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DOJ AND NDAA ANNOUNCE PARTNERSHIP ON VAWA

Crime - Violence Against Women Act

INTRODUCTION

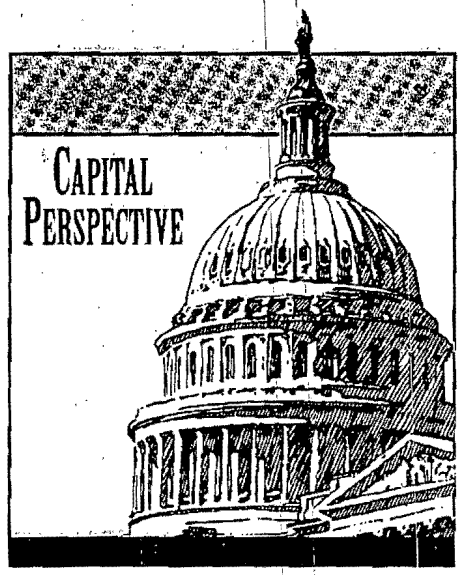
WE HOPE YOU HAD AN OPPORTUNITY to read the May/June issue of *The Prosecutor* and the excellent article on the Violence Against Women Act. That landmark legislation, signed by President Clinton as part of the 1994 Crime Act, calls for heightened cooperation among federal, state and local law enforcement in prosecuting cases of domestic violence and sexual assault.

NEW PARTNERSHIP

THE JUSTICE DEPARTMENT AND NDAA have formed a partnership to ensure that federal, state and local prosecutors throughout the country are aware of the act's provisions and are able to take effective action against batterers who might otherwise escape prosecution. Interstate domestic violence and harassment are now federal offenses. The law provides for the interstate enforcement of restraining orders. It outlaws the possession of ammunition and firearms by persons who are subject to restraining orders.

BACKGROUND

THE VIOLENCE AGAINST WOMEN Act already has been used in 18 prosecutions (14 under VAWA and four under the federal firearms provision), complementing prosecutions that are taking place at a state and local level. The law does not federalize all cases of domestic violence or sexual assault. Rather, it provides a new tool for federal, state and local prosecutors so that interstate cases are given the attention they deserve.



by Attorney General Janet Reno and NDAA President Michael Barnes

The federal statutes are used when state penalties for domestic violence are inadequate. In *U.S. v. Ricky Steele* in the Northern District of California, the defendant received 87 months under federal law for battering his girlfriend. State authorities feared that he would have received less than a year under state law.

Many state penalties are quite powerful. In such cases, state prosecution may be preferable. After consultation with federal prosecutors, a Kentucky case was prosecuted by state authorities. The defendant was sentenced to 20 years.

The federal statutes are also used when the interstate nature of the crime makes it difficult to gather evidence. In *U.S. v. Derek Page*, although the victim was beaten in Ohio, she was hospitalized in Pennsylvania. The Ohio grand jury process made it hard to subpoena evidence, including medical records and witnesses, from Pennsylvania. With the federal subpoena power, Page was able to be prosecuted and convicted and is awaiting sentencing.

Use of the federal statutes may be advisable when the release of the defendant on bond is an issue. In West Virginia, one of the considerations in choosing the federal statute in *United States v. Bailey* was that federal officials were able to hold the defendant pending trial, while state officials could not.

The Violence Against Women Act also provides needed resources for state and local law enforcement. Nine times out of ten, cases of domestic violence and sexual assault will be handled by state and local prosecutors. For that reason, more than $130 million in federal funding is available this year for hiring and training state and local police and prosecutors and for victim services.

CONCLUSION

AT EVERY OPPORTUNITY, WE URGE state and federal prosecutors to contact one another. Find out who handles domestic violence cases. Working cooperatively, we can make a significant difference in the effective prosecution of these serious crimes. By working together, U.S. attorneys and NDAA members will continue to develop a solid prosecutorial partnership that breaks the cycle of domestic abuse and provides real hope to victims throughout the country.

U.S. Department of Justice

Washington, D.C. 20530

THE VIOLENCE AGAINST WOMEN ACT:

BREAKING THE CYCLE OF VIOLENCE

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Executive Summary

Enacted as part of the Violent Crime Control and Law Enforcement Act of 1994, the Violence Against Women Act is landmark legislation -- combining tough law enforcement strategies with important safeguards for victims of domestic violence and sexual assault. In its first year, the Violence Against Women Act and related provisions have proven extremely effective in our effort to curb domestic violence offenses and to provide protection and peace of mind for women and their families concerned about violent sex offenders. The Department of Justice has adopted an aggressive strategy for fighting violence against women -- working in close coordination with state, tribal, and local law enforcement and other federal agencies.

Federal action on this front comes at a critical time. A recently released Department of Justice Bureau of Justice Statistics report, based on the National Crime Victimization Survey, confirms that violence against women in America persists:

- In 1992 and 1993, women age 12 or older annually sustained almost 5 million violent victimizations.

- Nearly 75% of all lone-offender violence against women was perpetrated by offenders whom the victims knew.

- In 29% of all violence against women by a lone offender, the perpetrator was an intimate -- a husband, ex-husband, boyfriend or ex-boyfriend.

- Women were about 6 times more likely than men to experience violence committed by an intimate.

- Women annually reported, to interviewers, about 500,000 rapes and sexual assaults. Friends or acquaintances of the victims committed over half of these rapes or sexual assaults. Strangers were responsible for about 1 in 5.

- Women of all races and Hispanic and non-Hispanic women were about equally vulnerable to violence by an intimate.

- Female victims of violence by an intimate were more often injured by the violence than females victimized by a stranger.

Prosecution and Penalties

The Violence Against Women Act increases penalties for sex offenders and domestic abusers -- doubling the maximum term of imprisonment for repeat sex offenders and authorizing severe federal sentences for abusers who travel interstate with the intent to injure, harass or intimidate a domestic partner or violate a protection order. Initial guidance has been issued to U.S. Attorneys about these new provisions. In May, the Department won its first conviction under the Violence Against Women Act's new interstate domestic violence offense. Christopher Bailey was sentenced to life in prison for kidnapping and interstate domestic violence after his conviction by the US Attorney in the Southern District of West Virginia. Federal prosecutors are also using changes in the Federal Rules of Evidence that broaden the admissibility of evidence that the defendant has committed other similar offenses in federal sexual assault and child molestation cases.

Federal Resources

Over the next five years, a total of $800 million in federal funds is authorized to assist states in restructuring law enforcement's response to crimes of violence against women. All 50 states and eligible territories have received the first installment of funds under the Office of Justice Programs-administered S.T.O.P. (Services*Training*Officers* Prosecutors) Violence Against Women grant program, the only Department Of Justice Violence Against Women grant program funded in Fiscal Year 1995. In keeping with the Act's emphasis on collaboration, the S.T.O.P grants require states to develop a joint strategy among law enforcement, prosecutors and victim service providers. Collaboration is also the focus of a new initiative funded by the Department's Community Oriented Policing Services (COPS) Office. The COPS $20 million "Community Policing to Combat Domestic Violence Program" is open to police departments interested in applying community policing techniques to fight domestic violence. Future Violence Against Women Act law enforcement grants will encourage mandatory arrest policies and target domestic violence and child abuse in rural areas.

The long-awaited National Domestic Violence Hotline is scheduled to be up and running early this year. The Department of Health and Human Services recently awarded $1 million to the Texas Council on Family Violence to set up this national, toll-free hotline for victims of domestic violence.

Peace of Mind

The Department is successfully implementing a number of provisions designed to stop sex offenders before they strike. Guidelines are being finalized by the Department implementing the Jacob Wetterling Act. This Violent Crime Control and Law Enforcement Act provision provides states with a financial incentive to adopt effective registration systems for convicted child molesters and other persons convicted of sexually violent crimes. The Violence Against Women Act also requires the Attorney General to insure that relevant sex offender treatment information is provided to sex offenders prior to release from prison. The Bureau of Prisons (BOP) has coordinated its efforts with two offender treatment program information clearinghouses in the United States. BOP, together with the U.S. Probation Office, is also ensuring that released sex offenders follow-up with community-based treatment.

Under other Violent Crime Control and Law Enforcement Act provisions, the FBI issued guidelines implementing the National Child Protection Act, which establishes a national background check system for child care providers to determine whether employees and prospective employees have criminal records involving child abuse offenses. Grants recently awarded by the Department of Justice under the National Criminal History Improvement Program (NCHIP) will also assist states in improving the accessibility and completeness of records that may be relevant in background checks under the National Child Protection Act and other laws.

The 1994 Violent Crime Control Act also increases protection to victims of domestic violence. The Act included a provision that makes it unlawful for persons subject to certain restraining orders to possess firearms. The first prosecution under this new provision occurred in South Dakota. The Department is also working with state and local law enforcement groups and United States Attorneys on effective implementation of this law. On a related front, the FBI is creating a national database concerning persons subject to protection orders, which will be available for criminal justice purposes, and to civil courts in domestic violence cases. This database will serve to increase the ability of states to verify the existence of restraining orders throughout the United States and will facilitate implementation of the "full faith and credit" provision, as well.

Victims' Rights and Other Safeguards

The revised Attorney General Guidelines for Victim and Witness Assistance, signed in May, provide initial guidance on a variety of reforms that enhance the rights of victims of crime in Federal court. These measures include provisions strengthening restitution for victims of domestic violence and sexual assault crimes, payment for sexually transmitted disease testing for victims of sexual assault offenses, and a provision affording victims of violent and sexual abuse crimes the right to address the court at the sentencing of the offender.

The Violence Against Women Act contains other important safeguards that the Department is working to enforce. The Act's "full faith and credit" provision requires states to honor protection orders issued by other jurisdictions. The Department is devising an aggressive strategy for implementation of this protection for battered women who hold protection orders and move to another state, only to have their abusers follow them there. In addition, the Immigration and Naturalization Service is finalizing regulations implementing the Act's special measures for battered immigrant women seeking lawful permanent residence.

In the Violence Against Women Act, the civil rights remedy was designed to complement existing federal civil rights laws which do not protect women from gender-motivated violence. Now, for the first time, victims of gender-motivated violent crimes, e.g. rape and domestic violence, have the right to sue their attackers for damages.

Understanding the Problem

A number of studies authorized under the Act are underway -- including evaluation of needed improvements in incidence reporting, a report on the problem of sexual assault on college campuses, a study of the use of battered women's syndrome evidence at trial, and an assessment of ways to protect the confidentiality of address information for victims of domestic violence. The Department of Justice will soon complete assessments of what states are doing to collect data on these crimes and to protect the confidentiality of communications between sexual assault and domestic violence victims and their counselors. A first annual report focussing on state stalking laws is also imminent. Through grants provided under the Act in the 1996 fiscal year, greater knowledge will also be obtained about the benefits of pro arrest policies. Once completed, all of these Violence Against Women Act studies will provide a more complete and accurate picture of the nature and extent of violence against women and improve our ability to track and respond to these crimes.

Also under the Violence Against Women Act, a panel of the National Academy of Sciences is developing a research agenda to increase the understanding and control of violence against women, including rape and domestic violence. And finally, research evaluation related to violence against women programs will provide important information on the implementation and the impact of the programs for refining and improving various programs designed to address violence against women.

Collaboration

The Department's Violence Against Women Office is headed by Bonnie Campbell. Ms. Campbell is responsible for the overall coordination and focus of Department of Justice efforts to combat violence against women. She serves as the Department's primary point of contact for other federal agencies, state and local governments, outside organizations, and Congress. Within the Department of Justice, Ms. Campbell works closely with the COPS Director, Joseph Brann, and with community police officers to help reduce domestic violence and other crimes against women in America's neighborhoods. She also works extensively with the Department's Office of Justice Programs Bureaus, the Offices of Policy Development and Legislative Affairs, the FBI and the Criminal Divisions, and the 93 U.S. Attorneys, among others.

In July, a joint Health and Human Services-Department of Justice Advisory Council on Violence Against Women was named and held its first meeting. This group of national leaders from a variety of fields and professions will provide the Attorney General and the Secretary of Health and Human Services with practical and general policy advice concerning implementation of the Act. The Violence Against Women Office and the Advisory Council will work together to promote greater awareness of the need for innovative solutions to the problem of violence against women.

The Violence Against Women Office is also spearheading an employee awareness campaign to educate Department of Justice employees about the issue of domestic violence. The campaign includes a training video, information fair, workplace guidelines and educational materials. The Department of Justice program will serve as a model for other federal agencies which were recently directed by the President to initiate workplace awareness efforts on this issue. A Violence Against Women Office home page will also provide access on the internet to the latest information on efforts relating to domestic violence and sexual assault, as well as links to other sources of information on these subjects.

U.S. Department of Justice
Office of Community Oriented Policing Services

FC COPS

COPS Facts

Community Policing Combats Domestic Violence

The COPS Community Policing to Combat Domestic Violence Program provides law enforcement agencies with a unique opportunity to execute well-planned, innovative strategies employing community policing to combat domestic violence. This program is one of several initiatives by the U.S. Department of Justice under the 1994 Crime Act to support innovative community policing.

Funding Provisions

There is no local match requirement for this program. Grant applications were submitted under one of three categories:

1. Domestic Violence Training with a Community Oriented Policing Philosophy;
2. Problem Solving and Community Based Programs; Community Policing Partnerships and Problem Solving Initiatives focusing on Domestic Violence; or
3. Changing Police Organizations to be More Responsive to Domestic Violence.

Projects were funded for a one-year period. Additional resources may be obtained for up to two additional years. Grant funds must be used to supplement, and not supplant, state or local funds that otherwise would be devoted to law enforcement.

Eligibility Requirements

All state, local, Indian Tribal, and other public and private law enforcement agencies which are committed to using community policing to address domestic violence were eligible to apply. Police departments were encouraged to partner with non-profit, non-governmental victim service programs, domestic violence shelters, or community service groups. This partnership must be described in a memorandum of understanding signed by both parties as part of the application.

Policing agencies must have an exemplary community policing plan which demonstrates that they:

1. have been practicing community policing for at least two years;
2. are currently training officers in community policing, and;
3. have implemented an organizational style which is participatory, value-based, result oriented, decentralized, and focused on innovative leadership and effectiveness.

An award under the Community Policing to Combat Domestic Violence Program does not affect the eligibility of an agency to apply to other COPS programs.

For more information, call the U.S. Department of Justice Response Center at 1-800-421-6770.
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Department of Justice

FOR IMMEDIATE RELEASE
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VAW
(202) 514-2008
TDD (202) 514-1888

JUSTICE DEPARTMENT ANNOUNCES THE AVAILABILITY OF $130 MILLION IN VIOLENCE AGAINST WOMEN GRANTS

The Justice Department today announced the availability of $130 million in grant funding for the states to assist police, prosecutors, and victim service providers in combating domestic violence and sexual assault. The STOP Violence Against Women formula grants were authorized by the Violent Crime Control and Law Enforcement Act of 1994 (the Crime Bill). STOP stands for services, training, officers and prosecutors.

The grants will be used by the states to train law enforcement officers, expand law enforcement and prosecution agencies, develop more effective strategies and programs to prevent violent crimes against women, and apply advanced technology to improving data collection and tracking systems. By law, at least a quarter of the funds must be dedicated to enhance direct services for crime victims.

"We view these grants as a major step in advancing the promise of the Violence Against Women Act," said Attorney General Janet Reno. To receive these funds, states must submit an implementation

plan, indicating how they will coordinate efforts among police, prosecutors and service providers. Priorities for this year's grants include: judicial education and court related programs; strengthening intra and interstate enforcement of protection orders; and addressing sexual assault, stalking and underserved populations. The grants will be distributed by the Violence Against Women Grants Office in the Office of Justice Programs.

Bonnie J. Campbell, Director of the Violence Against Women Office, indicated that states are being encouraged to enhance the coordination of anti-violence efforts among law enforcement agencies and victim service agencies. "It is vitally important that the collaborative relationships envisioned by the Violence Against Women Act continue to develop and we look forward to working with the states as they put this funding to work," Campbell said.

Over the next four years, a total of $800 million in federal funds is scheduled to assist states as they restructure their law enforcement response to address violent crimes against women. Last year, $26 million was available for the programs, with each state receiving $426,000. This year, and in future years, funds will be allocated according to state populations, with each state guaranteed a base amount of $500,000. Four percent of each year's appropriation will be available to Indian tribal governments through a discretionary grant program.

A detailed list of the states receiving STOP grants is attached.

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