim service programs, and 5% to courts. The other 15% of funding is for discretionary use as long as it is spent according to the statutory purposes of the grant program.

¹⁶ *Ibid.*, p. xiii.

¹⁷ U.S. Department of Justice, Office of Justice Programs, Office on Violence Against Women, *FY2005 Congressional Authorizations and Budget Submission*, Feb. 2004, pp. 17-18.

¹⁸ U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *American Indians and Crime*, by Lawrence A. Greenfeld and Steven K. Smith, BJS Statisticians, Feb. 1999, pp. 8, 16.