



Department of Justice

STATEMENT

OF

DIANE M. STUART
DIRECTOR
OFFICE ON VIOLENCE AGAINST WOMEN
DEPARTMENT OF JUSTICE

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

CONCERNING

REAUTHORIZATION OF THE VIOLENCE AGAINST WOMEN ACT

PRESENTED ON

JULY 19, 2005

**Testimony of the Honorable Diane M. Stuart, Director
Office on Violence Against Women
U.S. Department of Justice**

on the

Reauthorization of the Violence Against Women Act

Introduction

Thank you, Chairman Specter, Senator Hatch, Senator Biden, and members of the Committee for the opportunity to speak with you today. I am here to urge Congress to reauthorize the Violence Against Women Act (VAWA). Congress should not delay. The Act should be renewed and important improvements should be made so that communities and organizations can expand their prevention efforts, ensure the safety of more victims, and hold perpetrators accountable for their crimes.

My name is Diane Stuart and I am the Director of the Department of Justice's Office on Violence Against Women (OVW). Our office administers financial and technical assistance to communities around the country that are creating programs, policies, and practices aimed at ending domestic violence, dating violence, sexual assault and stalking. Our mission is to provide national leadership in developing the nation's capacity to reduce violence against women through the implementation of VAWA. Our ultimate goal is to change perceptions around violence against women so that these crimes are considered unacceptable and no longer tolerated in our society.

Background

Almost 11 years ago, Congress passed VAWA – landmark legislation in its scope and in its mission. Through new federal criminal provisions and important grant programs, we have been able to transform our nation's response to domestic violence, dating violence, sexual assault, and stalking. VAWA funds have supported the enforcement of protection orders, legal assistance, intensive training, community education, and local efforts to bring communities together to respond to violence against women.

Since the passage of VAWA, there has been a paradigm shift in how we approach and respond to violence against women. That change can be seen in local Acoordinated community responses.@ It is an approach rooted in the belief that criminal justice officials, victim advocates, community

leaders, health workers, elected officials, and others must work in collaboration to respond to violence against women. We know that victims are safer and justice is better served when:

- A law enforcement officer understands full faith and credit of protection orders;
- The shelter worker has a strong working relationship with law enforcement and the district attorney;
- An emergency room nurse knows to call an advocate when treating a sexual assault victim;
- A prosecutor builds an evidence-based case against a domestic violence offender;
- A judge requires frequent judicial review, supervision, and batterer intervention for the abuser in a domestic violence case;
- A civil attorney is trained on options for battered immigrant women;
- A hotline worker has the best technology at his or her fingertips;
- A tribe has the community infrastructure and technical support to adequately respond to victims;
- A dependency court judge and a child protective services official are better informed about the dynamics of domestic violence;
- A rural shelter has the funds to provide transportation for victims living in isolated areas; and
- An employer has company policies on domestic violence, sexual assault, and stalking.

Everyone in the community, including local clergy, business owners, educators, even neighbors, should be part of the response. The coordinated community response also extends to the relationships between other federal agencies that address violence against women issues. OVW works very closely with the Department of Health and Human Services, the Department of Labor, the Department of State, the Department of Homeland Security, the Department of Defense, and the Department of Housing and Urban Development.

The Federal government's efforts to reduce violence against women must continue. In the last 10 years, the rate of domestic violence has declined by 59 percent and the rate of rape and sexual assault declined by 68 percent due to a combination of factors. These are dramatic changes by any measure. But, this is only part of a somewhat more sobering picture. Although violent crime has decreased nationwide, it still devastates the lives of many women. According to BJS, in 2003, there were still a half million victims of domestic violence and almost 200,000 rapes and sexual assaults were reported to the National Crime Victimization Survey. Other Department of Justice reports tell us that over one million women are stalked each year and one third of female homicide victims are murdered by their intimate partner. Plainly, we have much more work to do. We recognize the human suffering behind each statistic. As President Bush has said, one victim of violence is one too many--we must continue our focus on crimes of violence against women.

The Office on Violence Against Women

OVW was created in 1995 to implement VAWA and provide national leadership against domestic violence, dating violence, sexual assault, and stalking. OVW administers one formula grant program and eleven discretionary grant programs, which are listed below:

- STOP Violence Against Women Formula Grant Program
- STOP Violence Against Indian Women Discretionary Grants Program
- Grants to Encourage Arrest Policies and Enforcement of Protection Orders
- Education and Technical Assistance Grants to End Violence Against Women with Disabilities
- Legal Assistance for Victims Grant Program
- Grants to State Sexual Assault and Domestic Violence Coalitions Program
- Grants to Tribal Domestic Violence and Sexual Assault Coalitions
- Grants to Reduce Violent Crimes Against Women on Campus
- Training Grants to Stop Abuse and Sexual Assault Against Older Individuals or Individuals with Disabilities
- Rural Domestic Violence and Child Victimization Enforcement Grant Program
- Safe Havens: Supervised Visitation and Safe Exchange Grant Program
- Transitional Housing Assistance Grant Programs

In 2003, OVW became a “separate and distinct” office within the Department of Justice (42 U.S.C. 3796gg-0), with a Presidentially-appointed, Senate-confirmed director. Since 2003, OVW has been working closely with the Justice Management Division and the Office of Justice Programs (OJP) to effectively transition OVW into its new role as an “office, board, or division” within DOJ. The transition is near completion, with only minor details still in progress.

Federal Funds Are Making a Difference

Under grant programs established by VAWA, the Violence Against Women Act of 2000 (VAWA 2000), and other legislation, OVW has provided federal grants to help communities across America develop innovative strategies to respond to violence against women. These grant programs are being used to forge focused and effective partnerships among federal, state, local and tribal governments, and between the criminal justice system and victim advocates, and to provide much-needed services to victims of domestic violence, dating violence, sexual assault, and stalking.

During this Administration, OVW has presided over an unprecedented expansion of its grant programs, both in terms of the types of services funded and the level of funding awarded. Since the beginning of FY 2001, OVW has developed and implemented five new grant programs

authorized under VAWA 2000. Funding under a sixth new program, which provides transitional housing assistance for victims of domestic violence, will be awarded for the first time in September, 2005. These programs have enabled communities to increase their efforts to help some of the most vulnerable victims, including the elderly and those with disabilities, and to provide supervised visitation services for victims and their children. In addition, through two of these new programs, OVW has supported the vital work that state sexual assault and domestic violence coalitions perform in each state and has fostered the growth of parallel coalitions in tribal communities. Due to statutory changes enacted in VAWA 2000, OVW also has been able to fund community work in new directions, such as help for immigrant victims of abuse and victims of dating violence, training for sexual assault forensic examiners, and improved enforcement of protection orders.

Over the past four years, increased funding for OVW programs also has allowed OVW to provide grants and technical assistance to more communities nationwide than ever before. During this Administration, OVW has awarded nearly \$1.25 billion in grants and cooperative agreements. During fiscal years 1997 through 2000, OVW made approximately 1500 such awards; during fiscal years 2001 through 2004, that number grew to nearly 2400.¹ A new round of awards will be made during fiscal year 2005.

Moreover, OVW has focused special attention on communities that face particularly acute challenges in responding to violence against women. For example, in June 2004, OVW convened a two-and-a-half-day summit on violence against women in Alaska. For the first time ever, tribal and state agencies in Alaska convened to discuss strengthening their response to sexual assault of Alaska Native women, who experience alarmingly high rates of sexual assault. Through the Safe Return Initiative, OVW funds community education, training, and on-site assistance to address domestic violence among prisoners leaving correctional facilities.

Measuring Effectiveness of VAWA Programs

Over the past three years, OVW has undertaken a significant effort to implement a system for measuring the effectiveness of projects supported by VAWA grant monies. Two Congressional mandates undergird this effort: a new reporting provision included in VAWA 2000, which requires OVW to prepare biennial reports to Congress that assess the effectiveness of projects supported with our funds, and the Government Performance and Results Act of 1993 (GPRA).

After an extensive process of consultation with OVW grantees and experts in the field, we have developed new progress reporting forms for grantees and subgrantees of OVW's grant programs. Each form is individualized to allow grantees to report on the types of activities – for example, training, criminal justice activities, victim services – they are engaged in with their grant funding.

¹ These numbers are based on information provided to OVW by the Office of the Comptroller, Office of Justice Programs.

Furthermore, the forms incorporate new GPRA measures to reflect more accurately the goals of OVW grant programs and whether those goals are being achieved. Data from the progress report forms can be used for individual project monitoring, feedback to grantees, and long-term planning, as well as reporting to Congress.

We are very excited about the data that grantees are submitting. For example, under one of our grant programs for just a six-month reporting period we know that:

- More than 50,000 victims were served;
- Over 120,000 services were provided to victims;
- Nearly 24,000 individuals were trained, including law enforcement, victim advocates, health professionals, court-based staff, and faith-based staff;
- 82 percent of cases received by courts resulted in charges being filed or transferred to a higher or lower court; and
- More than 2,600 individuals were arrested for violation of protection orders.

These numbers give us insight into the work of our grantees that we have never had before. We look forward to being able to report on progress on all our grant programs in our biennial reports to Congress.

Special Initiatives

Through grantee feedback and other means, OVW often learns about areas of special need and dedicates resources to filling these gaps and developing enhancements in response. These “special initiatives” range from small pilot projects to large multi-site demonstration programs. They allow OVW to explore different innovations in the violence against women field and share knowledge that can be replicated nationwide.

A selection of OVW special initiatives are presented below.

Family Justice Centers

In October 2003, President Bush announced the creation of the President’s Family Justice Center Initiative, a pilot program to develop comprehensive one-stop domestic violence victim service and support centers across the country. This Initiative provides communities with the resources designed to co-locate criminal justice representatives and community and faith-based services to victims of domestic violence in one facility. The goal of a comprehensive Family Justice Center is to make a domestic violence victim’s search for help and justice less burdensome and more efficient and effective by bringing professionals who provide an array of necessary services together under one roof.

In July 2004, the Attorney General announced more than \$20 million in awards to 15 communities to support the planning and development of Family Justice Centers. Since that time, significant progress has been made. Many of the sites are preparing to open their doors in the next few months. In addition, representatives from all the sites meet routinely to share successes, challenges, and receive technical assistance.

Sexual Assault Forensic Exam Protocol

Under the Violence Against Women Act of 2000, the Attorney General was required to develop a recommended national protocol, and establish a mechanism for its dissemination. As the entity within the Department of Justice tasked with developing the protocol, OVW consulted with national, state, tribal and local experts on rape/sexual assault including rape crisis centers, domestic violence and sexual assault coalitions, and programs for criminal justice, forensic nursing, forensic science, emergency room medicine, law, social services, and sex crimes in underserved communities. The Protocol was released by the Attorney General in September, 2004.

The goals of the Protocol are to ensure that all victims, regardless of differences in background or location of service provision, receive the same high quality medical and forensic exam while being treated with respect and compassion and to improve prosecution of sexual assault cases through the appropriate collection of evidence. The Protocol is intended to supplement but not supersede prior developed protocols and support the use of the coordinated community response.

To enhance the utility of the Protocol, OVW is developing a technical assistance initiative to assist jurisdictions with its implementation. OVW has teamed with a forensic nurses organization to develop a centralized “clearinghouse” that will respond to requests from the field for assistance. Partner organizations representing law enforcement, prosecution, the tribal community, victim advocates and sexual assault coalitions, will contribute to the project.

Violence Against Women in Indian Country

We know that among the many issues facing tribes are pervasive poverty and programs that operate in geographic isolation. Victims often lack the basic resources necessary, such as phones and transportation, to access services. In addition, there are complex jurisdictional difficulties, which vary from state to state. For example, just determining who the responding law enforcement agency should be in a violent situation can often prove frustrating at best.

Fortunately, OVW tribal grantees are reporting that VAWA funds are helping to make significant changes in the response to violence against Indian women. Through our Measuring Effectiveness Initiative, grantees are reporting successes that indicate there is:

- Increased accountability for offenders;
- Increased safety for victims;
- Collaboration between criminal justice and victim services;
- Enhanced training for criminal justice personnel; and
- Heightened awareness of domestic violence, sexual assault, and stalking.

Below are some examples gleaned from information collected through our Measuring Effectiveness Initiative:

- The Emmonak Women’s Shelter in Alaska received its first VAWA funds in 2001. Located in the bush, with no connecting roads and a two-hour flight from Anchorage, 62 percent of their travel budget was used for the emergency air transportation of 27 women and 52 children from the surrounding villages to the shelter.
- The Fort Peck Tribes Crisis Center used VAWA funds to strengthen its infrastructure. The Center opened its first and only domestic violence shelter on its isolated reservation in 1999. The executive director remarked, “Before VAWA, domestic violence cases that were prosecuted were few and far between. There were lots of calls for help, but no advocate to respond. The alleged batterer wasn’t even arrested...now we are making changes.”
- The Hopi Tribe undertook an integrated domestic violence prevention and intervention program in 1998 with the Tribal Court and the Hopi Women’s Coalition. Originally, a single prosecutor served victims on the 1.8 million acre reservation. Today there is a coordinated community response that includes a domestic violence program coordinator, a probation officer, a legal advocate, a victim advocate, and a men’s education coordinator. Mandatory arrest and no-drop prosecution policies have been implemented. The Tribal Court issued 16 protection orders in the first two years of VAWA funding. The Court now issues an average of 188 protection orders per year.

Recognizing the unique role the federal government plays in enforcing crimes in Indian Country, OVW has begun a special initiative involving several federal agencies including the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, and Firearms, and the Bureau of Indian Affairs, to develop models for improving the response to sexual assault against Indian women.

The Department of Justice is also working to develop federal strategies to better address the problem of recidivist domestic abusers in Indian Country. The Native American Issues Subcommittee (NAIS) of the Attorney General’s Advisor committee (a group of U.S. Attorneys with Indian Country jurisdictional responsibilities) has flagged this issue as a priority for the Department.

Although we have a long way to go, solid progress is being made in many areas. To build upon this progress, I plan to place an even greater emphasis on tribal issues over this next year.

Judicial Institutes

Concerned that judicial training lagged behind other training efforts, OVW launched a significant effort to improve the ways in which courts respond to domestic violence. In 1998, OVW engaged in a cooperative agreement with the National Council of Juvenile and Family Court Judges (NCJFCJ), to develop the National Judicial Institute on Domestic Violence (Judicial Institute). In VAWA 2000, Congress further highlighted the critical role the courts play in responding to violence against women by making courts directly eligible for support under OVW's two largest grant programs. In fiscal year 2003, OVW expanded the reach of the Judicial Institute to include the breadth of judicial officers as well as to reach a greater number of courts and communities.

Through the Judicial Institute, NCJFCJ and its partner organization, the Family Violence Prevention Fund, created a highly interactive three-day seminar on domestic violence that is designed not only to impart needed information on such judicial practice areas as fact-finding and decision-making, but also to change judges' attitudes and values about domestic violence, victims, and perpetrators. Since 2000, more than 1,100 judges from all 50 states and the District of Columbia have been trained. Many of those judges indicated that the education received from the Institute was best they have received on any topic, let alone domestic violence.

In addition to the judges trained at the three-day basic seminar, the Judicial Institute also has trained more than 130 judges in three-day seminars covering a range of issues including the overlap of domestic violence and child maltreatment, working with men who batter, and immigration. Other educational opportunities offered through the Judicial Institute have included training for more than 700 judges on such important domestic violence-related issues as firearms, evidence, and child custody, among others.

The Judicial Institute has done more than train judges; it has created a national community of judges leading the nation in responding to domestic violence. NCJFCJ regularly hear from professionals around the country that the work of the Judicial Institute has significantly improved judicial handling of domestic violence cases in their communities. In addition, OVW has replicated these Institutes for law enforcement and prosecutors.

Research and Evaluation on Violence Against Women

Research plays a vital role in determining the frequency of violent crimes against women, factors related to these crimes, and the impact of interventions designed to protect women and hold

offenders accountable. Approximately \$5 million of VAWA funding is provided annually to the National Institute of Justice (NIJ) to support research and evaluation efforts on issues related to violence against women.

This investment has yielded useful and practical results. Research on risk assessment instruments has shed light on the accuracy of different approaches to predicting risk of future harm or lethality in domestic violence cases. This research will have immediate use for advocates and others who work with domestic violence victims in developing effective safety plans and on how best to prevent or restrict further abusive behavior. VAWA-funded NIJ research, reported in the Journal of the American Medical Association, has determined the effectiveness of protection orders, concluding that permanent orders are associated with a significant decrease in risk of violence reported to police. Such results can give criminal justice officials greater confidence in granting permanent protection orders, when effectively enforced. VAWA-funded research has also addressed batterer intervention programs, seeking to determine whether or not they have an impact. While programs for batterers may not in themselves reduce domestic violence, we know that in a community with a coordinated approach to domestic violence and strong judicial oversight, these programs are a critical ingredient.

There have also been important research results on sexual violence. NIJ research has found that a sexual assault response team approach greatly enhances the quality of healthcare provided to women who have been sexually assaulted, improves the quality of forensic evidence, improves law enforcement's ability to collect information and to file charges, and increases the likelihood of successful prosecution.

In an effort to gather updated statistics on stalking, OVW has entered into a partnership with the Bureau of Justice Statistics to add a stalking supplement to their National Crime Victimization Survey. This survey will be administered to about 50,000 households during the first six months of 2006. The survey results will yield updated statistics on the frequency of stalking, demographic information on the victims, the police response, and its impact on the victim. During this time, NIJ will invite researchers to submit proposals on stalking research to coincide with the release of the new data in 2007.

Criminal Prosecutions Under VAWA

In addition to ensuring services for victims, VAWA also strives to hold batterers, stalkers, and rapists accountable for their crimes. VAWA supplies federal prosecutors with important tools to combine efforts with state and local prosecutors in their work against domestic violence and stalking. VAWA and subsequent legislation created new federal interstate domestic violence, stalking and firearms crimes, strengthened federal penalties for repeat sex offenders, and required states and territories to enforce protection orders issued by other states, tribes and territories. United States Attorney's Offices have formed partnerships with local law enforcement and

prosecutors in a nationwide effort to end violence against women. Since the enactment of VAWA, the Justice Department has prosecuted more than 1,600 cases---cases with some of the most dangerous and determined abusers who have aggressively pursued their victims across state lines. In fiscal year 2004 alone, 324 indictments were filed, the highest amount since the enactment of the statutes. Prior to VAWA, many of these cases might have slipped through the cracks.

Two recent cases from the Sixth Circuit illustrate how VAWA's criminal provisions have allowed federal prosecutors to pursue dangerous criminals. In United States v. Bowker, 372 F.3d 365 (6th Cir. 2004), the court upheld an interstate stalking conviction, which resulted from Bowker's relentless stalking of a television reporter in Ohio and West Virginia. The court also upheld a sentence of 96 months' imprisonment, affirming a 25-month upward sentencing departure for extreme psychological injury to the victim, as the stalking was prolonged, extreme, caused a substantial change in her behavior patterns, and ultimately led her to pursue a different career. In United States v. Cline, 362 F.3d 343 (6th Cir. 2004), the court upheld a conviction under 18 U.S.C. § 922(g)(8), which prohibits the possession of firearms in or affecting commerce by a person subject to a qualifying protection order. The defendant, Cline, had a long history of domestic violence against his wife, which had resulted in the issuance of four protection orders. While one protection order was in effect, Cline pursued his wife and a companion, Luther Smith. Cline tracked them down, beat his wife and Mr. Smith, leaving Smith to die in the road as Cline took Smith's car and drove away with Cline's wife. Cline was convicted on carjacking and section 922(g)(8) charges and sentenced to a 220-month term of imprisonment.

Enhancing the Violence Against Women Act

Congress should act now to reauthorize VAWA with the following key measures to sustain, strengthen, and improve our efforts to combat violence against women:

1. *Reauthorize critical OVW grant programs through fiscal year 2010 to support investigating and prosecuting cases of domestic violence, sexual assault and stalking and assisting those victimized.*
2. *Create a new program for tribes by combining the five percent tribal set-asides established for the STOP, Arrest, Rural and Safe Havens statutes. As tribes have few resources and little infrastructure, this would eliminate an immense administrative burden by reducing the number of times they would have to apply for funding. We therefore propose creating a new program, similar to the Rural Program, which would be tailored to the needs of tribes, rather than echoing a program created for states.*
3. *Add a provision to all OVW programs requiring grantees and subgrantees to maintain confidentiality of identifying information about victims served with OVW funds. Although some*

states have confidentiality provisions protecting victim information, not all do. This would ensure that grantees safeguard the confidentiality of victims, which, in turn, improves victim safety.

4. *Ensure that no victim pays for a forensic exam, even if he/she decides not to cooperate with law enforcement by amending the STOP Program statute's forensic exam payment certification.* To this end, allow states to use STOP funds to pay for forensic exams that are performed by specially trained examiners as long as states do not require victims to seek reimbursement from their private insurance. The proposed amendment would encourage states not to require victims to seek reimbursement from private insurers by permitting states to use STOP funds to pay for forensic exams performed by specially trained examiners. In addition, many states will not pay for the exam unless the victim cooperates with the investigation and reports the crime to law enforcement. If victims are undecided about reporting, they should be encouraged to provide a medical forensic history, undergo the forensic exam, and have evidence collected and stored for a possible future prosecution.

5. *Permit grantees to use funds to address sexual assault and stalking by amending the Arrest and Rural Program statutes.* Expand the purpose areas of the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program and the Rural Domestic Violence and Child Victimization Enforcement Grant Program so that grantees can address all instances of sexual assault and stalking.

6. *Amend the Rural Domestic Violence and Child Victimization Enforcement Grants Program statute to define "rural" based on region rather than state.* The proposed change will enhance OVW's ability to provide funds directly to all rural areas, which are the intended beneficiaries of the Rural Program.

7. *Amend the Education and Technical Assistance Grants to End Violence Against Women with Disabilities Grants Program to include caregiver abuse.* Without this amendment, our grant program cannot train providers to recognize and respond to this type of abuse, even though it is a common form of abuse against women with disabilities.

8. *Amend the Training Grants to Stop Abuse and Sexual Assault Against Older Individuals or Individuals with Disabilities to include Adult Protective Services workers among the potential trainees.* Adding APS workers to the statute will not only allow these workers to benefit from grant-funding training but also will improve the training provided to personnel from the criminal justice system.

9. *Permit OVW to use up to seven percent of STOP funds for technical assistance.* The primary purpose of the OVW Technical Assistance Program is to provide direct assistance to

grantees and subgrantees to enhance the success of local projects they are implementing with VAWA grant funds.

10. *Amend annual reporting requirements so that they are biennial and due on a consistent schedule.* Under the VAWA 2000, OVW is required to report to Congress biennially on the effectiveness of all of our grant programs (42 U.S.C. 3789p). However, several of our programs contain annual reporting requirements.² Having separate and more frequent reporting requirements is financially inefficient and burdensome. In addition, analyzing two years of data at a time for all programs will enable us to better track trends.

11. *Amend the Safe Havens: Supervised Visitation and Safe Exchange Program statute to eliminate those portions of the Report to Congress that require national surveys.* The statute authorizing the Safe Havens: Supervised Visitation and Safe Exchange Grant Program requires an annual report to Congress (42 U.S.C. 10420(d)). This includes both information about grantees and information regarding individuals served by supervised visitation programs nationwide. To collect this national information, OVW is currently funding a national survey of supervised visitation programs. While this information is valuable in an initial assessment of programs across the nation, repeated annual collection will only deplete resources and not provide additional knowledge for the effectiveness of program execution.

Conclusion

Over the past decade, VAWA funding has changed the course of the Nation's response to violence against women. The message is clear: a coordinated community response is the only way to eradicate the brutal crimes of domestic violence, dating violence, sexual assault, and stalking.

When Congress first passed VAWA, there was tremendous optimism that the new law would create unprecedented changes in how the criminal justice system responds to violence against women. We have witnessed these changes first hand and what a difference they have made. Each year our progress grows exponentially: more people are trained, more victims are reached, and more offenders are brought to justice.

By reauthorizing VAWA, Congress will provide the opportunity to make the improvements and enhancements necessary to continue to reduce violence against women. We anxiously await the reauthorization of this most important bill.

² Specifically, the STOP (42 U.S.C. 3796gg-3(b)), Safe Havens (42 U.S.C. 10420(d)), Campus (20 U.S.C. 1152(d)(3)), and Transitional Housing (42 U.S.C. 13975(f)) programs contain such requirements.