



Office of the Attorney General
Washington, D.C. 20530

Dear Friend:

October was recognized by the President as Domestic Violence Awareness Month. The month gave all of us an opportunity to gather information, hold discussions, and increase awareness about domestic violence. However, if we are going to be successful in putting an end to violence against women, we must keep the issue at the forefront all year long.

Violence against women is perpetrated in all types of intimate relationships and crosses economic, educational, cultural, racial, and religious lines. Nearly one-third of women murdered each year in the United States are killed by their current or former intimate partners. Approximately 1 million women are stalked each year, and 1 in 36 college women is a victim of an attempted or completed rape in each academic year. As a result, across the country, women live in constant fear that they will be attacked at home, at work, at school, or in public places. Few women walk home alone at night without being concerned for their safety.

To assist communities and individuals engaged in activities to end violence against women, we are pleased to announce the development of the Web-based *Toolkit To End Violence Against Women*. The *Toolkit* was developed by the National Advisory Council on Violence Against Women, a council that is chaired by the U.S. Department of Justice and the U.S. Department of Health and Human Services. The recommendations and information contained in the *Toolkit* were the result of input from leaders and practitioners around the country with expertise in domestic violence, sexual assault, and stalking. Input was also provided by key individuals working in the areas of criminal justice, health, sports, faith, the media, the military, and entertainment. As you know, to end violence against women we must change our culture, and all facets of society need to play a role.

The *Toolkit* comprises 16 chapters that provide recommendations for strengthening prevention efforts and improving services for victims. Each *Toolkit* chapter focuses on a particular audience and includes recommendations for a range of professionals. The format is designed to help readers quickly pinpoint topics of interest, and each chapter is relevant to more than one group of individuals. We encourage you to consult all chapters of the *Toolkit* for instruction, guidance, and inspiration.

The *Toolkit* will be available beginning November 1, 2001, at the following Internet address: <http://toolkit.ncjrs.org>. We consider the *Toolkit* to be a "living" document that will evolve as the issues surrounding violence against women continue to grow. We encourage your feedback and look forward to working with you to eradicate violence against women and to make this country a safer one for all individuals.

Sincerely,

Handwritten signature of John Ashcroft in black ink.

John Ashcroft
Attorney General
U.S. Department of Justice

Handwritten signature of Tommy Thompson in black ink.

Tommy Thompson
Secretary
U.S. Department of Health and Human Services

What Communities Can Do To Make a Difference

- ◆ **Ensure that all victims have a safe place to turn.** Identify gaps in services for all victims of sexual assault, dating and domestic violence, and stalking. Educate the public, legislators, and community leaders. Develop strategies to increase the availability of core crisis services where none exist.
- ◆ **Expand services.** Expand the services offered to survivors of sexual assault, dating and domestic violence, and stalking, including more long-term counseling, assistance with housing and employment, and culturally specific services.
- ◆ **Seek and use survivor input.** Develop a range of mechanisms to ensure survivor involvement in the design, evaluation, and enhancement of outreach strategies and services. Support the leadership role of victim advocates and survivors in coordinated community responses, coordinating councils, task forces, and other collaborative entities.
- ◆ **Increase the cultural and linguistic competence of community programs.** With community partners, commit to building a more responsive network of sexual assault and domestic violence programs and services. Institute hiring and recruitment policies and practices to ensure that staff reflect the communities they are serving.
- ◆ **Expand the availability of culturally competent and culturally specific services.** Target funds for strategies and services developed by and for underserved and marginalized communities and populations.
- ◆ **Develop new leadership.** Support leadership development for women from underserved and marginalized populations to increase their participation in efforts to end violence against women.
- ◆ **Protect privacy and confidentiality.** Ensure that staff and volunteers of sexual assault and domestic violence programs take all necessary steps to protect the confidentiality and privacy of their communications with victims, including safeguarding files and records and the informed use of written waivers of confidentiality.
- ◆ **Inform policymakers.** Expand efforts to educate local and state policymakers about the impact of proposed policies and legislation on women who have been sexually assaulted, battered, or stalked, and involve survivors in these efforts.
- ◆ **Build partnerships with community groups.** Collaborate with community groups that are interested in integrating response to violence against women into their work. Ensure that informal neighborhood networks that women may turn to for support are adequately informed about violence against women and available community resources.
- ◆ **Increase organizational capacity.** Adequately fund sexual assault and domestic violence programs to ensure their stability and effectiveness.

Chapter 1

Strengthening Community-Based Services and Advocacy for Victims

Ensure Quality Services in Dual Programs

Meeting the needs of all survivors of violence against women requires collaboration and information sharing between sexual assault and domestic violence service providers. Many communities have created dual programs that address both sexual assault and domestic violence. However, sexual assault services are often disproportionately understaffed, underfunded, and unable to provide even core services to the community.

If communities are considering developing dual programs or combining sexual assault and domestic violence services into the same agency, they should first investigate the potential benefits, pitfalls, and unintended consequences of merging or maintaining separate programs. In communities where only one program provides sexual assault and domestic violence services, measures must be taken to ensure that sexual assault programming is equitable and fully developed. Policies and procedures should be carefully structured and monitored to ensure that sexual assault intervention and prevention activities receive equitable support.

Strengthen Services and Advocacy for Victims and Survivors

The antirape movement organized in the late 1960s laid the political foundation for work that

began in the early 1970s against domestic violence and established the model for community-based organizations providing services and advocacy to women and their children. Initially, sexual assault and domestic violence advocates focused on creating crisis hotlines, support groups for victims,¹ and “safe homes” and emergency shelters for battered women. As advocates helped individual women negotiate the courts, health care, and social service systems, disturbing patterns emerged—e.g., institutional responses that were biased, uncoordinated, and confusing; blamed victims for their assault or abuse; and too often endangered women and children. The need for systemic change was identified, and public policy advocacy took on new urgency.

Advocates effectively worked with federal and state elected officials to pass and implement more effective sexual assault, dating and domestic violence, and stalking laws; increase funding for services; and provide better training for those involved in ensuring safety, recovery, and justice for survivors. More than 1,300 sexual assault programs and more than 1,900 domestic violence programs now exist in communities across the nation; the number of victim advocacy programs offering support and protection to women who have been stalked is also growing. Sexual assault and domestic violence coalitions exist in every state; national organizations also offer comprehensive training, technical assistance, and systems advocacy on violence against women issues.

Although funding has expanded in the past 10 years for both sexual assault and domestic violence programs, and justice agencies have enhanced their ability to protect victims, the

availability of services has lagged behind the pressing needs that women and children face.² Rural communities, communities of color, tribal reservations, immigrant and refugee groups, incarcerated women, older women, women with disabilities, and others too often remain marginalized and have benefited far less by the advocacy efforts of the past 30 years than women in the mainstream. As programs develop, increased attention is focused on recognizing and responding to women's diverse interests and concerns. A challenge facing all community-based sexual assault, domestic violence, and stalking programs is to provide support and leadership while respecting and learning from the women and communities with whom these programs are working.

Ensure That All Women Have a Place To Turn

Many states have three times as many counties to serve as sexual assault and domestic violence programs to serve them. The problem is particularly acute in rural areas, but many large cities also face chronic shortages of emergency shelter beds and crisis services for battered women and their children. Most sexual assault programs struggle to provide core services such as hotlines, medical and legal system advocacy, and crisis counseling to women in their communities. Few communities have developed services specifically designed to assist stalking victims outside the context of sexual assault or domestic violence.

However, more women are reaching out for services than ever before.³ As the criminal justice, health, welfare, and social service systems more regularly identify sexual assault, dating and domestic violence, and stalking victims and refer them to community-based services, the demand for these programs' services has increased significantly. Public education and awareness efforts have also informed more women how to access services and have encouraged them to seek help.

Provide More Comprehensive Services and Advocacy

Research and practice have provided a more complete understanding of the incidence, prevalence, forms, and impact of sexual assault, acknowledging the pressing need for a greater range of services and broader expertise. Increases in the number of child sexual assault and acquaintance rape survivors reaching out for help have placed new demands on sexual assault programs. Similarly, domestic violence advocates are challenged by the complexity of issues facing battered women. Different resources and staff/volunteer skills are needed to provide appropriate services and advocacy for immigrant or migrant battered women, poor women, women with substance abuse or mental health problems, and women requiring long-term support.

Still, most women who are sexually assaulted, battered, or stalked do not reach out to sexual assault or domestic violence programs. They may not know such programs exist, be able to access them, recognize that what has happened to them is a crime, or find the services provided relevant to their needs or experiences. New outreach strategies must include building new alliances between victim advocacy programs and other community groups that bring services and support closer to the women who need them.

Appreciation has deepened in regard to the diversity of women's experiences with sexual and physical violence and the differences in the women's circumstances, resources, and interests. Advocates understand the need to tailor responses to the particular needs of each woman, respecting and supporting her decisions and increasing her understanding of options, and to her sense of control. This approach is more responsive to the complexity of women's lives and more likely to enhance women's safety, recovery, and well-being.⁴

Enhance Services and Programs for Marginalized and Underserved Women and Communities

Culture has a tremendous impact on the way individual women experience and interpret violence, how and where they look for help, and how they respond to and use formal and informal service systems. Sexual assault and domestic violence programs must continue to make services more relevant and accessible to all women and more culturally appropriate and specific to the communities they serve. Additionally, marginalized and underserved communities are encouraged to create services and programs that are by and for their members. Often, organizations that have traditionally provided services to specific populations (regardless of whether those services specifically targeted violence against women) are in a better position to serve women from that community.

Many victims of sexual assault and domestic violence require a continuum of responses and services. Sexual assault or domestic violence programs alone cannot provide all of the services, support, and protection needed by survivors and their children. The effort must be communitywide.

Increase Organizational Capacity To Provide Responsive Services and Community Leadership

Although many sexual assault and domestic violence programs are currently understaffed and underfunded, they are increasingly being urged to address a broader and more complex range of issues and to assume key leadership roles within coordinated community response efforts. Community-based sexual assault and domestic violence programs have been assigned several critical tasks:

- ◆ Ensure that every intervention is grounded in being responsive to victim needs and interests and holds offenders accountable for their behavior.
- ◆ Encourage communication, coordination, problem solving, and collaboration among institutions, community agencies, and the community as a whole.
- ◆ Help develop a vision and plan for ending violence against women in the community.

Meeting the needs of all women dealing with violence also requires collaboration and information sharing between sexual assault and domestic violence service providers, advocates, and experts.⁵

To fulfill these roles, community-based sexual assault and domestic violence programs require adequate resources, leadership development opportunities, and technical assistance from within the advocacy movement and support from the justice, health, social service, and other systems.

Similarly, state coalitions and national sexual assault and domestic violence organizations, including national hotlines and resource centers, play a critical role in advocating on behalf of women's interests by fostering collaboration; bringing new partners into the movement to end violence against women; changing systems, policies, and laws to protect victims; providing training and technical assistance to guide program development and public education efforts; and guiding and leading prevention efforts. These national and state organizations also struggle to secure adequate resources to meet the demands of their work.

Outlined on the following pages are specific actions that local communities, private funding sources, sexual assault and domestic violence programs, state coalitions, and state and national sexual assault and domestic violence organizations can take to eliminate violence against women.

Ensure That All Women Have a Place To Turn

1. Increase availability of core advocacy and support services, such as crisis hotlines, information and referrals, support groups and counseling, emergency shelters, and legal, medical, and economic advocacy.

- ◆ Identify unserved and underserved areas within each state and county, focusing on both rural and urban areas. Target additional resources to areas with the most pressing needs.
- ◆ Establish new sexual assault and domestic violence programs in unserved communities or counties.
- ◆ Ensure that funding for dual programs adequately supports the provision of core services to sexual assault survivors.
- ◆ Expand the capacity of existing sexual assault and domestic violence programs to establish outreach or satellite offices.
- ◆ Increase transportation networks to enable more women access to existing services.
- ◆ Train specialized staff to work on violence against women issues in other community-based organizations serving underserved areas.

Provide More Comprehensive Services and Advocacy

2. Use advocacy, service delivery, counseling, and safety planning approaches that acknowledge the diversity of each woman's circumstances, resources, and interests.

- ◆ Provide advocates with the necessary orientation, skill training, and ongoing support to build respectful partnerships with victims and survivors.
- ◆ Analyze the range of relevant risks and needs each woman faces, as well as options and resources, and offer the most responsive services and advocacy.
- ◆ Prepare to assist battered women in strengthening and effectively implementing ongoing safety plans.

3. Get and use survivors' input in design, evaluation, and enhancement of program policies and practices.

- ◆ Develop various mechanisms to ensure ongoing survivor input into policy analysis, program development, systems change, program evaluation, and public education activities.
- ◆ Solicit input from survivors through surveys, focus groups, intake and exit interviews, and other strategies designed to obtain broad feedback from diverse women.
- ◆ Invite survivors to participate in analyzing the information and discussing its implications and its applications to policy and program development.

4. Work collaboratively with other community agencies to create an emergency assistance fund to be administered by local and statewide sexual assault or domestic violence agencies.

- ◆ Provide resources to cover emergency expenses resulting from victimization, including emergency relocation and housing costs, transportation, short-term food and clothing expenses, respite care for children and other dependents, emergency medical care including health care evaluations immediately after an assault, and other crisis costs facing victims.

5. Enhance sexual assault advocacy and services and their responsiveness to the needs of women who have been sexually assaulted.

- ◆ Expand the types of services offered, including enhanced legal and medical advocacy (such as helping survivors secure forensic exams and long-term evidence storage, treatment for sexually transmitted diseases, and legal accompaniment), long-term counseling, housing and employment advocacy, community outreach and education, grassroots organization, and more effective use of information technology to reach survivors and the community.
- ◆ Increase program capacity to respond to victims of different forms of sexual assault, including adult and child survivors of child sexual abuse and survivors of acquaintance rape, rape within marriage or cohabiting relationships, and drug-facilitated and same-sex sexual assault.

- ◆ Provide services that are responsive to survivors who have emergency housing needs, live in remote areas, have been prostituted or trafficked, have chronic mental health needs, have been raped in the context of war, or have also been stalked—including victims whose stalkers have used the Internet to harass or threaten them.
- ◆ Remove barriers to current services or provide alternative services in special situations. Ensure that services are available to women who may require them for longer than is typically allowed, speak languages other than English, have mental health problems or substance abuse histories, or face criminal charges; undocumented women; women living with HIV/AIDS; and women with disabilities.

6. Enhance domestic violence advocacy and services and their responsiveness to needs of battered women.

- ◆ Expand the range of services offered to battered women, such as welfare, housing, education, employment, medical and legal advocacy, services and advocacy for nonsheltered women, transitional housing, and followup services to sheltered women and their children.
- ◆ Provide appropriate referrals to every woman who seeks emergency shelter but is turned away because of lack of space or because her needs fall outside program capacity. Expand emergency housing options in communities by supplementing beds available through battered women’s shelters, including hotels/motels, “safe homes,” hospital beds, and other emergency housing programs. Develop appropriate operating and referral policies to ensure that such options are responsive and safe.
- ◆ Ensure that shelter and services are available to women who may require longer stays than are typically allowed, have older children or male children of any age, speak languages other than English, have mental health problems or substance abuse histories, face criminal charges, or are former sex workers or prostituted undocumented women; women living with HIV/AIDS; women with disabilities or who have children with disabilities; and survivors of lesbian battering.

7. Enhance collaborative relationships among sexual assault, domestic violence, and stalking programs within the same community.

- ◆ Provide cross training for sexual assault, domestic violence, and stalking program staff and volunteers on violence against women, the services and advocacy provided by other programs, and appropriate referral strategies.
- ◆ When appropriate, share staff to best meet the needs of women seeking assistance. For example, an interpreter for hard-of-hearing victims or a substance abuse counselor may not be needed full time at any single agency but might be shared among several.

8. Expand efforts to educate local and state policy-makers about the impact of proposed policies and legislation on women who have been sexually assaulted, battered, or stalked; involve survivors in these efforts.

- ◆ As resources allow, monitor and document the response of criminal and civil justice, health care, welfare, and other systems to violence against women, and report both positive and negative results to the community.

9. Investigate and carefully expand the use of new information and communications technology to improve services, outreach, and education related to violence against women.

- ◆ Institute appropriate safeguards to address privacy and confidentiality concerns.⁶
- ◆ Explore how the Internet and distance-learning approaches can provide training and education of survivors and advocates.

10. Protect the confidentiality and privacy of staff/volunteer communications with victims, including safeguarding files and records and the informed use of written waivers of confidentiality.

- ◆ Provide regular and comprehensive training to all staff and volunteers to ensure they are adequately prepared to maintain confidentiality of communications and records under existing state statutes and program policies and procedures.
- ◆ Reflect a commitment to women’s confidentiality and privacy in all program descriptions, in

oral and written information, with third parties, and in educational materials.

- ◆ Help women protect their privacy with private post office boxes, unlisted phone numbers, blocking of caller identification, and flagged records in credit bureau and child support databases.
- ◆ Develop and implement privacy safeguards for programs with an online presence.
- ◆ Develop or expand policies within coordinated community responses to protect the confidentiality of survivors and appropriately regulate the flow of information.
- ◆ Inform community partners about existing laws related to confidentiality and victims' rights, and ensure that information is exchanged in accordance with applicable laws.

11. Build community partnerships to provide survivors with needed services; initiate, participate in, and provide leadership to multidisciplinary community-based efforts addressing violence against women.

- ◆ Designate staff with the responsibility and time to strengthen collaborative efforts with other sectors of the community.
- ◆ Build new collaborative relationships with programs addressing child abuse, teen pregnancy, homelessness, poverty, mental health, alcohol and drug abuse (including those providing residential substance abuse or mental health services and those working with communities of color); people with psychiatric, developmental, and physical disabilities; the lesbian, gay, bisexual, and transgender communities; men and boys; and religious, spiritual, and faith-based organizations.
- ◆ Convene representatives from all systems that affect survivors' lives, and coordinate the provision of wraparound services that minimize victim trauma.
- ◆ Partner with academic and research organizations to ensure that policy and practice is informed and strengthened by research evaluation and that research and evaluation initiatives are informed by and responsive to current policy and practice issues and community needs.

- ◆ Focus on victim concerns and safety within existing collaborations addressing violence against women, such as state, county, and local councils.

Increase Responsiveness to Marginalized and Underserved Women and Communities

12. Increase the cultural and linguistic competence of sexual assault, domestic violence, and stalking programs.

- ◆ Engage staff and volunteers at every level of an organization to discuss the meaning and importance of cultural sensitivity and competence; commit to building a more responsive organization.
- ◆ Recruit and hire staff, volunteers, and board members who reflect the composition of the community the program is responsible to serve.
- ◆ Articulate in organizational documents a commitment to serve victims and survivors from diverse backgrounds; challenge oppression based on race, ethnicity, socioeconomic status, and other factors. Review all policies and practices, and modify those that contain bias or create barriers to accessing services.
- ◆ Provide ongoing training for staff about the populations the program is responsible to serve; provide constructive forums for staff to address the reality and impact of racism, sexism, homophobia/heterosexism, and biases related to age, disability, geographic isolation, and religious beliefs.
- ◆ Assume responsibility for understanding and speaking out against other forms of oppression and incidents involving discrimination or bias.

13. With community women and other partners, identify natural sources of information and support used by women in the community, and help ensure that these sources are adequately informed about violence against women and available services.

- ◆ Support organizations, groups, and individuals already working within local communities—

such as migrant health clinics, senior centers, lesbian service agencies, disability rights organizations, neighborhood watches, faith-based groups, and parent-teacher associations—to incorporate an understanding and response to violence against women in their work in the community.

- ◆ Collaborate with leaders from diverse communities to develop culturally and linguistically appropriate brochures, videos, public service announcements, posters, and other materials; distribute them through trusted organizations and community leaders.

14. Support the leadership development of women and men from underserved and marginalized communities and groups to facilitate their ability to fully participate in efforts to end violence against women.

- ◆ Incorporate the expertise, perspectives, and leadership of underrepresented communities, including communities of color and people with disabilities, in the design and implementation of services and individual advocacy, outreach, public education, training, policy advocacy, and evaluation activities of programs.
- ◆ Increase representation and leadership on program boards and within membership structures of national, state, and local sexual assault and domestic violence organizations, and ensure meaningful opportunities for participation in policy and program development, planning, and priority setting.
- ◆ Work collaboratively with government and private funders to expand support for community, state, and nationwide networks, organizations, and alliances of communities of color to end sexual assault and domestic violence.

15. Expand current efforts to develop culturally competent and specific services for victims, and target funds for programs, services, and new approaches to address violence against women.

- ◆ Ensure that services are designed and implemented by and for underserved and marginalized populations and communities. These new

approaches can include expanded definitions of core services, nontraditional response or prevention strategies, and services delivered through nontraditional entry points.

Increase Organizational Capacity To Provide Responsive Services and Community Leadership

16. Ensure program staffing that is adequate, well-trained, and reflective of the community.

- ◆ Provide adequate staff compensation and benefits packages, ongoing staff and volunteer development, programs and support to address secondary trauma and “burnout,” safe working conditions, and staff access to specialized consultants, including legal, medical, and mental health specialists, as necessary to meet community needs.
- ◆ Institute staff hiring and volunteer recruitment and retention policies that result in staffing reflective of the community the organization is responsible to serve.

17. Increase state funding for state sexual assault and domestic violence coalitions.

- ◆ Expand provision of technical assistance, training, policy advocacy, public education, and organization activities by state sexual assault and domestic violence coalitions.

18. Increase local and state support for local-, state-, tribal-, and national-level meetings, working groups, and conferences.

- ◆ Provide advocates and allies with more opportunities to meet, network, coordinate advocacy and policy work, devise methods to improve intervention and prevention efforts, and address emerging policy and practice issues.

Resources

National Hotlines

Victim Services Helpline (assistance and referral)

National Center for Victims of Crime

2000 M Street NW., Suite 480

Washington, DC 20036

Phone: 1-800-FYI-CALL

TTY: 1-800-211-7996

Fax: 202-467-8701

Web site: www.ncvc.org/infolink/main.htm

The National Center for Victims of Crime's (NCVC's) mission is to help victims of crime and their families rebuild their lives. NCVC works with local, state, and federal agencies to enact legislation and provide resources, training, and technical assistance. The NCVC Web site provides relevant statistics, links to publications, and referrals to participating attorneys.

National Domestic Violence Hotline

P.O. Box 161810

Austin, TX 78716

Phone: 512-453-8117

Hotline: 1-800-799-SAFE

TTY: 1-800-787-3224

Fax: 512-453-8541

Web site: www.ndvh.org

The National Domestic Violence Hotline uses a nationwide database to provide crisis intervention, referrals, information, and support in many languages for victims of violence against women.

Rape, Abuse, and Incest National Network

635-B Pennsylvania Avenue SE.

Washington, DC 20003

Phone: 202-544-3059

Hotline: 1-800-656-HOPE

Fax: 202-544-3556

Web site: www.rainn.org

The Rape, Abuse, and Incest National Network (RAINN) offers a toll-free hotline for free, confidential counseling and support 24 hours a day for victims of rape, abuse, and incest.

National Resource Centers and Advocacy Organizations

Family Violence Prevention Fund

383 Rhode Island Street, Suite 304

San Francisco, CA 94103-5133

Phone: 415-252-8900

Fax: 415-252-8991

Web site: www.fvpf.org

The Family Violence Prevention Fund works to end domestic violence and help women and children whose lives are affected by abuse. The Web site offers free online catalogs, articles and information on abuse and violence, press releases and story archives, information on public policy efforts, and other resource materials.

Institute on Domestic Violence in the African American Community

180 McNeal Hall

University of Minnesota

1985 Buford Avenue

St. Paul, MN 55108-6142

Phone: 1-877-643-8222

Web site: www.dvinstitute.org

The Institute on Domestic Violence in the African American Community promotes public awareness through public outreach, dissemination of related information and resources, publication of a bi-annual newsletter, and coordination of conferences and training forums.

National Alliance of Sexual Assault Coalitions

c/o Connecticut Sexual Assault Crisis Services, Inc.

110 Connecticut Boulevard

East Hartford, CT 06108

Phone: 860-282-9881

Fax: 860-291-9335

Web site: www.connsacs.org/alliance.html

The National Alliance of Sexual Assault Coalitions Web site provides a listing of sexual assault coalitions across the country, with contact information, URLs, and e-mail links for each. The site includes an online library of relevant articles and information that includes research materials as well as fiction and poetry.

National Latino Alliance for the Elimination of Domestic Violence

1730 North Lynn Street, Suite 502
Arlington, VA 22209
Phone: 1-800-342-9908
Fax: 1-800-600-8931
Web site: www.dvalianza.com

The National Latino Alliance for the Elimination of Domestic Violence (the Alianza) includes Latino advocates, community activists, practitioners, researchers, and survivors of domestic violence working together to eliminate domestic violence in Latino communities. The Alianza serves as a national forum for ongoing dialogue, education, and advocacy. Publications and the Web site are offered in English and Spanish.

National Network to End Domestic Violence

666 Pennsylvania Avenue SE., Suite 303
Washington, DC 20003
Phone: 202-543-5566
Fax: 202-543-5626
Web site: www.nnedv.org

The National Network to End Domestic Violence (NNEDV) is a membership organization for state domestic violence coalitions that offers advocacy, information, referrals, technical assistance, training, and other opportunities for advocates across the country. NNEDV publishes a quarterly newsletter and the Web site includes an “On The Hill” page that tracks the latest legislation and government actions on domestic violence.

National Resource Center on Domestic Violence

Pennsylvania Coalition Against Domestic Violence
6400 Flank Drive, Suite 1300
Harrisburg, PA 17112
Phone: 1-800-537-2238
TTY: 1-800-533-2508
Fax: 717-545-9456
Web site: www.pcadv.org

The National Resource Center on Domestic Violence (NRC) is a valuable source for information, training, and technical assistance regarding domestic violence issues. NRC is also a clearinghouse for domestic violence resources and statistics that may be used to enhance policies and publications.

National Sexual Violence Resource Center

123 North Enola Drive
Enola, PA 17025
Phone: 1-877-739-3895
TTY: 717-909-0715
Fax: 717-909-0714
Web site: www.nsvrc.org

The National Sexual Violence Resource Center (NSVRC) is a clearinghouse for resources and research about all forms of sexual violence. NSVRC works with its partner agency, the University of Pennsylvania, to provide new policies for establishing sexual violence interventions and prevention programs.

Stalking Resource Center

National Center for Victims of Crime
2000 M Street NW., Suite 480
Washington, DC 20036
Phone: 202-467-8700
Fax: 202-467-8701
Web site: www.ncvc.org

The National Center for Victims of Crime’s (NCVC’s) mission is to help victims of crime and their families rebuild their lives. The Stalking Resource Center provides resources, training, and technical assistance to criminal justice professionals and victim service providers to support locally coordinated, multidisciplinary antistalking approaches and responses.

Endnotes

1. Some victims and survivors chose to identify themselves using one of these two terms. For clarity, we use “victim” through most of this document.
2. Schechter, Susan (1996). *Improving the Response to Domestic Violence: Recommendations to Federal Agencies*. Iowa City, IA: University of Iowa, School of Social Work and Injury Prevention Research Center. p. 11.
3. One example of this is the increase in calls to the National Domestic Violence Hotline over the past 4 years. In the year 2000, the hotline received

an average of 11,000 calls per month, up from 5,000 calls less than 3 years ago. Most calls are from battered women seeking help, although many calls are from family and friends of someone being abused to request information they can pass on.

4. Davies, J., Lyon, E., and Monti-Catania, D. (1998). *Safety Planning With Battered Women: Complex Lives/Difficult Choices*. Thousand Oaks, CA: Sage Publications.

5. *Promising Practices: Improving the Criminal Justice System's Response to Violence Against Women*, compiled by the STOP Violence Against Women Grants Technical Assistance Project (1998). Washington, DC. p. 11. For a copy, contact the National Criminal Justice Reference Service at 1-800-851-3420 or askncjrs.org and reference NCJ 172217.

6. For example, sexual assault and domestic violence programs with an online presence should develop and implement safeguards that preclude the discovery of survivor research and/or contact online through information stored on the survivor's computer. Sexual assault and domestic violence Internet sites should prevent and eliminate the caching of pages and their content and avoid the use of "cookies" whenever possible. Users should be offered warnings and instructions about clearing the cache and the navigational history and the potential dangers of using "bookmarks" or "favorites." Users should be encouraged to use private e-mail, and sexual assault Internet sites should offer links to sites where survivors can set up private e-mail accounts.

What the Health and Mental Health Care Systems Can Do To Make a Difference

- ◆ **Conduct public health campaigns.** Establish sexual assault, dating and domestic violence, and stalking as serious public health issues through national, state, and local campaigns by health and mental health departments, health and medical associations, and health care institutions.
- ◆ **Educate all health care providers about violence against women.** Fully integrate information on the prevention, detection, and appropriate treatment of sexual assault and domestic violence into curriculums at all health and mental health care professional schools and continuing education programs. Encourage every health plan and provider group to provide training on domestic violence screening, intervention, documentation, and referral.
- ◆ **Create protocol and documentation guidelines for health care facilities, and disseminate widely.** Encourage the use of standard chart prompts, documentation forms, and provider reference materials on sexual assault and dating and domestic violence.
- ◆ **Protect victim health records.** Enact statutes, policies, and procedures that prevent discrimination against victims, enhance victim safety and privacy, and allow victims to restrict access to their patient information.
- ◆ **Ensure that mandatory reporting requirements protect the safety and health status of adult victims.** Examine and amend state statutes regarding domestic violence mandatory reporting to require victim consent before reporting in cases involving adult victims unless the injury is gunshot-related or life threatening.
- ◆ **Create incentives for providers to respond to violence against women.** Create reimbursement codes and mechanisms, quality assurance procedures, and packaged service provision programs for domestic violence, and implement strategies specifically geared toward sexual assault as recommended by the national sexual assault task force.
- ◆ **Create oversight and accreditation requirements for sexual assault and domestic violence care.** Require that institutions identify, document, assess, and respond to sexual assault and domestic violence victims' needs as part of routine licensing and credentialing procedures.
- ◆ **Establish health care outcome measures.** Create measures for evaluating victim health and mental health status improvement as response to violence against women is enhanced.
- ◆ **Dedicate increased federal, state, and local funds to improving the health and mental health care systems' responses to violence against women.** Include exploring the creation of new funding streams and earmarking specific funding within state and local health department budgets.

Chapter 2

Improving the Health and Mental Health Care Systems' Responses to Violence Against Women

Millions of women are victims of sexual assault, dating or domestic violence, or stalking at some point in their lives, and the traumatic effects of this violence have a tremendous impact on survivors' physical and mental health. Too many victims never discuss incidents of violence with anyone or approach the health and mental health care, criminal justice, or other system for assistance. However, most women come to health care settings for regular exams, for treatment of specific problems both caused by and independent of the abuse, and for the care of their children and other family members. Health care providers may be the first and only professionals who see a battered woman or sexual assault victim. This makes the health and mental health care systems crucial points for early intervention and prevention for women who have survived or are experiencing violence.

The health effects of violence against women are extensive. In addition to possible acute injuries sustained during sexual assault or dating or domestic violence, physical, sexual, and psychological abuse are linked to numerous adverse chronic health conditions. These include arthritis, chronic neck or back pain, frequent migraines or other types of headaches, visual problems, sexually transmitted infections, chronic pelvic pain, increased gynecological symptoms, peptic ulcers, and functional or irritable bowel disease.¹

Violence against women is also directly related to adverse mental health effects. Sexual assault trauma and domestic violence are often life-altering experiences resulting in numerous emotional and behavioral responses.

Sexual assault victims are more likely than other crime victims to attempt suicide.² More than one-third of sexual assault victims and battered women experience symptoms of depression.³ Forty-six percent of domestic violence victims have symptoms of anxiety disorder.⁴ Victims of both sexual assault and domestic violence experience symptoms consistent with posttraumatic stress disorder.⁵ Persistent sexual victimization occurring early in childhood can lead to a range of disorders that can arise anytime after the traumatic event and last indefinitely until appropriate treatment is received. Resulting behaviors, such as drug abuse or prostitution, may be deemed criminal and may result in the person being punished. Numerous studies nationwide consistently show prevalence rates of sexual abuse histories at 22–54 percent among women receiving case management mental health services and 50–70 percent among women in inpatient psychiatric facilities.⁶

Unfortunately, many health and mental health care providers still do not view sexual assault, dating and domestic violence, and stalking as public health issues and lack the knowledge, skills, and incentives to intervene appropriately. For example, only 9–11 percent of the primary care physicians in California routinely screen patients for domestic violence during new patient visits, periodic check-ups, and prenatal care.⁷ One study in which participants represented patients and physicians in both a private and a public hospital concluded that both patients and physicians favored the practice of doctors inquiring about physical and sexual abuse—yet 89 percent of the physicians never made such inquiries.⁸

Sexual Assault and Domestic Violence as Overlapping but Distinct Health Issues

For this discussion, it is important to understand the interconnections and distinctions between sexual assault and domestic violence and their implications for health and mental health care system intervention. Medical treatment differs dramatically for survivors of sexual assault and domestic violence. Although competent medical treatment is critical for both, it must occur immediately—from the moment a sexual assault survivor or domestic violence victim arrives at a health care facility. In cases of sexual violence, a victim may have contracted a sexually transmitted disease as a result of her assault, and pregnancy is often an overwhelming and genuine fear. Therefore, immediate and continued access to a full range of reproductive health care services is particularly important for sexual assault victims. Long term, the followup care for victims of sexual assault and dating and domestic violence may involve different types of treatment, referrals, and support. Factors such as duration of abuse, unreported history of earlier victimization, ongoing safety concerns, and cultural influences are just some of the needs to consider.

Primary and Secondary Prevention of Violence Against Women

Health problems of the magnitude described above require a broad public health approach with comprehensive prevention strategies and commitment to ongoing evaluation. When such strategies are effective, they can prevent health problems (primary prevention) or identify a problem in its earliest stages (secondary prevention). In this way, harm to individuals is reduced, and the long-term adverse impact on a patient's health (including mental health) is minimized. For example, early detection programs for breast, cervical, and prostate cancer can identify and treat these problems before the disease reaches advanced stages.

When primary or secondary prevention strategies are not implemented or are ineffective, tertiary prevention—a strategy that limits the impact of an injury or disability once it has become serious—is needed.

Until recently, the health care system has addressed sexual assault and domestic violence predominantly through tertiary prevention strategies. Sexual assault programs handle crisis calls from victims and survivors; shelters provide temporary housing for women and children seeking refuge from abuse. The criminal justice system reacts to violent incidents with sanctions for perpetrators. Similarly, health and mental health care professionals treat the presenting problem (suturing lacerations, setting broken bones, and prescribing antidepressants) usually without exploring the underlying problem. In one study of 476 consecutive women seen by a family practice clinic in the Midwest, 394 (82.7 percent) agreed to be surveyed. Of these patients, 22.7 percent had been physically assaulted by their partners within the last year, and 38.8 percent of them endured lifetime physical abuse. However, only six women said they had ever been asked about the occurrence of domestic violence by their physician.⁹

If violence against women is to be stopped, screening and intervention in the health care setting must be supplemented with broad-based public education efforts that inform and address deep-seated attitudes and give people tools for action in the communities in which they live. Despite some gains, far too many Americans continue to hold attitudes that can be construed as excusing the sexual abuser or batterer for his behavior or blaming victims for precipitating the violence. These attitudes contribute to pervasive social norms that tolerate and permit abuse.

Recent public health initiatives to reduce AIDS, smoking, and drunk driving have yielded promising results and significant lessons that can be used to help end violence against women. A campaign sponsored by The Advertising Council encouraged people to speak to their doctors about colon cancer. Widespread response showed that public

health communication of this kind can be an effective tool for addressing topics people feel uncomfortable discussing (as many people do with sexual assault and domestic violence). Not only did The Advertising Council successfully increase awareness of the problem of colon cancer in just 6 months of advertising, it also increased the number of people discussing the issue with their physicians.

Clinical Response: Improving the Standard of Care

Virtually every clinical health and mental health care provider treats victims of sexual assault and domestic violence, although most are unaware that their patients have formerly or recently been abused. Historically, health care providers have viewed violence against women as a social/legal issue or even as a private family problem, outside their purview and inappropriate to address in a clinical setting. Only recently has the situation begun to change. At the clinical care level, health and mental health care institutions and systems are encouraged to implement changes designed to create comprehensive standards of care for victims of violence against women. The standards should include

- ◆ Access to health and mental health care. Basic, quality, affordable services should be available to all women regardless of age, geographic or language barriers, sexual orientation, or ability to pay.
- ◆ Routine screening by trained health care providers. All adult and teenage women should be screened routinely for intimate partner violence following a screening protocol that ensures patient privacy, safety, and confidentiality. Resources must be invested to develop and test sexual assault screening instruments and to train providers across all health specialties on the use of these tools and appropriate referrals. Screening for violence based on observed injuries alone does not account for the toll of psychological abuse or unseen injuries and

eliminates many opportunities for early intervention and prevention. By asking simple and direct questions regarding abuse and sexual assault, trained health care providers engage in vital prevention and early intervention by sending a message to women that violence against them is a health issue, that they are not alone, and that health care providers know and care about sexual assault and domestic violence.

- ◆ Documenting violence against women. Acute incidents of sexual assault and domestic violence should be documented accurately, non-judgmentally, and in detail in the medical record. Documentation of sexual and domestic violence improves both continuity and quality of care by allowing the provider to understand the impact of violence on current and future health problems or injuries. Proper documentation also facilitates reimbursement and referral to additional services, but confidentiality must be maintained throughout the process. Detailed documentation in the medical record also serves as compelling evidence when a victim seeks legal recourse. On a system level, a large number of documented abuse and sexual assault incidents justifies the allocation of additional dedicated services for victims in the medical and mental health care setting. However, more study is needed to determine the best approach to documenting an adult patient's history of child sexual abuse and adult nonacute sexual assault, given how prejudicial such information can be if used improperly.
- ◆ Intervention/referral. Once abuse is identified and documented, an appropriate response should ensue. This response may vary depending on the internal and community-based resources of the health care facility and the desires of each survivor. Multidisciplinary protocols that incorporate the roles and responsibilities of all staff who interact with victims of violence against women can ensure that victims receive the support and services they need. Although some health care facilities have in-house advocates to provide victims with resources and support, such as safety assessment and planning or counseling, others might need to partner with local sexual assault and

domestic violence victim advocates and refer appropriately. Regardless of the setting, whether urban or remote rural environments, health care providers must develop culturally competent, creative, and effective strategies to assist victims. Development of a coordinated and collaborative system of referral, followup care, and onsite services is critical in improving the safety, recovery process, and health status of victims.

Clinical interventions should be tailored to respond to the range of racial, ethnic, and socioeconomic characteristics of patients, as well as address the particular needs of women with disabilities and women of all ages and sexual orientation. Literacy levels should also be considered when developing screening questions and patient information.

Integrating Response in All Levels of the Health Care System

The clear lesson of the past two decades of efforts to improve health care's response to violence against women is that the system must be engaged at every level to ensure that meaningful public health efforts and effective sustainable clinical interventions occur. Early efforts focused on creating protocols to guide the care of victims of domestic violence. Although the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) mandated that individual health care settings develop written protocols on identifying and responding to sexual assault and domestic violence, protocols unaccompanied by other strategies did not improve screening and intervention. Efforts shifted to supplementing protocols with training for individual providers on the dynamics of and responses to sexual assault and dating and domestic violence. Training, along with increasingly strengthened JCAHO requirements, successfully raised individual provider awareness of and sensitivity to the issue. Single providers, however,

have often lacked the organizational support necessary to continue to respond to victims.

Those striving to improve the health care system's response to domestic violence began by training multidisciplinary teams consisting of nurses, physicians, advocates, social workers, and administrators. By organizing and training a range of stakeholders in an institution, awareness and response was more widespread, consistent, and longlasting. These teams met with more success in screening and assisting victims through their policy change efforts, creating a multidisciplinary response, and instituting new clinical tools, but the demands of the increasingly complicated health care system, as well as staff turnover, still make routine screening and response difficult.

To address the particular needs of sexual assault victims who sought medical assistance soon after an assault, a multidisciplinary response was developed, coordinating crisis intervention services and professional forensic evidence collection when the victim wanted to report the assault to law enforcement. For these victims, a new area of medical specialization has evolved, the sexual assault examiner (SAE), also known as SANE (sexual assault nurse examiner) or SAFE (sexual assault forensic examiner). SAEs are trained medical professionals who have advanced education and clinical preparation in the forensic examination of sexual assault victims and who partner with local victim advocates to provide support during the forensic exam and coordinate followup services. When a victim wants to report an assault to law enforcement, existing relationships between the SAE, victim advocate, and police department facilitate a victim-centered response. Some communities have established sexual assault response teams to coordinate these efforts.

Protocols and individual and team training are all crucial, but they must be joined by broader reforms of institutions and policies that affect health care delivery and inform public health strategies.

Addressing Health Care Policy Issues

Confidentiality of health records. An essential corollary to documentation of abuse in medical records is the confidentiality of these medical records. Women who have been sexually assaulted, abused, or stalked share with many other health care consumers concerns about inappropriate access to and use of medical record information by insurance companies, employers, and law enforcement agencies. In addition, victims of domestic violence have the added concern of potential perpetrator access. Few laws exist to prevent spousal access to medical records.

Removing barriers to forensic sexual assault exams and related treatment. One problem is the practice of conditioning medical or forensic services to requirements that the victim report to law enforcement agencies or participate in court proceedings. Such practices compromise sexual assault survivors' access to the emergency health care services they may need and may place them at further risk.

Mandatory reporting to law enforcement by health care providers. With increased recognition that violence against women is a public health issue, some jurisdictions have instituted policies that require a health care provider to report domestic violence, and sometimes sexual assault, to law enforcement authorities. Growing evidence suggests that mandatory reporting may not improve a patient's health and safety and may discourage some victims from seeking medical care. More research is needed on the unintended consequences of these policies and how they affect victims' safety and health before they are established in any more institutions.

Creating reimbursement mechanisms, coding, and other incentives to provide care for victims of violence against women. Currently, no specific Current Procedural Terminology (CPT) codes for domestic violence screening or intervention exist. However, diagnostic codes (995.80–995.85) and e-codes capture additional information such as the

nature of the abuse and perpetrators. Although clinicians can use the general preventive medicine codes to bill for domestic violence screening performed in the context of a comprehensive preventive medicine assessment and preventive medicine counseling codes for domestic violence safety assessment and referral processes, there are many compelling reasons to develop procedural codes specific to domestic violence screening and intervention.

First, a specific billing code would provide a direct financial incentive to reward clinicians for the time spent screening and intervening in cases of domestic violence. Second, specific codes would facilitate the process of evaluating how frequently screening is being performed. Third, specific codes for screening and intervention would make it easier for population-based delivery systems to provide feedback to medical groups and individual clinicians on how well they are performing compared with national standards and/or peers. For example, a review of specific coding might reveal how many women per 1,000 were screened in cases of domestic violence or what percentage of screened women received an intervention. Measured performance can be tied to both financial and nonfinancial incentives to drive more rapid improvement. Finally, specific codes for domestic violence screening and intervention would indicate to the health care community that these services are as valuable as other services for which specific codes already exist.

Appropriate use of existing diagnostic codes can be an important source of data about domestic violence and can be used by health plans and other population-based delivery systems to track incidence, associated costs, utilization patterns, and effectiveness of interventions. This type of administrative data can also be used by researchers to answer many important questions about how to design programs that will improve the health care system's response to victims of domestic violence. As documentation and coding for domestic abuse and dating violence is improved, issues concerning confidentiality of the information must be rigorously addressed.

Financial and nonfinancial incentives that promote evaluation and intervention services for victims of domestic violence at all levels of the health care system must be developed and implemented.

Purchasers, health plans, and other insurers may be motivated to “buy” or implement comprehensive domestic violence programs if they are presented with the business case for such programs.

In addition to being paid for delivering domestic violence services, clinicians should be encouraged to improve performance. Institutions must prioritize the creation of comprehensive packaged services for victims of dating and domestic violence. Models that require multifaceted responses including medical care, counseling, assessment, case management, and mental health counseling and referrals should be used to create systems that encourage response to dating and domestic violence.

Creating appropriate measures of health outcomes. Much of the contemporary health care delivery is shaped by health outcome measures. Many health issues have obvious means to measure successful treatment or intervention. For example, the treatment of high blood pressure can use simple outcome measures of established ranges of healthy blood pressure to assess the course of treatment and its success. Effective outcome measures must be established to guide care delivery to victims of violence against women.

Outlined below are specific actions that health care professionals; mental health professionals; victim service providers; advocacy groups; public and private health care funders; federal, state, and local government researchers; and others can take to help end violence against women.

Increase Understanding of Violence Against Women as a Critical Public Health Problem

1. Conduct public health campaigns about violence against women at the same level as other large-scale public education campaigns.

- ◆ Communicate the serious consequences that violence against women has on all aspects of health and mental health so that the public no longer minimizes the problems or views them as solely private or criminal justice issues.
- ◆ Encourage public health leaders, including the Secretary of Health and Human Services, the Surgeon General, and state and local public health figures, to continue to identify sexual assault, dating and domestic violence, and stalking as serious public health issues and call for comprehensive responses.
- ◆ Emulate campaign strategies that addressed other health issues that were considered largely private or social in nature. Consider those that resulted in greater willingness of individual providers to screen and intervene and in patient willingness to turn to health care providers for assistance. Campaigns to discourage smoking or to promote safe sex are good examples.
- ◆ Integrate messages about violence against women into other health education campaigns. Look for opportunities to include information about sexual assault, dating and domestic violence, and stalking into education that targets behavior often associated with the aftereffects of sexual assault, including but not limited to teen pregnancy, unsafe sex, sexually transmitted diseases, and alcohol and other drug use.
- ◆ Target funds to develop campaigns that respond to a wide range of factors, such as race, ethnicity, socioeconomic level, age, disability, and literacy level. Research shows that linguistically and culturally appropriate campaigns are significantly more effective.

Improve the Standard of Clinical Care

2. Educate all health care providers and public health professionals on violence against women.

- ◆ Because violence affects so many aspects of physical and mental health and women enter the health care system through various types of providers, institutions, government health programs, and managed care systems, engage

every type of provider, institution, and system in education efforts.

3. Develop professional school curriculums that address violence against women.

- ◆ Fully integrate information on violence against women into standard curriculums at all health care and public health professional schools.
- ◆ Include information on the dynamics, epidemiology, and direct and indirect effects of sexual assault, dating and domestic violence, and stalking, as well as clinical skills such as screening, documentation, and response.
- ◆ Although specialized sections on specific issues are necessary, integrate information about violence against women throughout course work whenever appropriate.
- ◆ Offer specific modules on improving the cultural and linguistic competence of practices for all levels of providers. Integrate examples of culturally and linguistically competent practices and cases that deal with various patient populations in training that addresses violence against women.

4. As part of continuing education for providers, offer specific modules on violence against women, and recognize achievements in the field.

- ◆ Ensure that training related to violence against women is a component providers receive to become or remain licensed to practice.
- ◆ Involve sexual assault and domestic violence advocates and survivors in the development and implementation of continuing education on violence against women.
- ◆ Include questions related to both the dynamics and effects of violence against women and appropriate clinical responses on licensure and certification examinations.
- ◆ Provide training and promote effective clinical guidelines and standards of care that reflect routine screening, documentation, appropriate assessment, intervention, and referral.
- ◆ Create associationwide member awareness campaigns around sexual assault, dating and domestic violence, and stalking.

- ◆ Target primary care, reproductive health, emergency, mental health, pediatric, and other specialty organizations that see women regularly.
- ◆ Integrate violence against women into association member recognition and honors.
- ◆ Increase the availability of technical assistance and training for health care providers who want to become SAEs and professionals who want to improve multidisciplinary responses to sexual assault.
- ◆ Follow recommendations of the International Association of Forensic Nurses, which requires the completion of 40 contact hours approved through a recognized continuing education body or offered through a college or university.
- ◆ Participate in continuing education and ongoing training to maintain proficiency with new technologies and research findings.

5. Engage all types of providers and institutions.

- ◆ Primary care settings offer opportunities for early intervention, and even primary prevention, by identifying sexual or domestic abuse as a health issue in its early stages or before it begins.
- ◆ Mental health professionals are key points of contact who see victims for problems of anxiety, depression, posttraumatic stress disorder, suicide attempts, and other psychological problems highly associated with violence against women.
- ◆ Obstetricians, gynecologists, women's health nurse practitioners, and nurse midwives are important players because sexual assault survivors often experience anxiety about pelvic examinations and because data suggest that the onset of abuse is often associated with pregnancy.
- ◆ Pediatricians and pediatric nurse practitioners can identify victims of domestic violence and offer the resources and support necessary to stop the abuse before it takes its toll on the mothers and children they are treating.¹⁰
- ◆ SAEs see victims of sexual assault as well as victims of domestic violence.
- ◆ Dentists and oral surgeons may see women for treatment of oral injuries, such as fractured

jaw, and for regular checkups, during which abuse can be identified by routine screening even in the absence of acute injuries. They may also have patients who have specific fears or reactions concerning their dental care because of a history of sexual assault.

- ◆ Substance abuse counselors see many women who are victims of sexual assault and domestic violence and who use alcohol or other drugs as a way of coping with the trauma. Research has shown victimization to be a risk factor for substance abuse.
- ◆ Specialists such as orthopedic and plastic surgeons, radiologists, and home health care nurses and attendants each have an important stake in identifying and responding to abuse among their patients. Pain management centers may see many women who suffer from chronic pain due to abuse.
- ◆ Inpatient health care settings, such as psychiatric facilities and nursing homes, are urged to work with community sexual assault and domestic violence programs to provide training and develop policies and services that respond to the needs of patients who enter with a history of assault or who are assaulted while in the institution.
- ◆ All types of health care organizations must be engaged, including community health centers; home health and visiting nurses agencies; managed care organizations; private hospitals and practices; alternative healing centers; Indian Health Services; military health entities; Women, Infants, and Children and Medicaid programs; and state and federal public health departments and agencies.
- ◆ Businesses and other health care purchasers can create the institutional support and incentives that promote training and an improved response by their providers and insurers.

6. Expand SAE programs to all communities throughout the country.

- ◆ Increase the capacity of existing SAEs to address the complex health and forensic needs of victims, including the domestic violence victims experiencing forced sex by their partners.

- ◆ Provide increased funding and technical assistance to support program development in underserved areas, in collaboration with local and state sexual assault programs and coalitions.

7. Design mental health services to respond to the needs of victims and survivors of sexual assault, dating and domestic violence, and stalking.

- ◆ Designate funds to provide quality mental health services for treating the traumatic sequelae of abuse for victims of sexual assault, dating and domestic violence, and stalking, including adult survivors of child sexual abuse living in rural areas.
- ◆ Develop collaborative models for addressing the social and advocacy needs and the psychological needs of survivors of sexual assault, dating and domestic violence, and stalking.
- ◆ Designate program and training resources to improve quality of care in public mental health systems to address trauma and its sequelae across the lifespan.
- ◆ Provide training for community mental health centers to address sexual assault and domestic violence for women diagnosed with serious mental illness and for women who are experiencing other mental health sequelae of sexual assault, dating and domestic violence, and stalking.
- ◆ Provide resources for sexual assault and domestic violence victim advocacy programs to provide onsite services and develop contractual arrangements with mental health providers and agencies to address the mental health sequelae of violence against women. Foster greater collaboration between mental health professionals, sexual assault victim advocates, alcohol and other drug abuse treatment providers, and criminal justice personnel.
- ◆ Develop curriculums and training materials for mental health providers (e.g., psychiatrists, psychologists, social workers, and marital and family therapists) to address issues faced by women who are being or have been sexually, emotionally, or physically abused.

8. Develop and support the widespread use of provider and institution clinical tools that respond to sexual assault and domestic violence.

- ◆ Develop patient charts, new-patient intake forms, and other clinical tools that support appropriate screening, documentation, and response to victims of sexual assault, dating and domestic violence, and stalking.
- ◆ Include prompts for providing sexual assault victims with information on available forensic medical examinations in sexual assault protocols, and ensure access to appropriate equipment and staff training on its proper use.
- ◆ Post local, state, and national hotline telephone numbers for victims of sexual assault and domestic violence in all examination rooms and patient bathrooms.
- ◆ Develop practitioner reference cards that address sexual assault, dating and domestic violence, and stalking. Include sexual assault and domestic violence information on Web sites designed for health care provider and patient reference.
- ◆ Equip examination rooms with body maps available for documenting injuries. Equip emergency departments, acute care centers, and other sites that see injuries caused by domestic violence with instant cameras.
- ◆ Scrutinize all standard tools to ensure they include information about violence against women.

9. Use funding, licensing, and credentialing mechanisms to ensure that health care institutions have relevant response protocols for violence against women.

- ◆ Require grantees to have policies, protocols, training requirements, incentives, and other relevant responses to violence against women.
- ◆ Create and strengthen guidelines regarding sexual assault, dating and domestic violence, and stalking, including guidelines for screening.

Address Health Care Policy Issues

10. Fully protect the confidentiality of victims' health records.

- ◆ Implement safeguards, under federal, tribal, and state laws, to ensure that health records of victims of sexual assault, dating and domestic violence, and stalking are not accessed inappropriately by insurance companies, employers, or spouses/partners. Protect privileged medical and mental health information from discovery and other legal actions during the course of a criminal proceeding.
- ◆ Build into current policy necessary protections for patients who may be endangered under routine directory information, next of kin, and other practices in health care institutions. Allow victims to restrict access to their patient information.
- ◆ Allow victims to request that bills and explanations of benefits be sent to alternate addresses.
- ◆ Remove information regarding abuse from the records of victims and their children before releasing them to spouses or partners. Notify victims before any required release of abuse-related information to facilitate their safety planning.
- ◆ Allow minors who lawfully receive care on their own to restrict access to records regarding abuse.

11. Reduce or eliminate cost and reporting requirements for victims needing forensic medical exams or related treatment after a sexual assault.

- ◆ Earmark state funds to cover costs of forensic medical exams for victims of sexual assault without seeking reimbursement from the victim or from any public or private health insurance under which the victim might otherwise be covered.
- ◆ Adopt current federal guidelines governing victim compensation agencies, which permit reimbursement of examination costs to hospitals and other medical facilities regardless of whether the assault is reported to law enforcement authorities.
- ◆ Include care for acute symptoms and prophylaxis for pregnancy, sexually transmitted disease transmission, and treatment for the hepatitis B virus when appropriate as part of emergency medical care associated with an assault.

12. Amend mandatory reporting laws regarding adult victims of violence to ensure that the laws increase victim safety and health status and do not deter women from seeking care.

- ◆ Require patient consent—except in cases of gunshot wounds or life-threatening injuries—before health care providers report violent incidents to law enforcement agencies.
- ◆ Increase awareness of the problems that arise from mandatory reporting for women who are undocumented and the subsequent immigration problems.

13. Create reimbursement mechanisms, coding, and other incentives to provide quality care to victims of violence against women.

- ◆ Educate clinicians and medical coders on the importance of including the existing International Classification of Diseases, Ninth Revision (ICD–9) codes for adult abuse and e-codes, particularly those that describe the relationship of the perpetrator to the patient, either as primary or secondary diagnostic codes. Failure to add an adult abuse code to the medical record means that information about the root cause of an injury or illness is not captured and therefore may not be appropriately addressed in followup encounters.
- ◆ Promote the use of existing ICD–9 codes, including the use of e-codes to define the relationship of the perpetrator to the patient, through medical coder professional organizations, national health care provider organizations, state medical boards, and the use of federal and state government advisories.
- ◆ Develop and implement at least two Current Procedural Terminology codes specific to domestic violence screening and intervention.
- ◆ Develop the business case for domestic violence services in the health care setting.
- ◆ Develop model incentive programs that reward purchasers, plans, other insurers, and clinicians for domestic violence screening and intervention.

14. Provide incentives for individual health care providers to address the violence against women issues of their patients.

- ◆ Provide feedback on performance compared to peers and national standards.
- ◆ Tie monetary rewards to attaining defined performance goals with respect to screening and intervention.
- ◆ Provide public recognition for high performers (e.g., newspaper articles, plaques presented at medical society meetings).
- ◆ Design and implement formal mechanisms to give providers feedback from patients who value these services.
- ◆ Support the clinician’s role in responding to sexual assault and domestic violence by developing in-house services for victims of sexual assault and domestic violence or by contracting with community organizations to provide onsite or on-call access to their specialized services.

15. Prioritize the creation of comprehensive packaged services for victims of sexual assault, dating and domestic violence, and stalking.

- ◆ Develop models for delivering multifaceted responses, including medical care, counseling, assessment, case management, and mental health counseling and referrals.
- ◆ Examine Medicaid program models, similar to the State Medicaid Perinatal programs that could reimburse health plans for the provision of patient education and case management, safety assessment, and referrals in violence against women cases in low-income communities.

16. Establish appropriate health outcome measures related to improved health care response to violence against women.

- ◆ Convene a task force of leading advocates, survivors, health care providers, researchers, and federal representatives to create Health Plan Employer Data and Information Set measures for sexual assault and domestic violence.
- ◆ Explore the full range of possible outcome measures, including decreased health care use, fewer secondary health effects related to violence, and victim perception of improved physical and mental health status and safety.

- ◆ Develop and provide funds to implement a research agenda that establishes the medical evidence for effective intervention and improved health outcomes and increased safety.

17. Increase funding to improve the health and mental health care systems' response to violence against women.

- ◆ Explore the creation of new funding streams that can be dedicated to improving the health and mental health care systems' responses to violence against women.
- ◆ Earmark specific funding within state and local health department budgets for improving health care response to sexual assault and domestic violence.
- ◆ Provide funds for health care provider training, institutional reform, patient education, and public health campaigns to reflect the prevalence of violence and its impact on health costs.

Emerging Issues

Perpetrators of Violent Crimes Against Women

The health and mental health care systems' responses to perpetrators of sexual assault, dating and domestic violence, and stalking must be assessed. Outside of batterer and sex offender treatment groups, often mandated by courts, virtually no programs exist that respond to perpetrators. State and local agencies, leaders in the sexual assault and domestic violence movement, providers, and perpetrator experts must answer fundamental questions about the health and mental health care systems' responsibility to intervene with perpetrators. Key questions include

- ◆ Should patients be routinely screened for perpetration?
- ◆ What are the ethical, legal, and safety issues for providers who respond to perpetrators, and what are the safety issues for victims?

- ◆ What are effective responses to perpetrators who are not mandated to join batterer or sex offender treatment programs?
- ◆ How can more culturally competent batterer and sex offender treatment programs be developed?

Pediatric Responses to Violence Against Women

Although pediatricians clearly must respond to domestic violence because of the documented effects of witnessing violence and the overlap of child abuse and neglect, many questions remain unanswered. State and local agencies and health care institutions should support pilot programs that seek answers to these questions.¹¹

- ◆ How do providers navigate the complicated ethical, legal, and reporting issues surrounding child abuse and witnessing violence?
- ◆ How and when should screening of mothers occur?
- ◆ How do child protective services and domestic violence advocates work together in health care settings to ensure the best care and health status for children and their mothers?
- ◆ What role can a pediatrician take in responding to abused women?

Another area for ongoing analysis and discussion is pediatric response to a mother, herself a survivor of child sexual abuse, being retraumatized by discovery that her child is being sexually abused. What training, screening, and response protocols are necessary?

Resources

The following list reflects existing national resources. Many state and local sexual assault and domestic violence coalitions, public health departments, professional associations, and health care organizations and institutions have begun to develop programs or policies on sexual assault and domestic violence. Information on local resources can be obtained through state domestic violence

and sexual assault coalitions and national organizations or by contacting local organizations directly.

National Health Resource Center on Domestic Violence

The Family Violence Prevention Fund
383 Rhode Island Street, Suite 304
San Francisco, CA 94103-5133
Phone: 415-252-8900 or 1-888-RX-ABUSE
Fax: 415-252-8991
Web site: www.fvpf.org/health

The Family Violence Prevention Fund works to end domestic violence and provide women who have been victims of abuse with the care they need to get well and stay safe. The National Health Resource Center on Domestic Violence provides assistance to health care professionals, policymakers, and domestic violence advocates through training tools and manuals, technical assistance, and examination of public policy on local and national levels.

National Sexual Violence Resource Center

123 North Enola Drive
Enola, PA 17025-2521
Phone: 1-877-739-3895
TTY: 717-909-0715
Fax: 717-909-0714
Web site: www.nsvrc.org

The National Sexual Violence Resource Center (NSVRC) is a clearinghouse for resources and research about all forms of sexual violence and assault. NSVRC works with its partner agency, the University of Pennsylvania, to provide new policies for establishing sexual violence intervention and prevention programs.

National Health and Medical Associations

Organizations with substantial resources dedicated to sexual assault and/or domestic violence include the following:

American Academy of Pediatrics

141 NW. Point Boulevard
Elk Grove Village, IL 60007-1098
Phone: 847-434-4000

Fax: 847-434-8000
Web site: www.aap.org

The American Academy of Pediatrics (AAP) advocates to improve the health, safety, and well-being of all children. AAP efforts provide resources and assistance to families, pediatricians, lawmakers, and the community.

American College of Emergency Physicians

1125 Executive Circle
Irving, TX 75038-2522
Phone: 1-800-798-1822
Web site: www.acep.org

The American College of Emergency Physicians (ACEP) seeks to improve patient care and save lives by properly training emergency physicians and fully staffing emergency departments. ACEP also promotes the field of emergency medicine through public education programs and works with national media to increase awareness of emergency medicine issues.

American College of Nurse-Midwives

818 Connecticut Avenue, Suite 900
Washington, DC 20006
Phone: 202-728-9860
Fax: 202-728-9897
E-mail: info@acnm.org
Web site: www.acnm.org

The American College of Nurse-Midwives (ACNM) administers and promotes continuing education programs, accredits midwifery education programs, establishes clinical practice standards, creates liaisons with government agencies and legislators, and provides resources and public education programs that promote the health and well-being of women and infants within their families and communities. ACNM also publishes a journal and codes of ethics for professionals in the field.

American College of Obstetricians and Gynecologists

409 12th Street SW.
P.O. Box 96920
Washington, DC 20090-6920
Web site: www.acog.org

The American College of Obstetricians and Gynecologists (ACOG) promotes wellness for all mothers and their newborn children. Advocating quality health care for women, ACOG promotes continuing education, high standards for clinical practice, and patient understanding of and involvement in medical care. ACOG offers instructional pamphlets and books on pregnancy and infant care and a physician directory to help people locate a doctor.

American Medical Association

515 North State Street
Chicago, IL 60610
Phone: 312-464-5000
Web site: www.ama-assn.org

The American Medical Association (AMA) is the nation's leader in promoting professionalism in medicine and setting standards for medical education, practice, and ethics. A valuable resource for physicians, health professionals, and patients, AMA is concerned about issues ranging from the AIDS epidemic to Medicare. AMA provides information and recommendations on policy and advocacy, scientific journals, and online physician and hospital locator services.

American Medical Women's Association

801 North Fairfax Street, Suite 400
Alexandria, VA 22314
Phone: 703-838-0500
Fax: 703-549-3864
E-mail: info@amwa-doc.org
Web site: www.amwa-doc.org

The American Medical Women's Association champions women's health issues and the advancement of women in medicine. Its efforts focus on issues including violence against women, smoking prevention and cessation, osteoporosis, heart disease, managed care, gender equity in medical education, breast cancer, and reproductive health.

American Psychological Association

705 First Street NE
Washington, DC 20002-4242
Phone: 202-336-5500 or 1-800-374-2721
Web site: www.apa.org

The American Psychological Association (APA) offers information, services, and advocacy on a range of issues related to science, public interest, education, and practice—including aging, children and families, disability, race and ethnicity, HIV/AIDS, sexual orientation, and women's issues. APA provides tools, training, and leadership related to research and public policy, continuing education and public outreach, and professional ethics.

Association of Traumatic Stress Specialists

7338 Broad River Road
Irmo, SC 29063
Phone: 803-781-0017
Fax: 803-781-3899
Web site: www.atss-hq.com

The Association of Traumatic Stress Specialists (ATSS) provides technical assistance and training to people involved in crisis intervention; trauma response; and the management, treatment, and healing of people who have experienced traumatic distress. ATSS offers numerous resource guides for school officials and other ATSS professionals helping children who have experienced trauma.

International Association of Forensic Nurses

East Holly Avenue, Box 56
Pitman, NJ 08071-0056
Phone: 856-256-2425
E-mail: iafn@ajj.com
Web site: www.forensicnurse.org

The International Association of Forensic Nurses provides direct services to individual clients; consultation services to nursing, medical, and law-related agencies; and expert court testimony in cases dealing with trauma, questioned death investigative processes, adequacy of service delivery, and specialized diagnoses of specific conditions as related to nursing.

International Society for Traumatic Stress Studies

60 Revere Drive, Suite 500
Northbrook, IL 60062
Phone: 847-480-9028 Fax: 847-480-9282
E-mail: istss@istss.org
Web site: www.istss.org

The International Society for Traumatic Stress Studies (ISTSS) provides a forum for sharing research, clinical strategies, public policy concerns, and theoretical formulations on trauma in the United States and around the world. ISTSS publishes a quarterly journal and coordinates meetings and conferences across the country.

Massachusetts Medical Society

860 Winter Street
Waltham Woods Corporate Center
Waltham, MA 02451-1411
Phone: 781-893-4610 or 781-893-3800
Web site: www.mms.org

The Massachusetts Medical Society works to advance medical knowledge and develop and maintain the highest professional and ethical standards of medical practice and health care. Its program priorities include patient advocacy, health policy, and a care code of ethics.

Nursing Network on Violence Against Women, International

1801 H Street B5
Modesto, CA 95354-1215
Phone: 1-888-909-9993
Web site: www.nnvawi.org

The Nursing Network on Violence Against Women, International advocates to eliminate violence through advancing nursing education, practice, research, and public policy.

Physicians for a Violence-Free Society

1001 Potrero Avenue
Building 1, Room 300
San Francisco, CA 94110
Phone: 415-821-8209
Fax: 415-282-2563
E-mail: pvs@pvs.org
Web site: www.pvs.org

Physicians for a Violence-Free Society promotes violence prevention by developing leadership and advocacy in the health care community. Public education and outreach efforts include presentations on family violence and battered pregnant teens and documentation of injuries that result from family violence; a bimonthly educational

newsletter; and violence prevention efforts that encompass domestic violence, child abuse, youth/school violence, elder abuse, hate crimes, and gun violence.

Society for Academic Emergency Medicine

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Lansing, MI 48906-5137
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The Society for Academic Emergency Medicine educates teachers, researchers, and students through forums, publications, collaboration with other agencies, policy development, and consultation services.

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What Civil Justice Practitioners Can Do To Make a Difference

- ◆ **Increase victim access to competent counsel.** Competent representation of victims of sexual assault, dating and domestic violence, and stalking requires a shift in traditional strategy from conciliation to advocacy and from routine processing to careful preparation for litigation.
- ◆ **Design a civil legal system that is responsive to violence against women.** Ensure that each judicial district has a system for providing comprehensive legal assistance to victims of sexual assault, dating and domestic violence, and stalking.
- ◆ **Adopt custody codes that articulate “safety first” as the controlling legal principle in custody and visitation cases involving domestic or sexual violence or stalking.** Consider the welfare of the abused parent as integral to the child’s welfare, and provide victims the resources they need to safeguard children.
- ◆ **Promote the recovery and future safety of victims of sexual assault, dating and domestic violence, and stalking.** Draft new statutes and policies as needed to ensure safety and justice for victims and accountability for perpetrators.
- ◆ **Develop and implement statewide and tribal protocols for law enforcement, prosecution, courts, and state registries.** Establish standards for practice, continuing education requirements, and certification programs for all professionals who handle cases involving violence against women.
- ◆ **Consider making violation of criminal protection orders related to violence against women a crime.** Amend codes to create explicit crimes for violating criminal protection orders issued in any jurisdiction related to sexual assault, dating and domestic violence, and stalking.
- ◆ **Exempt victims of sexual assault, domestic violence, and stalking from mediation or other alternative dispute resolution processes.** Recognize that these victims may be unable to participate fully or freely in mediation.
- ◆ **Ensure that decisions reached in marital dissolution, child custody, and other family law proceedings for cases involving domestic violence or child abuse adequately safeguard victims and their children.**
- ◆ **Change statutes, processes, and policies to prevent victims from bearing the primary economic burden of male violence against women.** Review the civil legal system and the practices of insurance companies, victim compensation programs, employers, and government.
- ◆ **Be aware of the risks of mediation in cases involving domestic violence.** As a general rule, mediation is inappropriate in cases in which one party has perpetrated domestic or sexual violence against the other.

Chapter 3

Enhancing the Response of the Justice System: Civil Remedies

Access to Civil Legal Remedies

During the past three decades, victims and their advocates have urged state legislatures to craft civil laws that address violence against women and offer comprehensive remedies to victims.

Law reform was designed to focus on the range of complex problems faced by many victims. Changes were made across a broad spectrum of civil law, including family law, administrative law, and laws related to privileged communications, professional responsibility, torts, injunctive relief, insurance, housing, immigration, and government benefits. Civil legal reform seeks to prevent future violence, enhance victim safety, eliminate the coercive power of perpetrators over victims, enable victims to establish lives independent of perpetrators, provide restitution for losses sustained from the violence, prevent discrimination against victims, and enhance victim access to justice.

Such reform recognizes that competent representation of victims of sexual assault, dating and domestic violence, and stalking requires more than knowledge. It requires a shift in traditional strategy from conciliation to advocacy and from routine processing to careful preparation for litigation. Civil litigation typically moves slowly. Victims of violence require immediate, and often emergency, access to courts to obtain protection and to secure economic relief for medical attention or to relocate for safety. Even if a woman is eligible for free legal assistance, long waiting lists may render that eligibility meaningless. Private attorneys who might otherwise be affordable may be beyond the reach of

many victims because of the emergency nature of their legal needs or the time involved in full litigation.

The amount and quality of reform made to the civil legal system to address violence against women have been significant. However, effective and consistent implementation of policy reforms in the law has seen less progress. Celebration of achievements must be coupled with an examination of the challenges that remain.

Outlined below are specific actions that courts, Congress and state legislatures, tribal governments, state and federal funding agencies, law schools, mentoring programs, licensure programs, and the private sector (including banks and employee assistance programs) can take to end violence against women.

Increase Victim Access to Competent Counsel

1. Provide adequate resources and increase access to competent counsel for sexual assault survivors, battered women, and stalking victims.

- ◆ Provide training on topics related to violence against women (including the range of legal and social issues affecting victims of sexual assault, dating and domestic violence, and stalking) through law schools, licensure programs, continuing legal education programs, pro bono projects, and law firms. Consider including questions about domestic violence issues on the bar exam.

- ◆ Establish mentoring programs, supported by the bar, that offer expert consultation to lawyers handling civil litigation for victims of sexual assault, dating and domestic violence, and stalking.
- ◆ Allocate adequate resources to ensure that legal assistance, including representation and advocacy, is provided at no cost to indigent victims and available on a sliding scale for others.
- ◆ Designate funds to support sexual assault and domestic violence programs that assist victims seeking civil remedies.

2. Coordinate efforts between and share resources among law firms and law schools, victim service organizations, and legal services programs to provide quality representation to victims.

- ◆ Identify current delivery systems, assess available resources, devise referral networks for victims, and provide training for attorneys on the dynamics of violence against women.
- ◆ Provide leadership at the bar level to ensure that each judicial district has a system for providing comprehensive legal assistance to victims of sexual assault, dating and domestic violence, and stalking.
- ◆ Provide the information and support necessary to address attorneys' concerns about the complexity of some cases involving violence against women and their limitations in terms of expertise, time, or other resources to fully represent victims.
- ◆ Devise pro bono systems at state and local bar associations and law firms to help represent victims of violence. Beyond individual representation, some private firms sponsor or coordinate pro bono projects in partnership with domestic violence programs, law schools, and legal service agencies.
- ◆ Develop materials to publicize the existence of civil legal remedies for victims of sexual assault, dating and domestic violence, and stalking.
- ◆ Compile and publicize referral lists of attorneys willing and competent to take civil cases involving violence against women.

3. Make low-interest loans available to victims seeking representation for civil claims arising from violence against women.

- ◆ Widely publicize the availability of such loan programs through victim advocacy programs, employee assistance programs, and lawyer referral systems.

4. Provide assistance to pro se litigants pursuing protection orders and seeking other civil law remedies.

- ◆ Use community-based legal advocates to assist unrepresented battered women who seek protection orders and accompany them to court.

Design a Civil Legal System Responsive to Violence Against Women

5. Establish systems for expedited processing of victim claims whereby women can acquire comprehensive, detailed, and readily enforceable protection orders.

- ◆ Explore dedicated docketing and specialized courts for domestic violence cases as strategies to provide swift access and enhance the quality of judicial review.
- ◆ Establish filing and service fee waiver rules for victims of domestic violence to enable them to more readily obtain protection from the courts.

6. Institute compliance reviews to ensure perpetrator accountability.

- ◆ Provide tight scrutiny and close supervision to deter recidivism and improve compliance with court orders, including payment of economic awards.

7. Educate the judiciary.

- ◆ Provide ongoing judicial education on laws related to violence against women, including information about resources available to the courts.
- ◆ Provide ongoing judicial education through the testimony of experts and legal memoranda to help judges fully comprehend matters that may require more specialized remedies than other cases.

Custody

In the past decade, most states have adopted statutes requiring courts to consider domestic violence as a factor in custody and visitation determinations.¹ More than one-half of state custody codes direct courts to consider sexual assault by one parent against the other in custody deliberations, and stalking by a parent is a factor to be considered in about one-fifth of the states.² Some custody codes create a presumption against custodial awards to an abusive parent.³ Some codes preclude an award of joint custody if one parent has battered the other, and others require that a court find that a parent who is a perpetrator of domestic abuse does not pose a threat of harm to the child before awarding visitation to that parent. Other codes specify that a visitation ruling must be designed to best protect the child and the abused parent from further harm or that supervised visitation must be considered. Other statutes require courts to consider whether the batterer has participated in intervention programs designed for domestic abusers when determining if access is to be granted.⁴

Prior to the adoption of these provisions, custody judges routinely concluded that violence toward the other parent had nothing to do with one's ability to adequately parent, and most court decisions revealed that judges did not believe that domestic or sexual abuse of one parent by the other fundamentally compromised the interests of children. These decisions were embedded in traditional legal principles or presumptions favoring joint custody, frequent and continued contact between children and both parents, and awards to the "friendly parent." All of these principles viewed the right of a parent to access as superior to the right of a child and nonabusing parent to safety.

Over the past decade, courts have increasingly taken into account the recommendations of custody evaluators, guardians ad litem, mediators, or other conciliation professionals when making custody and access awards. Often, this process has produced highly interactive parenting plans. In cases involving domestic violence, joint custody orders

or orders requiring frequent and continued contact between the perpetrator and the victim can be very dangerous. Such custody and visitation orders inadvertently provide the perpetrator with ongoing access to the victim, which often results in further physical violence, harassment, or control.

Protection order statutes in virtually every state contain provisions for temporary custody and visitation awards that prioritize safety. Many civil protection order statutes enable parents to obtain protection orders for themselves and their children.

Notwithstanding the significant statutory reform of the past 15 years and a similar expansion of case law related to violence against women, courts remain reluctant to issue custody orders that construct clear protective provisions for abused parents and children, limit abuser access to the children, and permit abused parents to make independent decisions about child rearing. Further, courts are generally unwilling to let abused parents relocate with the children to gain safety and support. Supervised visitation programs are available in too few jurisdictions, and few of the existing programs have established procedures related to sexual assault, dating or domestic violence, or stalking.

Children experience violence in many forms. At times, it is specifically directed toward them; often, it is the violence directed by one parent against the other. Violence against women often includes violence that is physical, sexual, and economic. It can include extreme forms of physical violence such as being strangled, thrown down stairwells, or raped. It also encompasses threats that terrorize family members and pets, false imprisonment and hostage taking, and psychological abuse that belittles and demeans. It may involve obsessive scrutiny of the victim's behavior and her social contacts, or the denial of access to health care, schooling, and employment. It often involves the intentional subordination of the interests of the victim and children. It may include surveillance of the victim and children by following them and by organizing others to observe them and report back to the perpetrator. It is intentional

behavior designed to control the victim and keep her in the relationship.

The well-being of children is inextricably linked with the safety of nonabusing parents. Unless abused parents can protect themselves and their children from further abuse, nurture and guide their children, establish stable and economically secure homes, and help restore children's health and connection with a supportive community, the well-being of children is at risk.

Outlined below are specific actions that state legislatures, the bench and bar, victim advocates, and related professionals can take to end violence against women.

The Role of State Legislators

1. Adopt custody codes that articulate “safety first” as the controlling legal principle in custody and visitation cases involving sexual assault, domestic violence, or stalking.

2. Enact rebuttable presumptions against awards of sole or joint custody to perpetrators of sexual assault, dating and domestic violence, and stalking and in favor of abused parents in the home community or any other location.

◆ Base presumptions on those contained in the Model Code on Domestic and Family Violence developed by the National Council of Juvenile and Family Court Judges.

3. Adopt state codes containing provisions that the absence or relocation of a parent because of an act of domestic or sexual violence or stalking may not be a factor that weighs against the abused parent in determining custody or access.

◆ Avoid penalizing victims for relocating to confidential locations or temporary housing where they can be protected.⁵ Recognize that battered, sexually assaulted, and stalked victims often leave the marital or family domicile to escape the violence and gain safety.

4. Adopt codes that approve emergency transfers of custody or changes in the status quo only when the risk posed to the child by remaining in the care of the custodial parent is significant.

5. Adopt codes that authorize the appointment of guardians ad litem or counsel for children in custody cases involving sexual assault, dating or domestic violence, or stalking.

◆ Ensure that the advocate understands the risks of violence and potential remedies and is permitted to participate in custody deliberations.

◆ Permit these advocates for children to seek independent evaluation of the risks posed by the abuse.

◆ Recognize that many custody cases now proceed without counsel for either parent. Even when attorneys are retained, their clients are not the children and their professional responsibility is to represent the interests of their clients, not the children.

The Role of Judges and Attorneys

6. Make safety for both adult victims and their children a priority in custody and visitation determinations involving sexual assault, dating or domestic violence, or stalking.

◆ Protect children from the violence of perpetrators. Recognize the fear, chaos, isolation, intimidation, psychological distress, risk of physical and sexual abuse, developmental disruptions, and exposure to criminal conduct that children experience when living in the context of sexual assault, dating and domestic violence, and stalking.⁶

◆ Modify awards to afford more generous access to the formerly violent and abusive parent only when safety has been restored and the abusive parent has accepted responsibility for the violence and consistently demonstrates compliance with custody orders.⁷

7. Ensure that the family court bench and bar are informed about sexual assault, dating and domestic violence, and stalking.

- ◆ Provide training on the dynamics of violence against women and its impact on adult victims and their children.

8. Afford adult and child victims the opportunity to fully describe the violence inflicted on them and its meaning.

- ◆ Recognize that the written report of sexual abuse, domestic violence, or stalking against parents, even a description of the child's experience in witnessing or being targeted for violence, may not convey the extent of the abuse or the risk.⁸ Nor does a detailed description of an individual incident fully reveal the nature or lasting effects of these acts of violence.
- ◆ Recognize that without awareness of how an incident fits within patterns of violence a judge cannot identify stalking,⁹ the risk of escalating violence, or its impact on abused adults and children.¹⁰

9. Recognize the link between the welfare of children and the welfare of the abused parent, and, where appropriate, enhance the capacity of victims to safeguard and nurture their children.

- ◆ Equip abused parents with the power to safeguard their children. Protect the abused parent and provide her a carefully drafted custody order and the authority to make decisions without intrusion by the perpetrator so that she can establish stability and security in the child's life.¹¹

10. Address the issue of whether a parent who batters, stalks, or sexually abuses another parent can be a "friendly" parent.

- ◆ Before awarding custody or unprotected access to perpetrators of violence against women, consider the following questions:
 - ◆ Can a person be a good parent if he instills profound fear in his children—fear for themselves and fear for their mother?
 - ◆ Can a parent who engages in violent criminal behavior be a good parent?

- ◆ Can a person be a good parent if he denies his abusive behavior and blames the other parent or the children?
- ◆ Can a person who lacks the capacity to place the needs of the children above his own be a good parent?
- ◆ Can a person who jeopardizes the health and well-being of his children and their mother be a good parent?

11. Prohibit perpetrators of incest from obtaining access to their adult victims' children by using "grandparents' rights" statutes.

- ◆ Assist adult incest victims when the perpetrator seeks visitation with the adult victim's children.

12. Assess whether a history of domestic violence exists in every custody case.

- ◆ Understand that many abused women do not disclose violence experienced at the hands of their partners. They may not view themselves as battered, may believe that sexual abuse is the prerogative of men in marriage, or may not characterize surveillance by husbands as stalking.
- ◆ Even if counsel and the client decide not to raise the issue of violence in custody proceedings, counsel must keep in mind the nature and history of any violence in the relationship when assessing a client's capacity to mediate, withstand cross-examination, and resist the demands of the abuser.¹²

13. Approach custody cases involving violence against women with vigorous advocacy.

- ◆ Prepare to act as advocates for victim safety, and persuade courts to order the necessary protections. Custody practice for many family law practitioners does not typically involve litigation. Rather, it focuses primarily on negotiation of a parenting plan and division of legal responsibilities, which may fail to address safety concerns.
- ◆ Consider which custodial or visitation arrangements will best serve clients. Custody orders in cases that involve violence should be demonstrably different than those in cases in which there has been no violence.

14. Employ experts to help the court understand the violence inflicted by perpetrators and its effects on victims and children.

- ◆ When appropriate, prepare to provide the court with information regarding the victim's state of mind. A victim's ambivalence toward the perpetrator, her immobilization in the face of violence, any pattern of separation and reconciliation, her help-seeking behaviors, her concerns about the risk posed by the perpetrator to the children even if they have not been targeted for abuse, or her belief that the perpetrator may try to kill her or the children may all be difficult to understand absent the assistance of an expert with knowledge about violence, its risks, and its impact.
- ◆ Offer independent expert testimony about violence and its impact on adults and children when appropriate. Although custody evaluators are employed by courts to advise judges about parenting plans and custodial awards, few are experts on sexual assault, dating or domestic violence, or stalking.

15. Try cases involving sexual assault, dating or domestic violence, or stalking to preserve a full record for appellate review.

- ◆ Carefully assess which parent was the abuser and which the abused in cases in which perpetrators assert that the abused parent also assaulted or stalked them. Present evidence about which parent was the primary aggressor, inflicted injury, induced fear, and initiated or defended against violence.
- ◆ Provide testimony on these issues to ensure that both trial and appellate courts are able to assess risk and devise appropriate remedies.

16. Provide abused parents access to counsel throughout custody cases, particularly in circumstances in which courts compel mediation of custody or access.

- ◆ Actively assist and advise abused clients participating in court-ordered mediation. Mediation is generally inappropriate in domestic violence cases but may be mandated by courts.
- ◆ When appropriate, accompany abused parents to mediation and advocate for safe agreements.

If mediation reaches an impasse, seek emergency orders to protect abused parents, and counsel abused parents before they sign any proposed agreement.

- ◆ Help abused parents understand their legal rights, and increase their ability to devise custody and visitation plans that fully protect themselves and their children.

Civil Protection Orders

Protection order codes were initially crafted to address domestic violence. The scope of these codes has been enlarged over the past 25 years, and now many encompass sexual violence,¹³ stalking,¹⁴ and child abuse. Most states do not offer protection to victims who do not have a preexisting relationship with the person who has sexually assaulted or stalked them.

The breadth of relief enumerated in most state codes and the Model Code on Domestic and Family Violence¹⁵ is designed to curtail perpetrator access to and surveillance of victims, prevent the perpetrator from using tactics that intimidate the victim, restrain abusers from undermining the decisionmaking abilities of victims and disrupting their daily lives, accord victims and children safe shelter, provide for the economic needs of victims, compensate for the losses sustained from violence, stabilize custodial rights and responsibilities, and, foremost, protect victims and their children.¹⁶ Protection orders can be powerful legal remedies for victims of sexual assault, dating or domestic violence, or stalking.¹⁷

The issuance of mutual orders of protection undermines the safeguards contemplated by civil protection order statutes and may expose the victim to elevated risk of abuse and injury. Unless a judge has ascertained that both parties have inflicted abuse and that both are likely to use violence, threats, or coercive conduct, an order should restrain or compel only the abuser.

Mutual orders imply that both petitioner and respondent pose a continuing risk of violence to

each other, and they convey a message to law enforcement that both parties are culpable for wrongdoing. When confronted with a mutual order, enforcing officers are often reluctant to assess probable cause and determine who is the primary aggressor. As a result, law enforcement officers often enforce mutual orders against both parties or refuse to enforce the orders.

The consequences of arrest for victims who have committed no violent or criminal act but who are bound by a mutual order are profound. Victims may lose their good reputation, may lose custody of children or employment, may be evicted by landlords, or may be unable to post bail.

In a protection order issued against both parties, provisions against the petitioner are not entitled to full faith and credit if no cross- or counter-petition, complaint, or other written pleading has been filed by the respondent seeking such a protection order; or if a cross- or counter-petition has been filed and the court did not specifically find that each party was entitled to such an order.¹⁸ (For more information about full faith and credit, see section below, “Full Faith and Credit for Protection Orders.”)

Most state codes prescribe criminal sanctions for violations of protection orders, either as criminal contempt of court or a separate misdemeanor offense.¹⁹ Repeated or multiple violations of a protection order may be charged as felonies.²⁰

Court Structures and Processes

Many courts have responded to the high demand for civil protection orders by establishing separate dockets and sometimes dedicated courtrooms.²¹ Automation of court records has dramatically expanded in the past several years, as has the software that permits judges hearing protection order cases to access criminal history and criminal court databases, family law decisions, and juvenile justice records. Electronic registries of protection orders have facilitated intrastate and interstate enforcement of protection orders.²²

Judges can play a significant role with protection order applicants. The very environment of the courtroom can facilitate or impede justice-seeking.²³

The protection order process is generally designed to enable applicants to advise the court about the protections they need to secure safety, independence, and restoration. When judges find that abuse has occurred, most have broad discretion to issue orders tailored to the particular risks posed by the perpetrator and safety requirements of the victim. Judges also have broad latitude in designing systems to promote compliance with their orders and imposing sanctions for noncompliance, as well as modifying orders to better protect adult and child victims.²⁴

Advocacy

Within the past 10 years, particularly since funding was made available by the Violence Against Women Act,²⁵ the participation of domestic violence advocates in protection order proceedings has dramatically increased. This advocate participation has often led to an increase in the victim’s physical safety and moral support, as well as the issuance of detailed orders that provide all available relief.

Victim/witness specialists employed by courts and advocates employed by community-based domestic violence programs have become integral to the protection order system in many judicial districts over the past 10 years.²⁶ Victim/witness specialists are typically limited to case assistance, while advocates may work with victims on other legal or human services issues. Advocates also are charged with monitoring the legal system and seeking reforms that enhance safety, accountability, and justice. There is typically no communications privilege between the victim/witness specialists and victims, while there is often one between advocates and victims.

Outlined below are specific actions that state legislatures, the bench and bar, court administrators,

victim advocates, and related professionals can take to end violence against women.

The Role of State Legislators

1. Expand protection order codes to provide protection to victims of sexual assault, dating or domestic violence, or stalking who do not have a relationship with the offender.

- ◆ Eliminate the requirement that petitioners have a preexisting relationship with the perpetrator.

2. Review current protection order codes to assess whether additional provisions might enhance safety and justice for victims of violence against women.

3. Fund court services to facilitate the development of user-friendly and effective courts. Consider the following factors when setting funding levels.

- ◆ The efficacy of protection orders, in part, depends on how quickly litigants can gain access to the courts. This access is facilitated by court staff. In some jurisdictions, state law directs court personnel to help victims complete applications and obtain proof of service of orders. In several metropolitan courts, domestic violence attorney-coordinators have been retained to coordinate services for victims and obtain protection orders.

- ◆ Safety in the courthouse is critical. To promote the safety of litigants, employees, and the general public, some courts have established secure waiting rooms and childcare facilities. Security in the courtroom has been enhanced. Escort service to public transportation or parking lots is sometimes offered.

- ◆ Interpretation for deaf and hard of hearing people and translation services for individuals not fluent in English are essential for victims to be heard and to ultimately secure adequate protection.

- ◆ Provision of certified copies of protection orders, proof of service, and confirmation of placement in the state registry is critical for enforcement. Victims and law enforcement personnel must be supplied with appropriate copies of legal paperwork.

- ◆ Enforcement mechanisms such as electronic systems for verifying that weapons have been surrendered, a feedback loop that confirms batterer participation in a batterer intervention program, mandated drug and alcohol services, or retention of a specialized probation officer to oversee compliance require funding for proper implementation.

- ◆ To expedite case processing, enhance victim safety, and promote perpetrator accountability, some judicial districts have established dedicated domestic violence courts. For these specialized courts to be the “one-stop shop” for which they are designed, supplementary resources must be allocated.²⁷

4. Adopt codes that waive filing and service fees for protection orders.

- ◆ Comply with conditions of VAWA’s formula grants to states that require grantees to provide the U.S. Department of Justice with written assurances that victims are not required to pay filing, service, or any other fee related to criminal domestic violence cases or civil protection order cases.²⁸ Some states have enacted codes that simply exempt protection order applications from fees and costs. Others provide for waiving costs to victims. Several specify that fees and costs should be assigned to abusers upon the entry of a final court order.

5. Review and clarify stalking provisions in protection order codes.

- ◆ Protection order statutes have been amended in some states to make it explicit that victims of intimate partner stalking are entitled to relief. Victims do not have to show physical or sexual assault but must identify conduct such as surveillance, harassment, intimidating intrusion, or statements that put a victim in fear of bodily injury or create significant emotional distress to be eligible for protection. In other states, codes have been enacted that provide for antistalking orders against intimate partner stalkers.²⁹

6. Mandate that courts consider the safety of children of the victim in protection order proceedings.

- ◆ Make safety for victims and their children a priority when assessing the needs of children in

the context of domestic violence. Although the traditional yardsticks for evaluating custody and access in custody cases are “the best interest of the child” and the “rights of children to access to both parents,” these measures must make safety a priority. Children exposed to domestic violence require safe, stable, and fear-free homes.

7. Amend protection order statutes as necessary to include spousal and child support and to specify that temporary support issued in protection orders is intended to address the economic needs of victims.

- ◆ Recognize that many battered women, sexual assault survivors, and stalking victims have suffered economic losses from the violence, such as property destruction, dissipation of assets, or personal injury. Temporary support orders in protection orders can help establish the economic bridge to safety and autonomy.
- ◆ Amend codes to approve upward departures from the guidelines based on costs of relocation, emergency services, health care, and other extraordinary expenses that violence precipitates.
- ◆ Permit judges to issue temporary support orders based on either the statutory guidelines or the requirements for establishing a separate, safe home and basic economic viability for adult and child victims.
- ◆ Charge perpetrators with the foreseeable costs of their violence.

8. Enact confidentiality programs to protect battered, stalked, and sexually abused victims.

- ◆ Enact programs that afford victims a confidential mailing address.³⁰ Mail is sent to a program address and then redistributed to victims.

9. Consider adopting protection order codes that respond to the unique needs of teenage victims of sexual violence, dating and domestic violence, and stalking.

- ◆ Ensure that such codes provide adequate protections and enforcement mechanisms when both the victim and the perpetrator attend the same school or live in the same neighborhood.

The Role of Judges

10. Craft detailed protection orders.

- ◆ Craft orders that award the specific relief sought by the victim and outline the consequences of noncompliance.³¹
- ◆ Consider applications for modifications and extensions of orders in light of the continuing risks posed by perpetrators.

11. Avoid issuing mutual protection orders.

- ◆ Unless it is determined that both parties have inflicted abuse and that both are likely to use violence, threats, or coercive conduct, an order should restrain or compel only the abuser.
- ◆ If it is determined, after a hearing, that both parties have committed domestic abuse and both have valid petitions, enter two separate orders, one enjoining the abusive conduct by one party and the other enjoining the conduct of the second party.

12. Include custody awards and safeguards related to access in protection orders.

- ◆ Create legal barriers to the control strategies employed by batterers after separation.³²

13. Make provisions in protection orders for the support of abused adults and children.

- ◆ Recognize that economic viability is often a critical factor in the decisionmaking of battered women as they plan for safety and separation from the perpetrator.³³ The most likely predictor of whether a battered woman will permanently separate from her abuser is whether she has the economic resources to survive without him.³⁴

14. Take all appropriate action to ensure that orders will be followed.

- ◆ Provide written and oral notice of potential state and federal penalties for violating protection orders. Advise victims of methods for enforcing orders and inform them of their right to have their orders enforced by other states, tribes, and territories.
- ◆ Provide law enforcement with specific directives in protection orders related to service, victim assistance, firearms confiscation, registries, and detention of suspected perpetrators pending arraignment for violations of orders.

- ◆ Enumerate in protection orders the conduct prohibited, such as surveillance, following, or communication through third parties. Without these details, stalking behavior is often not readily identified by police officers.
- ◆ Facilitate achieving full faith and credit by including the “identifiers” required by the Protection Order File (POF) maintained by the National Crime Information Center (NCIC) in orders.
- ◆ Enhance enforcement of firearms prohibitions by including the requisite “Brady findings” in protection orders so that orders may be recorded in the federal instant check system related to screening of potential firearms purchasers.
- ◆ Require regular reports to the court about perpetrator attendance at and completion of court-mandated batterer intervention programs, and require programs to notify court personnel immediately of any violence.³⁵
- ◆ Convene periodic compliance hearings to assess whether perpetrators have desisted from violence and to ascertain if they have fulfilled the mandates of orders.
- ◆ Encourage compliance by placing those subject to protection orders in intensive probation services.

15. Place hearings for violations of protection orders on accelerated enforcement dockets.

- ◆ Promote safety, limit opportunities to intimidate and dissuade victims, and deter recidivism through prompt disposition of violations. When the violation of a protection order is charged as a misdemeanor or filed as civil or criminal contempt, the case should be set down for hearing within 10 days of charging. For felony violations, the case should be scheduled for a date no more than 60 days from the alleged violation.

The Role of Court Administrators and Judges

16. Implement protection order system audits to identify strengths and weaknesses and recommend appropriate improvements.

- ◆ Examine structures, forms, protocols and guidelines, docketing, the demeanor and practices of all court and related personnel, order production and distribution, and courtroom security to assess whether systems are user-friendly, efficient, timely, and justice-supporting.³⁶
- ◆ Evaluate outcomes for victims and the compliance of perpetrators.

17. Institute structures and processes that promote accountability of perpetrators and safety and justice for victims.

- ◆ Establish protection order processes that are accessible and user-friendly, enabling pro se litigants to initiate applications and gain adequate protections.
- ◆ Consider simplified forms and instructions available in languages spoken in the jurisdiction; electronic or telephonic filing of pleadings and proofs of service; expedited and specialized dockets; hearings on the record; judicial access to police incident reports, criminal history, and other family law databases; mechanisms for maintaining confidential addresses of applicants; and accessible registries of orders to enhance access to legal remedies.
- ◆ Ensure that personnel who administer the protection order system are knowledgeable and committed to providing appropriate assistance to petitioners.³⁷
- ◆ Institute compliance monitoring systems and/or hearings, procedures for enforcement of firearms prohibitions, guidelines for acquiring NCIC identifiers and Brady indicators, practice guides for documenting service, systems for immediate entry of orders into statewide and local law enforcement registries or databases, and mechanisms for giving victims timely notice of court proceedings, any change in status or noncompliance of perpetrators, and any supplemental orders.

The Role of Advocates

18. Advance the agency of battered women, sexual assault survivors, and stalking victims.

- ◆ Inform victims about legal rights, the need to seek counsel regarding the law, potential

remedies, and the legal process. It is unethical for advocates to substitute their judgments for those of victims.

- ◆ Encourage the ability of victims to make considered choices.
- ◆ Work with court personnel, police, and prosecutors to obtain and enforce court orders that enhance victim safety.

19. Assist with enforcement of protection orders.

- ◆ Provide careful instruction on how to ensure that police have received copies of orders, that police are aware of the specific risks posed by perpetrators (e.g., suicidal ideation, use of firearms, stalking, violent criminal history), that orders are entered in state or local police registries, that officers can locate victim residences or places of employment, and that firearms have been surrendered.
- ◆ Give victims information about how to seek enforcement of their orders in other counties, states, tribes, or territories, and facilitate providing victims with notice of the status of violation hearings.
- ◆ Provide advocacy as necessary with police and prosecution agencies when perpetrators violate orders and elude accountability.

The Role of Attorneys and State and Local Bar Associations

20. Initiate pro bono services for victims seeking protection orders, particularly those cases facing contested hearings in which abusers have retained counsel.

- ◆ Devise programs providing a range of pro bono legal assistance to protection order applicants—from protection order clinics for victims, to review of pleadings, representation at contested hearings, facilitation of settlement, and advocacy for enforcement.
- ◆ Instruct and mentor other attorneys about violence against women and the available legal remedies.

21. Explore methods of providing legal services to victims who require legal action beyond protection orders.

- ◆ Include family law representation as well as representation on other issues that also arise from violence, such as bankruptcy, torts, government benefits, and employment or housing discrimination.
- ◆ Develop alternative payment and delivery systems, including targeted pro bono initiatives and revolving loan funds; mentoring opportunities for young lawyers; and support for and representation in impact litigation.³⁸

Full Faith and Credit for Protection Orders

The Violence Against Women Act (VAWA) contains a provision known as “full faith and credit” that directs states and U.S. territories to honor valid protection orders issued by other states, tribes, and territories and treat these orders as they would their own.³⁹ Victims who must relocate for safety or who work, visit, or travel in nearby states or on Indian lands can now seek enforcement of protection orders wherever the protection may be needed. Under VAWA, law enforcement officials and prosecutors must enforce protection orders even if the order was obtained in another jurisdiction. Judges must enforce valid orders issued by their colleagues from other jurisdictions. In addition, violators of protection orders issued in other jurisdictions may be subject to prosecution under new federal crimes created by VAWA for violators and other domestic violence perpetrators whose criminal conduct involves multiple jurisdictions or who possess a firearm.⁴⁰

The full faith and credit provision does not detail how jurisdictions should enforce the orders of other jurisdictions (sometimes referred to as “foreign orders”). Thus, states must create their own enforcement mechanisms to ensure that their criminal justice systems are enforcing orders from other jurisdictions. In some jurisdictions, state law hinders enforcement by requiring that victims register or file foreign orders prior to enforcement or

by notifying respondents when a foreign protection order has been registered or filed. Similarly, state foreign judgment statutes may jeopardize victim safety by requiring notice, publication, or payment of filing fees prior to enforcement of out-of-state protection orders. Delays caused by such filing requirements may allow a batterer to violate a protection order issued in another jurisdiction with impunity, while notice to the batterer reveals the location of a victim who has fled to escape abuse. Moreover, under the Violence Against Women Act of 2000, federal law prohibits registration as a prerequisite to enforcement of an order issued in another jurisdiction and prohibits notifying the batterer that an order has been registered unless requested by the victim.⁴¹

Although the full faith and credit provision was incorporated into VAWA to address the problem of the lack of enforcement of foreign orders, it is clear that intrastate enforcement is still a challenge. There are still jurisdictions in which police, prosecutors, and judges do not enforce orders issued in other counties or jurisdictions in the same state. Mechanisms are being devised at the state and local levels to achieve the goal of the federal full faith and credit provision—creating safety for victims wherever they are located.

Outlined below are specific actions that state legislatures, law enforcement personnel, the bench and bar, court administrators, state registry personnel, victim advocates, and related professionals can take to end violence against women.

The Role of State Legislators

1. Enact legislation that enhances implementation of the full faith and credit provision of the Violence Against Women Act of 1994 (VAWA).

- ◆ Use state legislation to clarify how prosecutors, law enforcement, probation officers, judges, clerks of court, and other relevant criminal justice personnel should treat orders issued outside of the state.
- ◆ Prohibit the assessment of fees and costs for application and service of protection orders.

2. Fully underwrite the costs of law enforcement registries and court databases related to violence against women.

- ◆ Provide adequate funding to meet the technological and personnel needs of information systems so that they can document all orders issued, and enter these orders into the NCIC protection order file.
- ◆ Ensure judicial access to criminal history and status, family law dispositions, or juvenile and mental health records related to the alleged perpetrators who come before the court, and to orders issued within the judicial district and between judicial districts within a state.

3. Consider making violation of criminal protection orders related to violence against women a criminal act.

- ◆ Amend codes to create explicit crimes for violating criminal protection orders related to sexual assault, dating and domestic violence, and stalking. Establish that violating any protection order is a crime whether the order was issued in that state or in another jurisdiction.

4. Do not require notice or filing as a prerequisite to enforcement of foreign protection orders.

- ◆ Amend statutes as necessary to ensure that they comply with federal law by not requiring notice or filing as a prerequisite to enforcement of protection orders issued by other jurisdictions.

Justice System Reform

5. Develop and implement statewide and tribal protocols for law enforcement, prosecution, courts, and state registries.

- ◆ Ensure the uniform implementation of protocols designed to aid in enforcement of all protection orders.

6. Adopt protocols and provide ongoing training for law enforcement on how to enforce protection orders whether issued in that jurisdiction or another jurisdiction.

- ◆ Address the following issues in protocol and training: the necessity of verifying the validity of a foreign order only if the order does not appear valid on its face; service of process; filing proofs of service; regular inclusion in incident and arrest reports of information related to

full faith and credit and potential federal crimes; routine submission of all protection orders with case files for charging review; NCIC registry and processing; notice of enforcement actions to prosecutors in issuing and enforcing jurisdictions; firearms management; requests for detention or bail conditions; and victim notification related to arrest, custodial status, conditions on release, and charges filed.

7. Adopt protocols and provide the training necessary for prosecutors to ensure enforcement of protection orders.

- ◆ Address the following issues in protocol and training for prosecutors: comprehensive charging of violations of protection orders and corresponding infractions of the enforcing state's criminal code; requests for pretrial detention for perpetrators crossing jurisdictional lines to commit violence against women; communication with prosecutors from issuing jurisdictions about underlying orders and preferred venue for prosecution; referral procedures to federal authorities for prosecution of protection order violations when appropriate; and the elements of case preparation for prosecution of order violations.

8. Promulgate standardized protection order forms, and adopt rules of court to enhance enforcement of protection orders by judicial districts beyond the issuing jurisdiction.

- ◆ Develop and implement standardized protection order forms, and require their use by all courts within the state. Use of standardized forms can ensure that the language necessary for enforcement is incorporated into all orders granted. Standardized forms also increase the likelihood of enforcement outside the issuing judicial district.⁴²
- ◆ Promulgate rules of court to promote enforcement of protection orders issued in other judicial districts both within and outside the state or jurisdiction.

9. Craft protection orders and instruct litigants in a manner that promotes enforceability.

- ◆ Follow requirements of the local, state, and NCIC protection order registries when issuing orders. While uniform statewide forms should provide specific instructions regarding inclusion in registries, judicial care to complete the forms is imperative.
- ◆ Inform the parties that the order is enforceable in all jurisdictions and that violations may expose offenders to prosecution for state, tribal, and/or federal crimes.
- ◆ Enforce all provisions in the out-of-state protection order, even if the order includes a specific remedy not available in protection orders issued in the enforcing state. However, the laws of the enforcing state determine the sanctions that can be imposed.
- ◆ Develop procedures for court clerks to notify issuing courts of violations and dispositions related to foreign protection orders.

10. Develop systems and operating procedures to enhance enforcement of all protection orders.

- ◆ Design registries to document all orders issued (civil and criminal). Include all ex parte/temporary and final protection orders issued within the state; all orders issued by other jurisdictions but filed or registered within the state; orders issued by tribal courts located within the state (as a courtesy to and on the request of tribes). Include the judicial district and contact information for the issuing court; service status; the date of entry and expiration of the protection order; the specific relief granted; the name of the applicant and the names of all protected persons; the name, address, date of birth, Social Security number, and any other identifying characteristics of the perpetrator; the Brady record indicator; and any history of violations.
- ◆ Exclude identifying information about the protected parties from registries (e.g., addresses and other identifying or contact information). Should a registry include any of this information, institute measures to limit disclosure and maintain confidentiality.

- ◆ Establish procedures at the local level for filing protection orders issued by other jurisdictions in databases. Establish guidelines to periodically update foreign order entries to account for any modifications or terminations.

11. In the several states in which registration of orders issued by other jurisdictions with local courts is required, adopt operating procedures to facilitate registration of foreign protection orders and ensure that such registration is not a prerequisite for enforcement.

- ◆ Institute procedures for court clerks responsible for registering or filing orders issued by other jurisdictions. These procedures should include a waiver of filing or registration fees, a list of the documents necessary for filing/registration (e.g., certified copy of the protection order, affidavit stating the order is extant, proof of service), a rule barring notice to the abuser of the filing or registration of a protection order from another jurisdiction without the victim's consent, authority for registration without judicial review or assessment of validity, and documentation of filing of the foreign order.

The Role of Advocates and Attorneys

12. In every jurisdiction, promote the enforcement of protection orders issued by other jurisdictions.

- ◆ Advise victims that an order must be enforced in any county, state, or U.S. territory under the full faith and credit provision of VAWA. Give victims explicit instructions, including a written information sheet, detailing how to obtain enforcement of orders locally.⁴³ Specifically, ask if the victim is planning to leave the issuing jurisdiction for any reason, including travel for work, vacation, visits with friends or family, shopping, or to escape the abuser. If the victim is likely to travel outside the jurisdiction, prepare a packet of information specific to enforcement in the foreign jurisdiction.⁴⁴
- ◆ Consult with advocates and attorneys in other jurisdictions about enforcement of civil and criminal protection orders. Should counsel or advocates learn that another jurisdiction does not have procedures for enforcing orders issued by foreign jurisdictions, work with agencies or

the bar to ensure compliance with the full faith and credit provision of VAWA.

Alternative Dispute Resolution in Family Courts

Alternative dispute resolution is increasingly substituted for litigation to resolve custody and other family law disputes when a negotiated settlement between the parties cannot be achieved.⁴⁵ Whether by statutory mandate or court rule, many courts now require family law litigants to use mediation or another conciliation process to resolve family law claims.⁴⁶

A central principle of mediation is that the parties must have the capacity to mediate fairly. This means that the parties should have relatively equal power in the relationship, full information about the resources available to each person and any outstanding or future financial obligations, sufficient independent economic capacity, comparable planning and negotiation skills, a willingness to recognize the postseparation needs of the other party and any children, and the ability to protect their own interests in the process of mediation.

In many family law cases, mediation works well—for example, when the parties are in relative agreement with each other, have good conflict resolution skills, maintain equivalent power in their familial relationship, have the capacity for economic independence after divorce, and are committed to shared parenting.

Violence, coercion, and intimidation create profound power imbalances. Men who batter or sexually assault their partners do so through a variety of tactics, all designed to hold power and control over their wives or partners. Men who batter and sexually violate their partners commonly claim the right to make all the decisions for the family; they believe that they are entitled to control all aspects of family life and oversee the activities of their partners. Men who abuse their partners as a means of gaining power or control cannot “cooperate” in mediation or other conciliation processes. Nor do

they feel compelled to comply with any agreement reached between the partners.

At the same time, women who are battered may be unable to participate fully or freely in mediation. They routinely assess the risks or costs of non-compliance with their abusive partners' demands, particularly related to disclosure of abuse.⁴⁷ In mediation or in legal proceedings, battered women may not appear intimidated or fearful, but they may nonetheless be doing quick mental calculus to avert danger, achieve safety, and gain some authority to manage their lives. They may be weighing whether to assert their legal interests against the likelihood that doing so may compromise their safety.

Men who abuse their partners may prefer alternative dispute resolution because they feel able to determine the outcome through coercion, manipulation of mediators or other involved parties, intimidation, and even violence. The alternative process may also provide batterers with opportunities for continued contact with their victims; meanwhile, batterers may appear to be reasonable and cooperative participants to mediators untrained in matters related to violence against women.

As a general rule, when one partner perpetrates sexual or domestic violence or stalks the other, mediation is not an appropriate mechanism for resolving family law claims.⁴⁸ The Model Code on Domestic and Family Violence contains provisions related to mediation in the context of domestic violence. It specifies that if a protection order is in effect, courts should not order or refer the parties to mediation. Additionally, the Code provides that in cases in which there are allegations of domestic violence but no protection order in effect, the court may only order or refer the parties to mediation if several conditions are met: The victim must request the mediation, the mediation must be provided by a certified mediator who is trained in domestic and family violence and conducted in a manner that protects the safety of the victim, and the victim must be permitted to have a support person (including but not limited to an attorney or

advocate) in attendance at any mediation session.⁴⁹ The American Bar Association has taken this principle one step further and recommends that in any case (whether custody-, divorce-, or business-related), court-ordered mediation should include an opt-out right for any party in cases in which one party has perpetrated domestic violence against the other.

Outlined below are specific actions that state legislators, court personnel (including judges, administrators, attorneys, and paralegals), state and bar foundation funders, law school staff and administrators, victim advocates, and victim service providers can take to end violence against women.

The Role of State Legislators

1. Adopt codes that exempt victims of sexual assault, domestic violence, and stalking from mediation or other alternative dispute resolution processes.

◆ As a general rule, an allegation of abuse occurring within the 2 years preceding the action should trigger the exemption. Alternatively, a protection order, criminal conviction, or any judicial finding related to the violence of one party against the other should be the basis for exemption.⁵⁰

2. Require that state courts establish standards for practice, continuing education requirements, and certification programs for all mediators or alternative dispute professionals who handle cases involving domestic violence or child abuse.⁵¹

- ◆ Ensure that mediators receive instruction on issues related to violence against women, including the power imbalance between victims and perpetrators, the risks posed by intimate partner violence, and the need for continued screening and assessment of danger throughout the mediation process.
- ◆ Affirm the principle that agreements must never compromise the safety interests of victims and children.
- ◆ Ensure the availability of counsel for victims throughout the mediation process, and allow for the presence of support persons for victims at conciliation sessions.

- ◆ Ensure that victims of violence are not coerced into mediation or other conciliation processes that are unsafe, unfair, or unaccountable.

3. Require that all mediators and court personnel who refer parties to alternative dispute resolution screen for domestic violence and child abuse.

- ◆ Establish standards to screen parties for domestic violence, including an assessment of the danger posed by the perpetrator, as mandatory for mediators.⁵²

4. Consider limiting the confidentiality of alternative dispute resolution sessions when threats of bodily harm or violent conduct are made during mediation.⁵³

The Role of the Court

5. Devise standards to allow the practice of alternative dispute resolution according to local rules in locations where state codes do not establish standards related to domestic violence or child abuse.

- ◆ Include guidelines that call for ongoing screening,⁵⁴ risk assessment, safe termination and referral back to the court; advocate and attorney participation in mediation; specialized methods for mediation in cases involving domestic violence or child abuse; the ethical responsibility to protect, warn, and provide safety to victims during mediation; parameters on confidentiality; and limitations on neutrality related to victim safety and victim safeguards in proposed agreements. Require that any agreement offered to the court include financial statements of each party and a joint stipulation of the facts relating to agreements on custody and economic matters.
- ◆ Require education of mediators about domestic violence, child abuse, the impact of violence on victims, the coercive controls exercised by perpetrators, and how to measure the capacity of victim and perpetrator to “cooperate” and reach fair and safe agreements.

6. Provide all court personnel with training on domestic violence and the safety requirements of victims.

- ◆ Ensure that family court judges and court personnel are knowledgeable about domestic violence and child abuse. Instruct them on relevant behaviors and impact and appropriate remedies

and safeguards in family law cases involving violence against partners or children. Inform court staff about specialized mediation practice in the context of domestic violence or child abuse.

7. Screen for domestic and sexual violence, child abuse, and stalking, and provide notice to victims of any exemption from mediation.

- ◆ Screen for domestic violence and child abuse to safeguard victims and ensure the appropriate interplay between the legal and the alternative dispute resolution processes.
- ◆ Alert mediators to any allegation of domestic violence or child abuse when a litigant elects mediation.

8. Avoid ordering mediation in cases in which domestic or sexual violence, child abuse, or stalking has occurred between the parties.

- ◆ Ensure victim input in decisions about mediation or litigation. Most state codes provide exemption or opt-out prerogatives from mediation if there is evidence of domestic or sexual violence or child abuse.

9. Refer victims to community-based advocacy organizations for safety planning and to obtain legal counsel when considering options related to marital dissolution, child custody, and other family law proceedings.

- ◆ Apprise victims of the importance of speaking with an advocate before making any decision about electing to participate in mediation or pursue litigation.
- ◆ Make referrals to designated victim service agencies.

10. Recommend that unrepresented parties in family law cases consult with counsel before electing or commencing alternative dispute resolution.

- ◆ Recommend consultation with counsel about the processes of mediation, negotiation, and litigation to help unrepresented parties evaluate their capacity to mediate.
- ◆ Encourage victims to consider both benefits and risks of mediation, as well as the sufficiency of the jurisdiction’s specialized mediation practices and victim safety measures.

11. Scrutinize proposed agreements in cases involving domestic violence or child abuse to evaluate whether the provisions adequately safeguard victims and their children.

- ◆ Review agreements to evaluate whether the provisions compromise the fundamental safety or economic interests of victims. When an agreement is fundamentally unfair or places a victim in jeopardy, reject the proposal.
- ◆ If the parties use a mediator who is not on the referral list and the judge concludes that an order is unfair or unsafe, advise the parties that an order will not be issued and notify the parties that the mediator may not be qualified to act as a mediator in such cases.

The Role of Attorneys

12. Participate in alternative dispute resolution sessions when it is necessary to protect the interests of abused clients and their children.

- ◆ Actively assist and advise abused clients participating in court-ordered mediation. When appropriate, counsel should accompany abused clients to mediation and advocate for safe agreements.

13. Seek training on domestic violence and mediation.

- ◆ Become educated about domestic violence, its consequences and risks, and the remedies that may help victims achieve safety, as well as specialized mediation practices for cases including domestic violence and child abuse.
- ◆ Continuously reevaluate the need for a protection order during mediation because the mediation process itself can be a trigger for increasing levels of violence.

The Role of Victim Advocates and Service Providers

14. Provide services to victims of sexual assault, domestic violence, and stalking who are involved in family law disputes.

- ◆ Provide legal advocacy to victims in protection order and criminal cases and in family law matters.

- ◆ Offer support services to victims who are engaged in mediation.

15. Develop programs to educate court personnel, mediators, judges, and attorneys about matters related to violence against women.

- ◆ Collaborate with local experts to develop appropriate training curriculums.

The Role of State and Bar Foundation Funders

16. Underwrite the cost of establishing systems for family law dispute resolution that safeguard victims and afford them counsel and advocacy.

- ◆ Provide funding for the development of model mediation standards that address cases involving violence against women. Develop a training curriculum for mediators on sexual assault, dating and domestic violence, and stalking, as well as specialized mediation systems that address domestic violence.
- ◆ Underwrite the costs of technical assistance for courts, bar associations, law schools, and advocacy organizations to help them meet the needs of battered spouses or parents related to mediation and legal processes.
- ◆ Provide funding for counsel for indigent victims, mentoring programs for young attorneys, and advocacy services in family law cases regardless of the method of dispute resolution.

Insurance Discrimination Against Victims of Violence Against Women

Insurance companies have discriminated against victims of domestic violence and sexual assault by denying them access to health, life, property, casualty, and disability insurance. Underwriting policies or practices throughout the industry include criteria for deciding whom to cover, what to cover, and how much to charge for the coverage that is provided. These guidelines exclude many victims of violence against women or set fee schedules that are beyond the reach of some victims. Even

those victims who obtain coverage are frequently not aware of the exclusion provisions within their policies, which are too often written in terms not understandable to nonlawyers or not disclosed by insurance agents.⁵⁵ Some insurance companies have stopped writing coverage for programs that provide assistance to victims. Even individuals who provide emergency housing in their own homes have been penalized because of their service to victims.⁵⁶

The consequences of such discriminatory insurance practices are profound. Victims, unable to afford insurance or excluded from coverage based on their partners' violent or abusive conduct, may be unable to obtain health and counseling services. They may be unable to secure their homes to prevent violence or intrusion by perpetrators or third parties. They may be held to a higher standard when making worker compensation claims. They may be unable to afford to repair cars damaged by perpetrators; as a result, they may be unable to transport children to school or themselves to work. They may be unable to access counseling needed for themselves and their children as a result of the violence.⁵⁷ In the extreme, some battered and sexually assaulted women are compelled to return to living with an abuser to obtain critical health and counseling services or meet the economic needs of their children.⁵⁸

Outlined below are specific actions that state legislators, state insurance department personnel, insurance providers, self-insured employers, and advocates can take to end insurance discrimination against victims of sexual assault, dating and domestic violence, and stalking.

The Role of State Legislators

1. Enact statutes based on the model laws of the National Association of Insurance Commissioners to prevent insurance discrimination against victims of sexual assault, domestic violence, and stalking in relation to health, disability, life, and property/casualty insurance.⁵⁹

2. Authorize state insurance departments to investigate and administratively adjudicate claims of discriminatory insurance practices.

- ◆ Provide state insurance departments authority similar to that held by state public utility commissions over utility industries.

3. Establish an executive-level, independent office of Insurance Consumer Advocate and charge that person with the responsibility, among others, of identifying and remedying insurance practices that are discriminatory against victims of violence against women.

4. Enact codes to prohibit insurance practices that deny coverage to victim service agencies.

- ◆ Prohibit the denial or cancellation of policies for crisis centers, shelters, safe homes, and counseling centers or other agencies that provide assistance to victims based on the class of clients they serve.

The Role of State Insurance Department Personnel

5. Establish policies and procedures to prevent discrimination against victims of sexual assault, dating and domestic violence, and stalking and the agencies that serve them.

- ◆ Fully exercise fiduciary responsibilities to the public by carefully examining all claims of discrimination against victims of sexual assault, domestic violence, and stalking. Examine internal procedures for handling claims of discrimination based on victimization and evaluate issues such as access, timeliness, and outcomes. Allocate resources to expedite processing victim claims.

- ◆ Convene policymakers and representatives of the insurance industry to carefully examine the societal implications of excluding the most vulnerable of claimants from economic remedy through insurance claims.

The Role of Insurance Providers

6. Do not exclude claims related to violence against women and family members based on intentional acts of sexual assault, domestic violence, and stalking.

- ◆ Voluntarily initiate new guidelines. Most insurance carriers exclude intentional wrongful and injurious acts from coverage in the policies they write.⁶⁰ In addition to exclusions for intentional conduct, many insurance policies are written to exclude coverage for sexual assault, harassment, or molestation.⁶¹ Victims of sexual assault, domestic violence, and stalking are particularly vulnerable to economic dislocation arising from the intentional acts of perpetrators.
- ◆ Even if elimination of these exclusions is not feasible, narrowly drawn limitations or caps on recovery can assist victims without jeopardizing the viability of the industry.
- ◆ Do not deny claims for medically necessary services as a result of sexual assault.

7. Evaluate health care guidelines for self-insured employers and eliminate any discrimination against victims of sexual assault, dating and domestic violence, and stalking.⁶²

Tort Law and Practice Reform

Costs of Violence Against Women

The financial costs of violence against women in this country have not yet been fully calculated. However, by any appraisal the costs are staggering.

Sexual assault is estimated to involve costs totaling at least \$110,000 per victim with an estimated 1.1 million victims each year.⁶³ The out-of-pocket costs for a sexual assault victim average \$5,100, and the balance is based on loss of wages, pain and suffering, and loss of quality of life. The aggregate yearly out-of-pocket costs for sexual assault victims total about \$7.5 billion, and when the intangible losses are added, the yearly cost of sexual assault reaches \$127 billion.⁶⁴

The yearly medical expense for women who are victims of domestic violence is estimated to be \$61 million.⁶⁵ Indirect costs, such as diminished quality of life and pain and suffering, are estimated at \$65 million annually.⁶⁶ Lost pay and broken or stolen property total \$89 million each year.⁶⁷

Batterers frequently destroy family property—battered women’s telephones, televisions, cars, house walls and furniture, birth control devices, children’s favorite toys, family heirlooms, and clothing are frequently damaged or destroyed. Abusive men often take away their partners’ earnings and incur debt in their partners’ names. Service providers for battered women report that the losses sustained through batterer property destruction and theft prior to separation may average \$10,000 per perpetrator.⁶⁸

Businesses in the United States lose an estimated \$3 to \$5 billion each year in absenteeism, lower productivity, higher turnover, and health care costs due to domestic violence, according to the Bureau of National Affairs.⁶⁹

The number of domestic violence victims who sustain physical injury is estimated at 2 million annually, with another 2 million subjected to non-injurious violence.⁷⁰ Research on the cost of violence against women indicates that the estimated totals underestimate the actual cost. Whatever the amount, it is immense and represents huge social and economic losses to society.

Costs of Violence Prevention

The psychological scars and anguish (known as “rape trauma syndrome”) experienced by most women who are sexually assaulted can disrupt their personal and professional lives for years or even decades. Men who perpetrate violence against women, especially against those with whom they are in intimate relationships, are almost certain to repeat their violence.⁷¹

Victims of domestic violence employ numerous strategies to avert further violence and safeguard themselves and their children. These victims are best able to remain safe if they can limit or eliminate perpetrator access to them. Thus, many women relocate, establish independent households, or employ various security measures to prevent further abuse.

Costs of relocation. The costs of relocation for battered women and children are not currently captured in national studies. However, service providers report that relocation for women and children who are displaced by domestic violence may cost a minimum of \$5,000 per relocation.⁷² Many battered women separate several times from batterers before they can effect a permanent separation. Survivors of sexual assault and stalking also relocate when they feel unsafe. Research is needed to precisely identify the costs of relocation.

Costs of independent living. The most likely predictor of whether a battered woman will permanently separate from her abuser and establish an independent household is whether she has the economic resources to survive without him.⁷³ The three critical ingredients of economic independence for battered women are income from a source other than the batterer,⁷⁴ adequate transportation, and sufficient childcare arrangements.⁷⁵ Research has found that women generally experience declines in economic well-being after divorce, while men generally experience small to substantial gains.⁷⁶ These findings underscore the difficulty that many women encounter in their attempts to achieve independent living after leaving an abusive partner.

Costs of security and other safety strategies. Victims who do not relocate or fully separate from perpetrators may invest in safety strategies. They may change or increase the number of locks on their homes or install security systems. They may alter their routines to reduce contact with the perpetrator (and any alteration may have economic implications). For example, they may change jobs or work different hours, worship in a church in a nearby community rather than the local church, shop in stores farther from home, or change babysitters.

Who Pays the Price of Violence Against Women?

Victims bear the primary burden of the economic losses suffered from male violence against

women, although insurance companies, crime victim compensation programs, employers, and state and federal governments do pay significant amounts each year. Communities also pay a stunning toll. Some of the losses incurred by communities are economic, but the interruption and dislocation in women's lives affect communities more profoundly. Perpetrators often pay virtually nothing.

State codes contain a broad array of tort provisions (i.e., provisions that cover wrongful acts other than breach of contract), and each state has a different statutory configuration. Criminal conduct may give rise to tort claims. Torts based on criminal behavior include assault; battery; intentional, reckless, or negligent infliction of emotional distress; false imprisonment; rape; stalking⁷⁷; transmission of sexually transmitted diseases; defamation; wrongful death; property destruction; sale or dissipation of property; fraud; and securities fraud. Tort codes contain provisions related to economic wrongs that may not be criminal, including interference with contractual relations, concealment, breach of fiduciary duty, and undue influence. There are third-party torts related to foreseeable acts of violence against women.⁷⁸ Tort law also potentially provides for claims by indirect victims or witnesses to violent conduct who are injured or harmed indirectly by the tortious conduct.⁷⁹ In limited circumstances, when a bystander fails to intervene against the violence, a tort claim may be successfully prosecuted against the bystander.⁸⁰ There are also torts related to abuse or exploitation by professionals who provide service to victims.⁸¹

Outlined below are specific actions that state legislators, attorneys and members of bar associations, crime victim compensation personnel, and advocates (including members of state coalitions and victim/witness specialists) can take to end violence against women.

The Role of State Legislators

1. Review current statutes and assess whether additional enumerated tort provisions are needed to promote the recovery and future safety and well-being of victims of sexual assault, domestic violence, and stalking.

2. Enact civil remedies comparable to those in the Violence Against Women Act of 1994 that permit victims who may not obtain justice in the criminal system to pursue civil actions against perpetrators.

- ◆ Create a civil cause of action for gender-based violence.

- ◆ Allow claims to be filed in state courts that assert not only the tort of “assault and battery” but also (where available) a state constitution-based claim under due process and equal protection provisions, noting that some state constitutions forbid such conduct even without state action.

3. Enact legislation that permits use of expert testimony in civil cases to explain the psychological and emotional impact of sexual assault.

4. Establish and enforce penalties for professionals who sexually assault clients.

- ◆ Include as possible sanctions suspension, disbarment, removal of license or credentials, publication of the offense in industry and professional publications, and notice to the individual’s current client/patient base.

- ◆ Collaborate with professional associations to establish sanctions for members who physically or sexually assault their clients.

5. Consider enacting new torts of sexual assault, partner abuse, or stalking.⁸²

- ◆ Explore why so few perpetrators of sexual assault, dating and domestic violence, and stalking are subject to judgments related to the injuries inflicted on victims and their treatment.⁸³ Explore whether deficiencies exist in laws governing familial and spousal immunity, governmental immunity, statutes of limitations, court or statutory rules related to mandatory joinder, waiver, and issue or claim preclusion.⁸⁴

6. Eliminate any spousal immunity defense to tort claims by abused women.

7. Remove the “entireties exemption” for judgments against perpetrators of sexual and domestic violence.

- ◆ Recognize that some perpetrators who inflict violence against women are able to protect certain assets by marrying another person and thereafter titling property as “entireties” rather than “jointly held” assets. Entireties property is usually exempt from claim or attachment for a judgment because it is equally owned by the third party and the perpetrator. Modify codes to allow access to these assets for damages resulting from violence against women.

8. Amend tort codes concerning the statute of limitations in torts involving violence against women and children.

- ◆ Extend the statute of limitations period.

- ◆ Alternatively, specify that the statute of limitations begins only when the longest lasting of these things has occurred: the abuse ends; the victim can act independently of the perpetrator (free of intimidation or fear of reprisal) or has safely separated from the perpetrator; or the victim apprehends, or should reasonably have apprehended, that an injury or loss was sustained as a result of the violence.⁸⁵

9. Approve the doctrine of “continuing tort” in state statutes to permit retroactive recovery for all injuries inflicted by perpetrators as part of a pattern, intermittent or continuing, of violent or abusive conduct.⁸⁶

- ◆ Recognize that domestic violence, and some types of sexual abuse, often encompasses a continuing course of abuse.⁸⁷ Each act compounds the injury of all former abusive conduct. The damage of one injurious assault cannot be estimated discretely but must be calculated based on the entire course of contact.

10. Encourage a legal climate that fairly addresses the tort claims of victims seeking redress for the wrongs inflicted upon them.

- ◆ Remove any bias in the justice system confronting poor women, women of color, disabled women, lesbians, non-English-speaking or immigrant women, young or elderly women,

and women who have been convicted of crimes.⁸⁸

The Role of Attorneys and State and Local Bar Associations

11. Challenge any residual belief in the entitlement of men to use physical or sexual violence against women, whether inside or outside the family, and reject notions of men's right to exercise power over wives or female partners.

- ◆ Consider violent or abusive conduct toward women as egregious and compensable, just as the same conduct directed at male strangers or other third parties merits recovery.⁸⁹

12. Educate judges and juries about the entrapment and terror suffered by victims of sexual assault, dating and domestic violence, and stalking; the impact rape trauma syndrome has on a victim's ability to participate in the legal process; and the deliberate strategies of perpetrators to maintain control over victims.

- ◆ Provide education on the injuries suffered by female victims of male violence, the fear induced by the violence, the losses sustained, and the burdens and costs of prevention of further violence.⁹⁰

13. Identify abuse and inform victims of potential tort claims and other civil remedies.

- ◆ Screen clients for abuse as part of providing competent representation.
- ◆ Evaluate the range of civil remedies available when a history of abuse is identified.⁹¹

14. Establish bar association-sponsored mentoring programs to help law firms represent victims of sexual assault, dating and domestic violence, and stalking.

The Role of Advocates

15. Initiate outreach and education efforts to inform victims of potential tort claims and remedies.

- ◆ Counsel victims about economic remedies that might help compensate for the crimes and injuries inflicted upon them.

- ◆ Inform victims of the civil tort claims that can be brought against perpetrators or others. Advise victims that fines in criminal cases, crime victim compensation, and economic awards in protection orders do not foreclose supplementary tort relief.
- ◆ Expand media campaigns to include notice to victims about possible recovery and time limits under state tort law for sexual or domestic violence.

Resources

Battered Women's Justice Project—Civil Division

Pennsylvania Coalition Against Domestic Violence
6400 Flank Drive, Suite 1300
Harrisburg, PA 17112
Phone: 1-800-903-0111, ext. 2
Fax: 717-671-5542

The Battered Women's Justice Project (BWJP) works with advocates and victim service providers to educate communities about domestic violence and ensure targeted, appropriate responses to cases of domestic violence. BWJP functions through a partnership of three nationally recognized organizations: the Domestic Abuse Intervention Project, which addresses the criminal justice system's response to domestic violence (including the development of batterer programs); the Pennsylvania Coalition Against Domestic Violence, which addresses civil court access and legal representation issues of battered women; and the National Clearinghouse for the Defense of Battered Women, which addresses issues raised when battered women are accused of committing crimes, including killing an abusive partner.

Criminal Justice Information Services Division

National Crime Information Center
Federal Bureau of Investigation
1000 Custer Hollow Road
Clarksburg, WV 26306
Phone: 304-625-2000
Fax: 304-625-5843

The Criminal Justice Information Services (CJIS) Division serves as the FBI's focal point and central repository for criminal justice information services. Programs administered under CJIS include the National Crime Information Center, Uniform Crime Reporting, the Integrated Automated Fingerprint Identification System, and the National Incident-Based Reporting System.

Commission on Domestic Violence—Law School Initiative Project

American Bar Association
740 15th Street NW., Ninth Floor
Washington, DC 20005-1019
Phone: 202-662-1737
Fax: 202-662-1594
E-mail: abacdv@abanet.org
Web site: www.abanet.org/domviol

The Commission on Domestic Violence Web site provides American Bar Association policies, training materials, legal briefs, and sample legal forms relevant to domestic violence issues and proceedings. The site also includes information about upcoming events and training opportunities and links to other resources and organizations.

Employment Law Center

Legal Aid Society of San Francisco
1663 Mission Street, Suite 400
San Francisco, CA 94103
Phone: 415-864-8848 or 1-888-864-8335 (in California only)
Web site: www.employmentlawcenter.org

Through its Employment Law Center, the Legal Aid Society of San Francisco works to secure equal opportunity in employment as a fundamental civil right. The center addresses cases in which domestic violence victims have employment law issues. Center efforts to address workplace issues include advice and counseling, litigation, community education, and advocacy.

International Association of Chiefs of Police

515 North Washington Street
Alexandria, VA 22314
Phone: 703-836-6767 or 1-800-THE-IACP
Fax: 703-836-4543
Web site: www.theiacp.org

The International Association of Chiefs of Police (IACP) fosters cooperation and the exchange of information and experience among police administrators throughout the world and advocates high professional standards of police performance and conduct. The IACP Web site provides information on training opportunities, conferences, awards, and campaigns, as well as links to *Police Chief Magazine* and other publications, information on international activities and outreach, and legislative and policy updates.

Minnesota Center Against Violence and Abuse (MINCAVA)

Web site: www.mincava.umn.edu

The MINCAVA Electronic Clearinghouse provides extensive and up-to-date educational resources about all types of violence, including higher education syllabi, published research, sources of funding and training, professionals and organizations in the field, and searchable databases containing more than 700 training manuals, videos, and other publications and products. Resources are presented alphabetically by topic. The site also includes a list of "Action Alerts"—descriptions of campaigns, protests, and projects and how to get involved.

National Center for State Courts

300 Newport Avenue
P.O. Box 8798
Williamsburg, VA 23185
Phone: 757-253-2000
Fax: 757-220-0449
Web site: www.ncsconline.org

The National Center for State Courts (NCSC) works to improve the administration of justice in the United States and abroad through research, education, consulting, and information services. The Web site includes information on NCSC technical assistance and consulting services, projects, and initiatives, as well as an online library database, calendar of events, and links to related associations and organizations.

National Center for Victims of Crime

2000 M Street NW., Suite 480
Washington, DC 20036
Phone: 202-467-8700 or 1-800-FYI-CALL
Fax: 202-467-8701
E-mail: mail@ncvc.org

The National Center for Victims of Crime's (NCVC's) mission is to help victims of crime and their families rebuild their lives. NCVC works with local, state, and federal agencies to enact legislation and provide resources, training, and technical assistance. The NCVC Web site provides relevant statistics, links to publications, and referrals to participating attorneys.

National Center on Full Faith and Credit

1601 Connecticut Avenue NW., Suite 701
Washington, DC 20009
Phone: 1-800-256-5883, ext. 2
Fax: 202-265-5083

The National Center on Full Faith and Credit promotes interjurisdictional enforcement of civil and criminal protection orders (per the full faith and credit provision of the Violence Against Women Act of 1994). The project provides ongoing assistance and training on full faith and credit, federal firearms prohibitions, and federal domestic violence and stalking crimes to law enforcement officers, prosecutors, judges, court administrators and other court personnel, private attorneys, victim advocates, and others who work with victims of domestic violence and stalking.

Resource Center on Domestic Violence: Child Protection and Custody

National Council of Juvenile and Family Court Judges
P.O. Box 8970
Reno, NV 89507
Phone: 1-800-52-PEACE
Fax: 775-784-6160
Web site: www.nationalcouncilfvd.org

The Resource Center on Domestic Violence: Child Protection and Custody provides professionals in the field of domestic violence and child protection and custody with access to information and assistance. The Web site includes information about

available technical and training services, publications, and information packets and links to related online resources.

Standing Committee on the Delivery of Legal Services

American Bar Association
541 North Fairbanks Court
Chicago, IL 60611
Phone: 312-988-5761
Fax: 312-988-5483
E-mail: whornsby@staff.abanet.org
Web site: www.abanet.org/legal-services/delivery.html

The American Bar Association's Standing Committee on the Delivery of Legal Services focuses on improving the delivery of legal services to the public, specifically people of moderate income. The committee studies alternative methods of providing legal services, conducts pilot projects to test and evaluate new methods of delivering legal services, and encourages members of the bar to employ such alternative and new methods.

Women's Law Project (Insurance Discrimination)

125 South Ninth Street, Suite 300
Philadelphia, PA 19107

The Women's Law Project works to advance the legal and economic status of women and their families through litigation, advocacy, public education, and direct services including a telephone counseling and referral service. Project staff are experts in insurance discrimination.

Endnotes

1. Forty-seven states have enacted provisions in custody codes that direct judges to consider domestic violence when issuing custody awards. Source: National Council of Juvenile and Family Court Judges, Family Violence Department. Custody Code Database. June 2000.
2. Ibid.
3. Nineteen states have enacted rebuttable presumptions against awards of custody to a parent who has committed domestic violence against a spouse or parent. Source: Ibid.

4. In July 2000, the American Bar Association adopted a policy urging courts to consider domestic violence when drafting visitation and visitation exchange orders. Source: Ibid.

5. National Council of Juvenile and Family Court Judges (1994). *Model Code on Domestic and Family Violence*. Reno, NV: National Council of Juvenile and Family Court Judges, Family Violence Department. www.dvlawsearch.com/about/images/new_modelcode.pdf

6. Edleson, J.L. (1999). "Children's Witnessing of Adult Domestic Violence." *Journal of Interpersonal Violence* 14(8): pp. 839–870.

7. McHardy, L., and Hofford, M. (1999). *Final Report of the Child Custody and Visitation Focus Group*. Reno, NV: National Council of Juvenile and Family Court Judges, Family Violence Department.

8. For example, punching holes in the walls of the parents' bedroom takes on new meaning if each punch is accompanied by yelling, "That's your arm, that's your breast, that's your teeth, that's your eyeglasses, that's your windpipe." And if the father is holding the struggling mother by the hair and demanding that the child watch while he punches the wall, or if the father rips off the mother's nightgown, or if the father blames the mother for the damage and demands that the cost of the repairs be covered by the money set aside for the mother's trip to a family reunion, or if the father then pulls the phone cord out of the wall and smashes the receiver when the child tries to seek help, the punching "episode" emerges as much more substantial abuse.

9. Stalking is implicated in a majority of domestic violence homicides perpetrated by men. When battered women leave or seek separation from abusers, many batterers begin a course of surveillance and stalking that too often ends in homicide.

10. If prior punching by the father has resulted in injury to the mother or has destroyed the child's Christmas presents, the current conduct evokes

memories of prior incidents and brings the fear of those events to compound the terror precipitated by the present violence. If the current incident interrupted the child's sleep or the father dragged the child out of bed to watch, the child may have difficulty sleeping in the future. As a result of the damage to the phone, the child may fear that any future attempts to seek help will result in severe retaliation even if the father does not make that threat explicit.

11. Schechter, S., and Edleson, J.L. (1999). *Effective Intervention in Domestic Violence and Child Maltreatment Cases: Guidelines for Policy and Practice. Recommendations From the National Council of Juvenile and Family Court Judges*. Reno, NV: National Council of Juvenile and Family Court Judges.

12. Valente, R.L. (1996). "Screening Guidelines." In Goelman, D., Lehrman, F., and Valente, R.L. (Eds.), *The Impact of Domestic Violence on Your Legal Practice: A Lawyer's Handbook*. Washington, DC: American Bar Association Commission on Domestic Violence.

13. Approximately 28 states now include sexual assault in the definition of abuse in civil protection orders statutes.

14. About 20 states now include stalking in the definition of abuse in civil protection order statutes. Most civil protection orders, however, are not based solely on stalking conduct, as stalking is but one aspect of the violence inflicted by perpetrators. Criminal stalking codes also permit victims to seek no-contact or antistalking orders.

15. National Council of Juvenile and Family Court Judges (1994). "Chapter 3: Civil Orders for Protection." In *Model Code on Domestic and Family Violence*. Reno, NV: National Council of Juvenile and Family Court Judges, Family Violence Department. www.dvlawsearch.com/about/images/new_modelcode.pdf

16. Hart, B.J. (1992). "State Codes on Domestic Violence: Analysis, Commentary, and Recommendations." *Juvenile and Family Court Journal* (Special Issue) 43(4): pp. 1–81.

17. Ptacek, J. (1999). *Battered Women in the Courtroom: The Power of Judicial Responses*. Boston, MA: Northeastern University. In Ptacek's study of protection order applicants in two urban communities (one a predominantly white jurisdiction and the other a community of multiple ethnicities), most women found the protection order process very beneficial and 90 percent of them said they would recommend it to an abused friend.

Finn, P., and Colson, S. (1990). *Civil Protection Orders: Legislation, Current Court Practice, and Enforcement* (National Institute of Justice Issues and Practices Report). Washington, DC: U.S. Department of Justice. NCJ 123263

Harrell, A., Smith, B., and Newmark, L. (1993). *Court Processing and the Effects of Restraining Orders for Domestic Violence Victims*. Washington, DC: The Urban Institute.

Keilitz, S., Hannaford, P.L., and Efke, H.S. (1997). *Civil Protection Orders: The Benefits and Limitations for Victims of Domestic Violence*. Williamsburg, VA: National Center for State Courts.

Sullivan, C., Basta, J., Tan, C., and Davidson II, W.S. (1992). "After the Crisis: A Needs Assessment of Women Leaving a Domestic Violence Shelter." *Violence and Victims* 7(3): p. 267.

18. 18 U.S.C. § 2265(c).

19. Lehrman, F.L. (1997). "Appendix 4A: Civil Protection Orders." In *Domestic Violence Practice and Procedure*. Eagan, MN: West Group. In those jurisdictions in which violators can be charged with criminal contempt or misdemeanor crimes, victims and their lawyers often prefer to proceed with criminal contempt charges because relief (which may include incarceration for up to 6 months) can be achieved within 10 days. Battered women, both pro

se and represented, report that criminal contempt proceedings offer better outcomes for two reasons: The issuing judge is more likely to order incarceration than a criminal court judge hearing a misdemeanor violation and the immediacy of the consequence and possibility of incarceration enhance future perpetrator compliance.

20. Ibid.

21. Karan, A., Keilitz, S., and Denaro, S. (1998). "Domestic Violence Courts: What Are They and How Should We Manage Them?" *Juvenile and Family Court Journal* 50(2): pp. 75–86.

22. Thirty-two states and the District of Columbia have established electronic registries, 13 states are in the process of developing a registry, and 5 states have neither established nor are contemplating one. The Protection From Abuse Database (PFAD) in Pennsylvania, likewise, is designed to be a seamless electronic application, order, service, registry, and modification system that permits verification by judges and law enforcement throughout Pennsylvania.

23. Wan, A.M. (2000). "Battered Women in the Restraining Order Process." *Violence Against Women* (June) 6(6): pp. 606–632. See also Ptacek, J. (1999). *Battered Women in the Courtroom: The Power of Judicial Responses*. Boston, MA: Northeastern University.

24. One legal scholar suggests that there are many actions that judges can take to protect victims. See Field, J.K. (2000). "Identifying Domestic Relations Cases Involving Domestic Violence and Developing Strategies for Those Cases." In *Domestic Violence Civil Law Institute (Conference Manual)*. Washington DC: American Bar Association/Young Lawyers Division/Commission on Domestic Violence, at Tab 8.

25. The Violence Against Women Act (VAWA) is Title IV of the Violent Crime Control and Law Enforcement Act of 1994. VAWA 2000 is Public Law 106–386.

26. Virtually all provide court accompaniment, instruction on potential relief and the legal process, assistance in conforming and obtaining certified copies of orders, facilitation of distribution and service of process, referral to community resources, and preliminary safety planning. Some programs assist in pleadings preparation and proposed order development. Others help victims obtain police reports and other documentation of abuse. Many help with crime victim compensation claims. In metropolitan areas, programs may conduct clinics to handle the volume of applicants while attempting to preserve the quality and range of services. Some victim specialists serve as settlement facilitators.

27. Karan, A., Keilitz, S., and Denaro, S. (1998). "Domestic Violence Courts: What Are They and How Should We Manage Them?" *Juvenile and Family Court Journal* 50(2): pp. 75–86.

28. See Section 1101(b) of VAWA 2000, which provides that grantees certify that their "laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, or a petition for a protection order, to protect a victim of sexual assault, domestic violence, or stalking, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the state, tribal, or local jurisdiction."

29. National Council of Juvenile and Family Court Judges (1994). "Chapter 3: Civil Orders For Protection." In *Model Code on Domestic and Family Violence*. Reno, NV: National Council of Juvenile and Family Court Judges, Family Violence Department. www.dvlawsearch.com/about/images/new_modelcode.pdf

30. See Florida, New Hampshire, and Washington for examples.

31. Chaudhuri, M., and Daly, K. (1992). "Do Restraining Orders Help? Battered Women's Experience With Male Violence and Legal Process." In Buzawa, E.S., and Buzawa, C.G. (Eds.), *Domestic Violence: The Changing Criminal Justice Response*. Newbury Park, CA: Sage Publications, Inc.

Finn, P., and Colson, S. (1990). *Civil Protection Orders: Legislation, Current Court Practice, and Enforcement* (National Institute of Justice Issues and Practices Report). Washington, DC: U.S. Department of Justice. NCJ 123263

Gondolf, E.W., McWilliams, J., Hart, B., and Stuehling, J. (1995). "Court Response to Petitions for Civil Protection Orders." *Journal of Interpersonal Violence* 9(4): pp. 503–517.

Herrell, S.B., and Hofford, M. (1991). *Family Violence: Improving Court Practice*. Reno, NV: National Council of Juvenile and Family Court Judges.

Sullivan, C., Basta, J., Tan, C., and Davidson II, W.S. (1992). "After the Crisis: A Needs Assessment of Women Leaving a Domestic Violence Shelter." *Violence and Victims* 7(3): p. 267.

32. Many batterers seek to "recapture" their battered partners after the issuance of protection orders. When promises, harassment, and economic manipulation do not work, perpetrators seek other strategies to reinsert themselves in the lives of battered women. One method of regaining control over an intimate partner is obtaining custody of the couple's children. Failing that, unfettered access to children enables the perpetrator to maintain surveillance over the battered woman and to attempt to control her through the children. Unregulated access not only disrupts and endangers the lives of the family, but it regenerates fear with each contact. If these tactics do not persuade the battered woman to return, abduction of the children is certain to compel the mother to engage with the perpetrator again, to engage in a negotiation for access to the children with the expectation

that these negotiations will be enlarged to encompass reconciliation.

33. Aguirre, B.E. (1985). "Why Do They Return? Abused Wives in Shelters." *Social Work* 30(4): pp. 350–354.

34. Okun, L. (1986). *Woman Abuse: Facts Replacing Myths*. Albany, NY: State University of New York Press.

35. Keilitz, S.L., Davis, C., Efkanan, H.S., Flango, C., and Hannaford, P.L. (1998). *Civil Protection Orders: Victims' Views on Effectiveness* (National Institute of Justice Research Preview). Washington, DC: U.S. Department of Justice. FS 000191

36. For a protection order system audit tool, contact Battered Women's Justice Project—Civil Issues at 1–800–903–0111, ext. 2.

37. Ptacek, J. (1999). *Battered Women in the Courtroom: The Power of Judicial Responses*. Boston, MA: Northeastern University.

Wan, A.M. (2000). "Battered Women in the Restraining Order Process." *Violence Against Women* (June) 6(6): pp. 606–632.

38. For further information, contact Battered Women's Justice Project—Civil Issues at 1–800–903–0111, ext. 2.

39. Commonly referred to as the "full faith and credit provision," the section covers both civil and criminal protection orders.

40. 18 U.S.C. § 2261(a)(1)–(2) (interstate travel to commit domestic violence); 18 U.S.C. § 2261A (interstate stalking); 18 U.S.C. § 2262(a)(1)–(2) (interstate violation of a protection order); 18 U.S.C. § 922(g)(8) (possession of firearm or ammunition while subject to a qualifying protection order); 18 U.S.C. § 922(d)(8) (transfer of firearm or ammunition to person subject to a qualifying protection order); 18 U.S.C. § 922(g)(9) (possession of firearms or ammunition by a person convicted of a qualifying misdemeanor crime of

domestic violence); 18 U.S.C. § 922(d)(9) (selling or otherwise disposing of any firearm or ammunition to any person knowing or having reasonable cause to believe that the person has been convicted of a misdemeanor crime of domestic violence).

41. See 18 U.S.C. § 2265(d).

42. To facilitate interjurisdictional enforcement, protection order forms should include all data required for entry into the NCIC Protection Order File (POF), including a numeric identifier for the perpetrator; a Brady record indicator; a statement that the order is enforceable in all 50 states, the District of Columbia, tribal lands, and U.S. territories; certification that any custody provision in the order was issued in compliance with the Uniform Child Custody Jurisdiction Act/Uniform Child Custody Jurisdiction and Enforcement Act and the Parental Kidnapping Prevention Act; notice that interstate violation of the order may subject the abuser to federal criminal penalties; notice that possession, transportation, or receipt of a firearm while the order is in effect may subject the perpetrator to federal criminal penalties; and contact information for the issuing court and any state or local protection order registry.

43. This may include, for example, a recommendation that a victim deliver a copy of the order to the police department in the jurisdiction in which the victim lives and works, providing the agency with a description and the likely whereabouts of the perpetrator; a suggestion of methods for verifying that an order has been entered into local and state databases and the NCIC file; and a reminder that copies are available from the court clerk, that a copy should be in the victim's possession at all times, and perhaps that copies should be distributed to any place of employment, school, or other activity where a violation is likely to occur.

44. The packet might include the laws of the foreign jurisdiction related to arrest for violation and possible penalties upon conviction, referrals to community-based advocacy services in the foreign jurisdiction, and the requirements for enforcing a protection order in that state or tribe (e.g., any registration requirement and the costs of and process

for registration, information about whether a certified copy of an order must be presented to the police when seeking enforcement, and verification that the order has been included in the issuing state registry and the NCIC POF).

45. Although most family law issues are still settled by negotiation between the parents or divorcing couple either by counsel or pro se, when the litigants cannot reach an accord, some form of alternative dispute resolution is often employed to attempt agreement outside of the judicial process.

46. Through much of this *Toolkit*, the reader will note that the word “mediation” is used rather than the phrase “alternative dispute resolution.” “Mediation” should be read to include all forms of “alternative dispute resolution.”

47. Hart, B.J. (1996). “Rule Making and Enforcement/Rule Compliance and Resistance.” In Sipe, B., and Hall, E.J. (Eds.), *I Am Not Your Victim: Anatomy of Domestic Violence*. Thousand Oaks, CA: Sage Publications, Inc. pp. 258–263.

48. Hart, B.J. (1990). “Gentle Jeopardy: The Further Endangerment of Battered Women and Children in Custody Mediation.” *Mediation Quarterly* 7(4): p. 324.

Pagelow, M. (1990). “Effects of Domestic Violence on Children and Their Consequences for Custody and Visitation Agreements.” *Mediation Quarterly* 7(4): pp. 347–364.

49. National Council on Juvenile and Family Court Judges (1994). *Model Code on Domestic and Family Violence*. Reno, NV: National Council of Juvenile and Family Court Judges, Family Violence Department (www.dvlawsearch.com/about/images/new_modelcode.pdf). Section 408(A) is the preferred of two alternatives. Section 408(B) was offered as an alternative for those jurisdictions in which mandatory mediation has been instituted; it precludes mandates except under delimited, protected circumstances.

50. Codes in more than one-half of the states preclude judicial mandates or referrals to alternative

dispute resolution in various civil proceedings in which one party to the action has been abused by the other party. The American Bar Association recommends that court-mandated mediation include an opt-out prerogative in any action in which one party has perpetrated domestic violence upon the other party.

51. Keilitz, S.L., Davis, C.V., Flango, C.R., Garcia, V., Jones, A.M., Peterson, M., and Spinozza, D.M. (1997). *Domestic Violence and Child Custody Disputes: A Resource Handbook for Judges and Court Managers*. Williamsburg, VA: National Center for State Courts. This manual sets forth various safety procedures related to custody mediation in the context of domestic violence. Mediators are largely unregulated by courts or state executive agencies. Few state codes or court rules give explicit direction about mediation in the context of domestic violence. A handful of codes or state rules direct that mediators or alternative dispute resolution professionals meet minimum training requirements on domestic violence. National mediation associations have not promulgated standards for mediation in family law matters related to violence against women.

52. Section 407(1) of the Model Code on Domestic and Family Violence.

53. Many mediators and some state codes and local rules assert that the communications within the mediation sessions should not be disclosed and that the mediator should be bound by a confidential communications mandate. However, in a number of jurisdictions, limitations or exceptions have been made to the rule of confidentiality. Most are related to the issue of fraud or misrepresentation on financial matters, but some address issues of threat of bodily injury or property destruction or violent conduct during a mediation session. The Family Law Act of Ontario requires that financial disclosure forms, promulgated by the court, must be filed with the court before concluding mediation or litigation.

Pennsylvania law, 42 Pa. Cons. Stat. (West § 5949(b) (2002) provides exceptions for fraud,

enforcement of a settlement document, communication or conduct that is relevant evidence in a criminal matter where there has been a threat of bodily injury or felonious property destruction or there has been violent conduct in the mediation session, or for any document that existed independent of the mediation.

54. About one-third of courts interviewed in a recent study on mediation in the context of domestic violence had established screening procedures at intake for mediation. Less than one-third interviewed the parties about present or past abuse. About one-half reported review of pleadings for allegations of domestic violence. About one-half relied on custody evaluations. Source: Keilitz, S.L., Davis, C.V., Flango, C.R., Garcia, V., Jones, A.M., Peterson, M., and Spinozza, D.M. (1997). *Domestic Violence and Child Custody Disputes: A Resource Handbook for Judges and Court Managers*. Williamsburg, VA: National Center for State Courts. See also *Sample Checklist for Screening by Mediators*, prepared by the Alameda County Family Court Services, p. 110.

55. Durborow, N., and Fromson, T. (1998). *Insurance Discrimination Against Victims of Domestic Violence* (pamphlet). Harrisburg, PA: Pennsylvania Coalition Against Domestic Violence.

56. Ibid.

57. "The costs of treatment for any violence-exposed patient should be covered by insurers. . ."; excerpt from Schechter, S., and Edleson, J.L. (2000). *Domestic Violence and Children: Creating a Public Response*. New York, NY: The Open Society Institute.

58. Durborow, N., and Fromson, T. (1998). *Insurance Discrimination Against Victims of Domestic Violence* (pamphlet). Harrisburg, PA: Pennsylvania Coalition Against Domestic Violence.

59. Ibid.

60. Karp, L., and Karp, C.L. (1989 and 1999 Supplement). *Domestic Torts: Family Violence, Conflicts, and Sexual Abuse*. Colorado Springs, CO: Shepard's/McGraw-Hill.

61. These exclusions have been enacted or adopted increasingly over the past decade as insurance companies have begun to understand the potential cost of making women whole related to the sexual violence of their insureds. Source: Ibid.

62. The first charge of discrimination in health care coverage that came to the attention of the Pennsylvania Coalition Against Domestic Violence involved a self-insured employer. The report sparked the investigation that has uncovered many discriminatory practices and policies.

63. Miller, T.R., Cohen, M.A., and Wiersema, B. (1996). *Victim Costs and Consequences: A New Look* (National Institute of Justice Research Report). Washington, DC: U.S. Department of Justice. NCJ 155282

64. Ibid.

65. Greenfield, L.A., Rand, M.R., Craven, D., Klaus, P.A., Perkins, C.A., Ringel, C., Warchol, G., Maston, C., and Fox, J.A. (1998). *Violence by Intimates: Analysis of Data on Crimes by Current or Former Spouses, Boyfriends, and Girlfriends*. Washington, DC: U.S. Department of Justice. NCJ 167237

66. Miller, T.R., Cohen, M.A., and Wiersema, B. (1996). *Victim Costs and Consequences: A New Look* (National Institute of Justice Research Report). Washington, DC: U.S. Department of Justice. NCJ 155282

67. Greenfield, L.A., Rand, M.R., Craven, D., Klaus, P.A., Perkins, C.A., Ringel, C., Warchol, G., Maston, C., and Fox, J.A. (1998). *Violence by Intimates: Analysis of Data on Crimes by Current or Former Spouses, Boyfriends, and Girlfriends*. Washington, DC: U.S. Department of Justice. NCJ 167237

68. Hart, B.J. (1993). "The Legal Road to Freedom." In Hansen, M., and Harway, M. (Eds.), *Battering and Family Therapy: A Feminist Perspective*. Newbury Park, CA: Sage Publications, Inc. pp. 13–28.

69. Bureau of National Affairs (1990). "Violence and Stress: The Work/Family Connection." *The BNA Special Report on Work and Family* (August) 32: p. 2.

70. Miller, T.R., Cohen, M.A., and Wiersema, B. (1996). *Victim Costs and Consequences: A New Look* (National Institute of Justice Research Report). Washington, DC: U.S. Department of Justice. NCJ 155282

Straus, M., and Gelles, R. (1986). "Societal Change and Change in Family Violence From 1975–1985 as Revealed in Two National Surveys." *Journal of Marriage and the Family* 48(3): pp. 465–479.

71. Hart, B.J. (1993). "Battered Women and the Criminal Justice System." *American Behavioral Scientist* 36(5): pp. 625–639.

Harrell, A., Smith, B., and Newmark, L. (1993). *Court Processing and the Effects of Restraining Orders for Domestic Violence Victims*. Washington, DC: The Urban Institute. In the year before seeking protection orders, women in Denver and Boulder were abused an average of 13 times.

Langen, P.A., and Innes, C.A. (1986). *Preventing Domestic Violence Against Women* (Bureau of Justice Statistics Special Report). Washington, DC: U.S. Department of Justice. NCJ 102037

72. Hart, B.J. (1993). "The Legal Road to Freedom." In Hansen, M., and Harway, M. (Eds.) *Battering and Family Therapy: A Feminist Perspective*. Newbury Park, CA: Sage Publications, Inc. pp. 13–28.

73. Gondolf, E. (1988). *Battered Women as Survivors: An Alternative to Treating Learned Helplessness*. Boston, MA: Lexington Books.

Okun, L. (1986). *Woman Abuse: Facts Replacing Myths*. Albany, NY: State University of New York Press.

74. Browne, A., Salomon, A., and Bassuk, S. (1999). "The Impact of Recent Partner Violence on Poor Women's Capacity To Maintain Work." *Violence Against Women* (April) 5(4): pp. 393–426. Achieving a stable, independent income may be hard for victims. Men who batter their partners interfere with victims acquiring job training. They frequently make it difficult for victims to work because of the violence and trauma they inflict, because they prevent women from going to work, or because they intrude upon and disrupt their victims' work life. Many victims are terminated as a result of perpetrator actions. Upon termination, victims fall into poverty and many must seek welfare.

Victims of violence against women cannot rely on spousal or child support from perpetrators as a predictable, secure source of income. Batterers rarely pay child support or spousal support. One study revealed that upwards of 80 percent of the women did not receive spousal support and approximately 50 percent never received child support 1 year after the entry of protection orders in their favor. Source: Harrell, A., Smith, B., and Newmark, L. (1993). *Court Processing and the Effects of Restraining Orders for Domestic Violence Victims*. Washington, DC: The Urban Institute.

Another study found that men who batter are less likely to pay support than men who do not use violence toward their intimates (45 percent, compared to 76 percent), and batterers are less likely to fully comply with child support orders (28.3 percent, compared to 49 percent). Source: Kurz, D., and Coughy, K. (1989). *The Effects of Marital Violence on the Divorce Process*. Paper presented at the American Sociological Association Meeting, San Francisco, CA.

See also the *Toolkit* chapter "Promoting Women's Economic Security."

75. Gondolf, E. (1988). *Battered Women as Survivors: An Alternative to Treating Learned Helplessness*. Boston, MA: Lexington Books.

76. Bartfeld, J. (1998). Child Support and the Post-Divorce Economic Well-Being of Mothers, Fathers, and Children. An earlier version of this paper was presented at the Joint Center for Poverty Research Conference in May 1998. It presents findings that in Wisconsin a vast majority of mothers and children experience substantial losses following separation.

Bianchi, S.M., Subaiya, L., Kahy, J. (1997). Women's Economic Independence Within Marriage and Their Relative Well-Being After Separation: New Data From Couples. Paper presented at the 1997 Annual Meeting of the Population Association of America, Washington, DC.

Morgan, L.A. (1991). *After Marriage Ends*. Newbury Park, CA: Sage Publications, Inc.

Sorensen, A. (1992). "Estimating the Economic Consequences of Separation and Divorce: A Cautionary Tale from the United States." In Weitzman, L., and MacLean, M. (Eds.), *Economic Consequences of Divorce: The International Perspective*. Oxford: Clarendon Press.

77. Few states have explicit stalking torts. However, recovery by stalking victims is theoretically possible using other tort provisions. Source: Karp, L., and Karp, C.L. (1989 and 1999 Supplement). *Domestic Torts: Family Violence, Conflicts, and Sexual Abuse*. Colorado Springs, CO: Shepard's/McGraw-Hill.

78. Employers, landlords, school administrations, human service agencies, and owners of public accommodations have been found liable for failure to act to reasonably protect against the acts of perpetrators. Most litigation has been on behalf of sexual assault victims.

Many states sharply limit liability against state and local governments for torts committed on government or public premises or by employees of state, county, or municipal government. Generally, the

standards of proof related to the violence, the injury, or the failure of the government to protect foreseeable victims are so high that many, if not most, claims against governmental bodies fail.

See Lehrman, F.L. (1997). *Domestic Violence Practice and Procedure*. Eagan, MN: West Group; and Karp, L., and Karp, C.L. (1989 and 1999 Supplement). *Domestic Torts: Family Violence, Conflicts, and Sexual Abuse*. Colorado Springs, CO: Shepard's/McGraw-Hill.

79. Dalton, C. (1997). "Domestic Violence, Domestic Torts and Divorce: Constraints and Possibilities." *New England Law Review* 31(2): pp. 319–395. Two tests are articulated in case law related to the liability of the perpetrator for violence in front of child witnesses—"the zone of danger" test and the "proximity/close family membership/gravity of harm to the direct victim/contemporaneous sensory observation" test. Most children witnessing violence to a parent would fall under one of these tests and liability should attach. Therefore, children who witness the sexual assault, domestic abuse, or stalking of their mothers may recover independent of their mothers' claims. Close relatives of an abused woman or a sexually abused child may also recover for emotional distress.

80. Karp, L., and Karp, C.L. (1989 and 1999 Supplement). *Domestic Torts: Family Violence, Conflicts, and Sexual Abuse*. Colorado Springs, CO: Shepard's/McGraw-Hill.

81. *Ibid.* Most claims have arisen related to sexual misconduct by male therapists or clergy and female patients or parishioners.

82. *Ibid.*

83. *Ibid.* See also Weiner, M.H. (1995). "Domestic Violence and the Per Se Standard of Outrage." *Maryland Law Review* 54(1): pp. 183–241. Quite recently, domestic violence victims have begun to rely on the tort of intentional infliction of emotional distress as a basis for suing their abusers. Courts have recognized increasingly the tort in the marital context. Two state supreme courts have

expressly held that the tort of intentional infliction of emotional distress may be applied to marital conduct. Similarly, law review articles have begun to analyze the tort in the context of domestic violence. The author of this article calls for a per se standard of outrageous conduct related to violation of protection orders issued on behalf of domestic violence victims.

84. Karp, L., and Karp, C.L. (1989 and 1999 Supplement). *Domestic Torts: Family Violence, Conflicts, and Sexual Abuse*. Colorado Springs, CO: Shepard's/McGraw-Hill.

Lehrman, F.L. (1997). *Domestic Violence Practice and Procedure*. Eagan, MN: West Group.

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85. See *Giovine v. Giovine*, 663 A. 2d 109 (N.J. Super. Ct. App. Div. 1995).

Cal. Civ. Proc. Code § 340.15 provides in part that the statute of limitations begins from the date the plaintiff/victim realizes or should realize that the damage or injury was caused by domestic violence.

86. Dalton, C. (1997). "Domestic Violence, Domestic Torts and Divorce: Constraints and Possibilities." *New England Law Review* 31(2): pp. 319–395.

87. Tjaden, P., and Thoennes, N. (2000). *Extent, Nature, and Consequences of Intimate Partner Violence: Findings From the National Violence Against Women Survey* (National Institute of Justice Research Report). Washington, DC: U.S. Department of Justice and the Centers for Disease Control and Prevention. NCJ 181867. www.ncjrs.org/pdffiles1/nij/181867.pdf

88. Karp, L., and Karp, C.L. (1989 and 1999 Supplement). *Domestic Torts: Family Violence,*

Conflicts, and Sexual Abuse. Colorado Springs, CO: Shepard's/McGraw-Hill.

89. Bender, X., and Lawrence, P. (1993). "Is Tort Law Male? Foreseeability Analysis and Property Managers' Liability for Third Party Rapes of Residents." *Chicago-Kent Law Review* 69(2): pp. 313–344.

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90. Dalton, C. (1997). "Domestic Violence, Domestic Torts and Divorce: Constraints and Possibilities." *New England Law Review* 31(2): pp. 319–395.

91. Lehrman, F.L. (1996) "Torts." In D.M. Goelman, F.L. Lehrman, and R.L. Valente (Eds.), *The Impact of Domestic Violence on Your Legal Practice: A Lawyer's Handbook*. Washington, DC: American Bar Association. pp. 6–9 to 6–13.

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What Criminal Justice Practitioners Can Do To Make a Difference

- ◆ **Require training for all criminal justice personnel on sexual assault, dating and domestic violence, and stalking.** Train the bench, bar, court staff, and law enforcement personnel to recognize victim concerns and work with victims to investigate cases involving violence against women.
- ◆ **Adopt protocols for law enforcement response to violence against women.** Use standard investigation and evidence collection tools, specialized response units, staff training, checklists, and other strategies to process cases.
- ◆ **Coordinate justice system efforts to prevent or intervene in violent crime.** Collaborators include law enforcement, prosecution, judges, probation/parole, victim/witness specialists, advocacy groups, shelters, and community organizations.
- ◆ **Require prompt completion of detailed incident reports; make them available to victim advocacy agencies and victims as appropriate.** Reports aid victims in pursuing protection orders, civil remedies, immigration petitions, insurance benefits, and compensation claims.
- ◆ **Educate members of the bench and bar about victims' struggles in deciding to participate in prosecution.** Victims benefit most from the criminal justice system when they can avoid contact with the perpetrator, achieve some personal and economic restoration, and increase their personal safety.
- ◆ **Encourage prosecutors to build a case even when a victim cannot or will not testify.** Avoid requiring victims to risk their safety to testify.
- ◆ **Invest in victim/witness programs and expanded community-based advocacy.** Counselors and advocates can provide needed services to victims and coordinate legal system efforts to prevent or intervene in violent crime.
- ◆ **Provide women victims of violence facing criminal charges or in prison access to quality legal representation.** Access to competent legal counsel and expert witnesses is critical for women defendants at trial, on appeal, through postconviction procedures, at parole, and during clemency hearings.
- ◆ **Determine whether women victims of violence are being inappropriately arrested.** If so, make changes needed to reduce such arrests. Train police on effective responses to domestic violence, including identifying the primary aggressor.
- ◆ **Support intervention efforts for batterers and sex offenders.** Intervention programs and policies play a critical role in ending violence against women.

Chapter 4

Enhancing the Response of the Justice System: Criminal Remedies

Law Enforcement: Gatekeeper to Justice for Victims

Profound changes in law enforcement response to sexual assault, dating and domestic violence, and stalking have occurred in the past two decades. Many of these reforms implement key recommendations put forward by the President's Task Force on Victims of Crime in 1982,¹ the Attorney General's Task Force on Family Violence in 1984,² and the President's Task Force on Victims of Crime in 1986.³

Like other sectors of the criminal justice system, law enforcement has made victim safety and offender accountability priorities in its efforts to enhance its response to violence against women. Specialized units, extensive training, protocols, checklists, and other strategies are being employed to address the unique characteristics of cases involving violence against women and ensure that victims' rights are honored. Because a victim's first contact with the criminal justice system is typically via law enforcement, that interaction often has a significant impact on how victims view the criminal justice system and whether they believe perpetrators will be held accountable. The law enforcement officer's response can influence a victim's decision to report the incident to or participate in the criminal justice system.

Momentum in favor of the arrest of domestic violence offenders gained prominence after release of the Minneapolis Police Study in 1984.⁴ Successful litigation against police departments for failure to intervene on behalf of domestic violence victims

ignited reform efforts to create a policing environment in which arrest is preferred or required upon a probable cause determination that a crime of violence has been committed by a suspect.⁵ Codes in every state now authorize or mandate warrantless arrest for most misdemeanor and felony assaults related to domestic violence, and in many states, statutes authorize or mandate arrest for violation of protection orders.⁶

Crimes involving sexual assault pose unique challenges to law enforcement agencies. For many years, the false assumption that most sexual assault perpetrators are strangers to their victims defined law enforcement's response to sexual assault cases. Today, there is increased understanding that many sexual assault victims know their offenders. Consequently, investigation strategies have begun to move beyond establishing the offender's identity to building a case that will challenge consent-based defenses and jury biases against common actions by victims, such as reporting the crime some time after it occurred and engaging in what is perceived to be unsafe activity prior to the assault. Law enforcement agencies are urged to apply appropriate resources and existing laws to all sexual assault cases that meet the statutory requirements, regardless of the victim-offender relationship, the victim's behavior preceding the crime, or other factors that have historically characterized these cases as difficult.

Despite improvements in the law enforcement response to violence against women, many challenges still remain. Law enforcement efforts in rural communities are often hampered by distance and lack of resources, and the capacity of both

police personnel and community members to aid victims are often limited. Many police departments are just now developing the protocols necessary to address sexual assault, dating or domestic violence, or stalking committed by law enforcement officers themselves. The arrest rate of victims of domestic violence for assaults on their abusive partners or spouses has increased dramatically in some communities in the past 5 years.⁷ Many believe that this is an unintended consequence of less-than-careful implementation of mandatory arrest policies. Rather than fully investigating incidents in which both parties allege violence by the other or in which both parties have sustained injuries, responding officers have short-circuited the assessment of probable cause by arresting and charging both parties.

The Violent Crime Control and Law Enforcement Act of 1994 (which authorizes funds to promote community policing and created the Violence Against Women Act) provided an infusion of federal resources—both grants and technical assistance—to help address some of these challenges. Legislatures and executive agencies in many states have supplemented these federal resources. Support from both federal and state levels will maintain the momentum and expand the ability of law enforcement to intervene effectively to end violence against women.

Police officers are the gatekeepers of the criminal justice system. Law enforcement has offered powerful leadership efforts around the country to end violence against women. Experience has demonstrated that vigorous policing, when coordinated with efforts by prosecution, probation, the judiciary, sexual assault and domestic violence advocacy groups, shelters, and other community organizations, can deter sexual assault, dating and domestic violence, and stalking and avert life-imperiling injuries and homicides.

Outlined below are specific actions that law enforcement personnel can take to end violence against women.

The Role of Law Enforcement Agencies

1. Institute aggressive arrest policies against perpetrators of sexual assault, dating and domestic violence, and stalking.

- ◆ Encourage or mandate arrests of offenders based on probable cause that an offense has been committed.

2. Implement comprehensive protocols for law enforcement response to violence against women.

- ◆ Include in such protocols a statement of purpose and guiding principles; a policy statement; procedures for dispatch, initial response, investigation, incident reports, followup investigation, arrest, and requests for bail increases or conditions of release; and responses to violations of protection orders.
- ◆ Consider developing specialized units or specially trained personnel to respond to incidents of sexual assault, dating and domestic violence, and stalking.
- ◆ Develop and implement specific training protocols related to violence against women.
- ◆ Develop and implement procedures to deter and respond to violence against women committed by law enforcement officers.
- ◆ In sexual assault protocols, prohibit specific actions that treat sexual assault victims differently from other crime victims and may discourage victims from participating in the investigation of a case, such as routine questioning about prior sexual partners (unless the offender's identity is a legitimate issue in the case) and requiring that victims undergo a polygraph test.
- ◆ Develop and implement specific protocols for responding to stalking.⁸

3. Implement standardized, comprehensive guidelines and tools for collecting evidence in cases of sexual assault, domestic violence, and stalking.

- ◆ Address the following in evidence collection guidelines: 911 tapes; victim and crime scene photos⁹; taped interviews with all witnesses (including children); excited utterance statements; inquiry of victims and databases that may include perpetrators' criminal histories; identification of outstanding protection orders,

warrants, or unexecuted judgments and probation or conditions on release; completion of a body chart to record a victim's injuries and areas of pain; collection of forensic evidence from a victim's body; taking of a urine sample if "rape drugs" are suspected; collection or photographs of crime scene physical evidence, including property destroyed or damaged; seizure and storage of firearms; and documentation of corroborative evidence.

- ◆ Establish clear guidelines for warranted drug screens. Increase the ability of investigating officers to detect surreptitious drugging of the victim involving flunitrazepam (Rohypnol), gamma hydroxybutyrate (GHB), ketamine, and other over-the-counter or prescription medications commonly known as "rape drugs." Fully inform victims who are supplying urine for drug screens that full drug screens might detect illegal substances.
- ◆ Conduct followup contacts with victims for investigative purposes, to provide victim support, and to further engage victims in the criminal legal process.

4. Join forces with the health care community to maximize evidence collection in sexual assault cases using specialized forensic medical examination programs.

- ◆ Participate in the development or expansion of SANE (sexual assault nurse examiner) programs, also known as SAE (sexual assault examiner) and SAFE (sexual assault forensic examiner) programs.
- ◆ As appropriate, participate as presenters and participants in SANE training programs.

5. Establish specialized approaches, staffing, and units to respond to violence against women.

- ◆ Participate in locally organized sexual assault response teams (SARTs) to improve the experience of sexual assault victims in the criminal justice and health care systems and enhance evidence collection for sex offender prosecution. In many jurisdictions, SARTs include crisis counselors and advocates, prosecutors, forensic nurses, patrol officers, sex crimes investigators, and mental health professionals. Some teams deploy several members to a crime scene.

- ◆ Consider assembling rapid response teams that address domestic violence while maintaining strict victim confidentiality. Although these teams typically establish a partnership between police agencies and domestic violence programs for intervention, investigation, and victim support, they also may link with other agencies to promote prosecution and victim safety.

6. Require the prompt completion of detailed incident reports and ensure their availability to victim advocacy agencies and victims as appropriate.

- ◆ Use supplemental reporting forms or expanded incident report forms to more fully document acts of violence against women. Expanded reporting forms should include data elements used by the Federal Bureau of Investigation's (FBI's) National Incident-Based Reporting System (NIBRS),¹⁰ and many departments are now flagging sexual assault, domestic violence, and stalking cases. These reports help victims pursue protection orders, civil legal remedies, immigration self-petitioning, insurance benefits, and crime victim compensation claims.
- ◆ Provide special domestic violence supplemental report forms, currently used by many departments, to guide officers to consider critical evidence and circumstances as they investigate cases.

7. Act affirmatively to prevent violence against women committed by and against law enforcement personnel.

- ◆ Adopt policies to both prevent violence against women by law enforcement personnel and effectively investigate reports of such violence. Initiate programs that begin in the prehire screening process, include spouse and partner prehire education components, and continue throughout the careers of officers. Develop internal investigation procedures, both criminal and administrative, and develop guidelines for prosecuting police who commit violence against women.¹¹

8. Provide extensive assistance to victims of violence against women and comply with all laws protecting victims' rights.

- ◆ Train law enforcement officers on laws that require victim notification of rights, legal options, and services available to them.
- ◆ As required by statute or department policy, provide victims with officer names and contact information.
- ◆ Consider providing cellular telephones, tape recorders, transportation to hearings, and health or victim advocacy services, which are particularly helpful in rural areas.
- ◆ Create or expand victim assistance units within police departments. In some of these programs, victim assistance providers accompany law enforcement personnel on calls so that they can assist victims at the earliest stage of the case.
- ◆ Advise victims at the outset of a criminal investigation of their privacy rights, including their right to not reveal personal information that is not directly related to the investigation. Explain to each victim, however, that refusing to proceed may affect the investigation or law enforcement's ability to initiate the prosecution of a case.
- ◆ Advise victims that they may, but are under no obligation to, talk to the perpetrator's defense attorney or an investigator working for the defense attorney. Also inform them that they do not have to speak to members of the media.

9. Design procedures to ensure the confidentiality of information related to victims of sexual assault, dating and domestic violence, and stalking.

- ◆ Ensure that a victim's identity, address, and other contact information are kept confidential. Share this information with the prosecution only—not with the media, counsel for the accused, or any third party. The disclosure of confidential victim information to unauthorized persons should be grounds for disciplinary action.
- ◆ Ensure that investigative procedures do not compromise safety strategies used by victims of sexual assault, dating and domestic violence, and stalking. Recognize that victims of these crimes may frequently relocate or reside in emergency shelters, change telephone numbers or e-mail addresses, alter work schedules or find new employment, open new bank accounts, or

replace cars, all in an attempt to limit perpetrator contact and the chance of further violence.

10. Use current technology in the service of victim protection and offender accountability.

- ◆ Continue to expand and update uses of technology, including (but not limited to) sophisticated computer systems for dispatch, case tracking, and review of protection order and sex offender registries and to ascertain criminal histories and outstanding warrants and facilitate firearms instant checks for offenders; further development of electronic monitoring systems, pendant alarm programs, crime mapping, and incident report writing; expansion of Telecommunications Device for the Deaf (TDD) access; and coordination of emergency cell phone distribution to victims.

11. Require ongoing training of all sworn and civilian personnel on issues related to sexual assault, dating and domestic violence, and stalking.

- ◆ As a matter of policy, ensure that patrol officers, investigators, members of specialized units, supervisors, and all department personnel who have contact with the public receive training on issues related to violence against women. Recognize that in many jurisdictions, it is the patrol officer who conducts an initial interview that sets the tone for the victim's subsequent interaction with law enforcement.
- ◆ Involve criminal justice system personnel and victim advocates in the delivery of all department training on violence against women issues, and base training on current research about offenders and victims.

12. Provide law enforcement personnel training on sexual assault that enables them to work well with victims and conduct effective investigations of incidents of nonstranger sexual assault.

- ◆ Use training to address misconceptions about sexual assault that can affect the response to and investigation of particular cases.
- ◆ Include discussions of marital rape in all sexual assault trainings.
- ◆ Teach law enforcement personnel how the trauma associated with sexual assault affects victim behavior and explain victim fears about participating in the criminal justice process.

- ◆ Ensure that investigators are skilled in substantiating victim statements. Teach evidentiary considerations in consent versus identity cases and strategies for building a strong case when an assault is reported long after it occurred.

13. Evaluate the rate of arrest of victims and implement strategies to eliminate inappropriate victim arrest.

- ◆ In every case in which both parties to a domestic violence incident allege violence, undertake a primary or predominant aggressor analysis¹² and evaluate claims of self- or third-party defense. Train officers to determine the primary aggressor by considering factors such as which person is determined to be the most significant, rather than the first, aggressor; the comparative extent of any injuries; assessment of injuries as offensive, defensive, or self-inflicted; whether one person is threatening or has threatened future harm against the other or toward another household or family member; the relative sizes and apparent strength of each person; the apparent fear or lack of fear between the parties involved; whether either person has a prior history of domestic violence; and statements made by witnesses.

14. Gather, analyze, and disseminate comprehensive data about reported sexual assaults and the outcome of such cases, including cases in which no suspect has been identified.

- ◆ In response to the underreporting of sexual assault cases, consider establishing methods for victims to report sexual assaults anonymously, and maintain a database of both formal and anonymous reports of sexual assault.

15. Continue and expand efforts for community education on sexual assault, dating and domestic violence, and stalking.

- ◆ Bring the credibility and authority of the law enforcement profession to bear on community outreach and education efforts that challenge misconceptions about violence against women.

16. Establish procedures for collaboration with federal law enforcement agencies and the local U.S. Attorney.

- ◆ Refer appropriate cases to U.S. Attorneys when federal crimes have been committed, including

interstate stalking, interstate domestic violence, and interstate violation of a protection order.

- ◆ Encourage effective use of procedures for referring and investigating felonies committed on Indian land, and encourage collaboration between local, state, tribal, and federal law enforcement agencies.

Prosecution of Crimes of Violence Against Women

Much has been learned about how to effectively prosecute perpetrators of violent crimes against women. Experience and research have led many prosecutors to participate in training on issues related to violence against women, develop specialized units to address sexual assault and domestic violence, share case information with other criminal justice and community entities, and establish protocols that address sexual assault, dating and domestic violence, and stalking. Additionally, because prosecutors have contact with all participants in the criminal justice system—victims, witnesses, judges and court staff, members of the defense bar, law enforcement personnel, advocates, probation/parole staff, and juries—they are in a position to provide significant leadership and expertise to efforts of the legal system and the community at large to address violence against women.

Lawsuits involving violence against women often challenge prosecutors to build cases without a victim's testimony, as in many domestic violence and stalking cases, or to corroborate the victim's testimony, as in sexual assault cases. Two decades of experience handling domestic violence cases have revealed that a significant number of women victims do not want to testify as witnesses against their assailants. There are several reasons for this reluctance. Victims of domestic violence may fear alienation from their families, faith communities, and other support networks if it is perceived that they assisted in the prosecution. Many victims fear that their testimony will result in the perpetrator retaliating against them, their children, or other family members and friends.

Similarly, sexual assault victims may consider testifying a traumatic process, fearing retaliation or that they will not be believed or will be blamed for the assault. Such fears are often compounded if the victim engaged in behavior that is inconsistent with traditional ideas about how women should act, such as going out alone late at night or using drugs or alcohol before the assault, or if the assailant enjoys social standing within the community. Stalking victims may have serious and justified concerns about their safety when perpetrators are released on bail. Immigrant women may fear that conviction will result in their or their partner's deportation. Many victims are still not accorded the requisite protections and services that make participation as witnesses safe.

These realities compel prosecutors to make victim safety, dignity, and well-being priorities along with offender accountability to ensure effective prosecution in these cases. Such priorities are best attained through an individual evaluation and assessment of each case involving sexual assault, domestic violence, or stalking to understand and address the safety requirements of the victim as the prosecutor builds his or her case against the defendant.

Redefine Success for Prosecutors

Vigorous prosecution plays an important role in a coordinated community response to violent crimes against women. Responding with serious criminal sanctions communicates to perpetrators that their behavior is not acceptable and to victims and the community that the abuse is not the victims' fault, the perpetrators' actions are criminal, and help is available from the criminal justice system.

Prosecutors often function as one of the barometers for a community's tolerance of violence against women. Although a case involving violence against women may meet the statutory definition of a crime, it may still be declined for prosecution in anticipation of jury bias against the victim due to the victim's relationship with the perpetrator (as in marital sexual assault), victim behavior prior to or after the assault, or other inappropriate factors, including gender, racial bias, or stereotyping.

Sexual assault cases in particular often depend on the jury believing the victim and, by definition, are difficult cases to win. When local prosecutors pursue even these difficult cases, their actions send the message that no one deserves to be physically or sexually abused.

Victims benefit most from participation in the criminal justice system when they can avoid assaultive or intimidating contact with the perpetrator, achieve some personal and economic restoration, and increase their personal safety. Prosecutors who understand the struggles faced by victims in deciding whether to participate in prosecution are adjusting their practice in important ways—they are increasing early contact with victims and listening to victim fears about testifying. In some cases, prosecutors may be able to try cases without the testimony of the victim. This may be possible if there is sufficient additional corroborative evidence. Prosecutors are also developing relationships with community-based advocates and supporting in-house victim/witness specialists to coordinate other services that victims may need.

Goals in cases involving violence against women must include restoring the victim's sense of dignity and safety by validating her decision to participate in prosecution, informing the victim of significant decisions about the case, and taking steps to connect her with community resources that can provide followup assistance.

Outlined below are specific actions that local, state, tribal, and federal prosecutors and law enforcement agencies; courts; and victim advocacy organizations can take to end violence against women.

Enhance Prosecution of Violence Against Women

1. Undertake specific projects with local, state, tribal, and federal law enforcement agencies to enhance efforts to protect victims and end violence against women.

- ◆ Collaborate with law enforcement agencies to develop guidelines for investigation and

evidence collection in cases involving sexual assault, dating and domestic violence, and stalking.

- ◆ Collaborate with law enforcement agencies, courts, and community-based advocacy organizations to examine the protection order enforcement process in each jurisdiction. Ensure that orders are entered into state registries and violations of protection orders are investigated and prosecuted.
- ◆ Collaborate with law enforcement agencies to develop curriculums to train dispatchers, line officers, supervisors, and law enforcement executives in investigation and evidence collection for cases involving violence against women. Curriculums should include training on the Violence Against Women Act (VAWA).
- ◆ Offer technical assistance to law enforcement agencies on issues of law related to violence against women, including but not limited to arrest and charging questions, evidence issues, weapons confiscation, victim protection, and provisions of VAWA.

2. Ensure that all prosecutors who work with cases involving sexual assault, dating and domestic violence, and stalking receive comprehensive training.

- ◆ Provide training on the nature, scope, and impact of sexual assault, dating and domestic violence, and stalking; how victims' experiences and circumstances affect their ability or willingness to participate in prosecution; applicable rules of evidence; relevant sentencing laws; effective prosecution strategies; and approaches to ensuring victim safety and offender accountability.
- ◆ Reinforce in training of prosecutors that most sexual assaults are committed by people known to the victim, involve little physical force, and are not reported immediately. Address the myth that women routinely falsely accuse men of rape. Address the difference between unfounded cases and false reports of sexual assault.
- ◆ Use multidisciplinary teams to deliver training. Include representatives from law enforcement, court-based victim/witness programs, and

community-based sexual assault and domestic violence advocacy programs.

3. Establish or strengthen vertical handling of sexual assault, domestic violence, and stalking cases.

- ◆ Organize vertical prosecution units that include prosecutors with advanced training in handling sexual assault, domestic violence, and stalking cases. Vertical case management, in which a prosecutor handles a case from initial intake or filing of charges through trial, ensures that prosecutors have maximum understanding of victims, and victims benefit by having to deal with only one prosecutor throughout their cases.

4. Promote the use of physical evidence and expert testimony in cases involving domestic violence and stalking.

- ◆ Train prosecutors to use physical evidence, expert witnesses, and other trial strategies to strengthen cases in which a victim is unavailable to testify or when it might be dangerous for her to do so.
- ◆ Before making the difficult decision to force a victim to testify, consider carefully all the factors underlying the victim's decision to not testify, including cultural and religious beliefs.

5. File motions to address victim privacy rights, personal rights, and evidentiary issues.

- ◆ File motions to poll the jury for beliefs that might raise concerns of gender bias.
- ◆ File motions to exclude unreliable expert/scientific evidence.

6. Design policies to maximize victim safety and dignity.

- ◆ Facilitate early contact with victims to review their legal rights and their role in the criminal justice process.
- ◆ Inform victims of charges against perpetrators, conditions of release, and the procedure for enforcing those conditions. Give victims a copy of the conditions of release whenever possible.
- ◆ Fully explain and, when possible and appropriate, involve victims in decisionmaking regarding charges, bail decisions, preparation for trial and plea negotiations, dangerousness hearings,

sentencing, and pre- and posttrial conditions of release.

- ◆ Fully explore the reasons a victim is hesitant or unwilling to testify and initiate charges for witness intimidation and obstruction of justice when appropriate.
- ◆ Protect victims against intrusive or embarrassing questions unless the questions are necessary and the reasons for asking them are explained.

7. Eliminate allocation of resources based on an office's or unit's conviction rate for cases involving violence against women.

- ◆ Allocate resources based on the number of cases reporting violence against women, not the number of cases in which charges are filed. Avoid predication of funding on conviction rates.

8. Engage in community outreach practices to engender the community's trust and increase the accessibility of the prosecutor's office.

- ◆ Participate in efforts to coordinate multidisciplinary responses to violence against women in the community.
- ◆ Team with law enforcement and advocacy organizations to provide information on services and laws relating to violence against women at public events, including street or county fairs and block parties, or at events organized by community organizations such as Rotary or Lions' Club organizations, parent-teacher associations, homeowners associations, and religious and faith-based organizations.
- ◆ Consider efforts to educate the community on crimes of violence against women as efforts to increase the knowledge base of the jury pool.

9. Create a process for victim advocacy and support by investing in the establishment of victim/witness programs and the expansion of community-based advocacy.

- ◆ Support victim/witness specialists to
 - Keep victims informed of the status of their cases.
 - Educate victims, family members, and others about the criminal justice process.

- Facilitate the submission of crime victim compensation claims and the identification of restitution claims.
- Explain and help file civil protection orders.
- Perform other services mandated by "victims' rights" statutes in many states.
- Provide information about community-based services victims may need.
- Explain to victims that they may need community-based services to assist them with safety planning.

◆ Support advocates from community-based sexual assault or domestic violence programs to

- Work specifically with victims of sexual assault, domestic violence, and stalking to provide a full range of services such as emergency housing, crisis counseling, legal advocacy, systems advocacy, safety planning, court and agency accompaniment, and emotional support.
- Educate victims about the civil and criminal legal processes and assist victims in meetings with criminal justice or human service agency personnel.
- Help women develop strategic plans related to emotional and psychological recovery, personal safety, and economic survival.
- Ensure privileged communications where provided by law.

10. Examine office practices and procedures to evaluate whether they inadvertently precipitate adverse outcomes for victims. These policies may include

- ◆ *"No drop" or presumptive prosecution practices that do not adequately consider victim safety:* "No drop" prosecution policies were implemented to remove perpetrators' control over cases by reducing their ability to intimidate victims into "dropping charges" and to take the responsibility for prosecution out of victims' hands by informing victims and perpetrators that the decision about whether to prosecute a case is based on the evidence of a crime and not dependent on victim cooperation. Prosecutors should recognize that prosecution can affect victims' safety or have other adverse consequences

(for immigration or financial status) on their families, and take these factors into consideration when deciding whether to proceed.

- ◆ *Calendaring of cases:* Delays in prosecution create significant disincentives to victim participation. “Fast track” prosecution policies can improve victim satisfaction and case outcomes because delays nearly always operate to the advantage of the defendant.
- ◆ *Criteria for prioritizing resources:* Criteria for prioritization may lead some prosecutors to direct resources to felony prosecutions, thereby compromising attention to misdemeanor crimes. Misdemeanor crimes often foreshadow or co-occur with more severe and dangerous assaults. Adequate prosecutorial resources should be assigned to misdemeanor crimes.
- ◆ *Measurements of successful disposition:* Conviction and plea rates, recidivism rates, and rates of victim participation are not the only measures of success. Victim safety, recovery, and sense of dignity must be factored in when evaluating criminal justice interventions, and public education may be necessary to support the prosecutor’s reevaluation of priorities.

11. Collect and disseminate data about the office’s or unit’s activity regarding sexual assault, domestic violence, and stalking cases.

- ◆ Regularly evaluate data on charging decisions, rates of dismissals, plea bargains, and sentencing recommendations related to cases involving violence against women.

Enhance Response to Federal Crimes Involving Violence Against Women

12. Cooperate in investigating and prosecuting federal crimes related to sexual assault, domestic violence, and stalking.

- ◆ Develop creative strategies to address cases involving violence against women and share information and promising practices with other professionals in the field.
- ◆ Emphasize cooperation in any interstate or firearm case that could potentially be prosecuted under federal domestic violence, stalking, or firearms laws. Evaluate the viability of

prosecution in any of the available jurisdictions to best achieve victim safety and offender accountability.

- ◆ Identify resources to address the onerous travel obligations for the victim caused when a case is prosecuted in several states.
- ◆ Coordinate schedules of concurrent prosecutions in state and federal courts to avoid scheduling conflicts.

13. Given the high rates of sexual assault and stalking of American Indian women reported in recent government studies, continue to strengthen the prosecution of felony sexual assault, domestic violence, and stalking on tribal land.

- ◆ Strengthen collaborative efforts among federal, tribal, state, and local law enforcement and prosecutors to ensure that crimes of violence against Indian women are more effectively addressed.
- ◆ Allocate adequate resources to vigorously prosecute sexual violence and other crimes of violence against Indian women.

The Courts and Judiciary: Innovations and Challenges

Until reforms in law enforcement and prosecution practice took hold over the past 15 years, criminal courts rarely heard cases of sexual assault, domestic violence, or stalking. When cases involving violence against women came forward, some criminal courts were not prepared to handle them. Cultural tolerance of violence toward women may have influenced some judicial attitudes that trivialized the harm to women and often blamed victims for assaults against them. Recent legal reforms have led to burgeoning caseloads and challenged resources.

The increase in caseloads has been complicated by the time and expertise required to ensure a fair hearing of the evidence. Tailoring individual sentences to safeguard and restore a particular victim and rehabilitate and deter a specific offender is also complex and time consuming. Increased or reallocated resources and innovative thinking have

been required to bring about the necessary expansion of information systems, reorganization of dockets, and specialization of personnel that have enabled some courts to implement processes that advance victim safety and offender accountability. Also, perpetrators of violence against women have been identified among those defendants who pose the most danger for judges, court personnel, victims, and the public. Hence, courthouse security has been upgraded in many jurisdictions to address the corresponding risks.

New judicial approaches are also being developed for stalkers who do not respond to intervention or who attempt to regain control over their victims. Most stalkers target female partners or acquaintances; four of five stalking victims are women.¹³ Women are stalked both while relationships are intact and afterwards.¹⁴ Stalkers are highly likely to continue pursuing victims absent unequivocal intervention. There also is elevated risk that men who persist in stalking will severely injure or kill intimate partners.

In the early 1990s, the State Justice Institute (SJI) began to fund education initiatives focused on improving court responses to sexual assault and domestic violence. SJI's commitment brought private funders and federal and state grantmakers to the table as well. The judicial education awards¹⁵ made by SJI and the U.S. Department of Justice's Violence Against Women Office, among others, have significantly increased opportunities for courts to access education on appropriate criminal court response to violence against women. These education initiatives have emphasized judicially led, interactive, action-planning training. All stress the importance of leadership by judges and court administrators in creating court systems that efficiently and effectively deliver justice—promoting victim safety and offender accountability. Currently, a few states, by statute or administrative rule, require judicial education on matters related to violence against women.¹⁶ Some codes and rules also require such education of court administrators and other court personnel.

Judges may look beyond the courthouse in their justice-making endeavors. Recognizing that justice is not achieved through the courts singularly, some judges and court administrators are participating in multidisciplinary task forces to improve the legal system's responses to domestic violence. Although the canons of judicial ethics clearly require judges to be actively involved in the fair and efficient administration of justice, some questions have been raised regarding whether judicial participation in these justice reform activities is appropriate. Other opinions have found that judicial participation is ethical and appropriate.¹⁷

What is clear is that judges can play an important leadership role in their public or private lives to positively affect how violence against women is viewed and treated by others in the community.

Outlined below are specific actions that judges, court administrators and personnel, bail commissioners, probation staff, victim/witness specialists, community-based advocates, and federal and state grantmakers and Congress can take to end violence against women.

The Role of Judges and Court Administrators

1. Design and manage courts to protect victims, court personnel, and the public from violence.

- ◆ Implement security measures to ensure that court processes are safe for all involved. Provide victim waiting rooms that are secured by law enforcement personnel. Make adherence to security procedures a condition of employment for all court staff.
- ◆ Manage courtrooms to promote the safety of victims, witnesses, jurors, court staff, and the public. Develop explicit guidelines for emergency response to violence and train all staff accordingly. Threats or acts of violence in the courthouse should result in detention of suspects, criminal prosecution, enhanced victim protection, and swift and public disposition of charges to promote confidence in the safety of the legal process.

2. Promptly hear cases involving violence against women.

- ◆ Evaluate and consider implementing mechanisms designed to increase victim safety such as the immediate issuance of protection orders, enhanced warrant systems, accelerated docketing, limitations on delays or continuances, and restitution.¹⁸
- ◆ Understand the extent to which time is a critical factor in criminal cases involving violence against women. Delays and continuances are likely to dissuade victims from participation in prosecution because they entail both danger and inconvenience for victims. Without intervention, perpetrators pose ongoing danger to victims. Unprotected victims are often targeted by perpetrators with threats and intimidation, and perpetrators may try to coerce victims to recant or resist testifying.
- ◆ Understand that numerous court appearances can adversely affect victims' economic stability, through lost income and even lost jobs. Victims of domestic violence who are financially dependent on their incarcerated perpetrators may suffer extreme economic hardship. Speedy resolution of cases helps victims obtain needed restitution or compensation.

3. Consider implementing specialized docketing or dedicated courts to handle cases involving sexual assault, domestic violence, and stalking.

- ◆ Establish specialized dockets and dedicated courtrooms as a response to the high volume of domestic violence criminal cases. Specialization allows judges to acquire knowledge about violence, risk assessment, recidivism, effective perpetrator intervention, community resources, information systems, and the protective and restorative requirements of victims. Special dockets and courts can be coordinated with specialized investigators, prosecutors, and probation officers.
- ◆ Explore the benefits of specialized handling of sexual assault and stalking cases.

4. Make warrants a priority for violent crimes against women.

- ◆ Issue bench warrants when perpetrators of sexual assault, domestic violence, and stalking fail

to appear at any legal proceeding in a criminal case involving violence against women.

- ◆ Establish procedures that provide for issuance of warrants around the clock.
- ◆ Issue warrants immediately for arrest and search and seizure of firearms when an offender has not complied with firearms prohibitions or has used violence in contravening any court order related to criminal matters involving violence against women.
- ◆ Invite but do not compel victims to provide information about offenders—their likely whereabouts, identifying features, employment, and other details that might assist in their location and arrest.

5. Develop administrative systems that preserve the confidential addresses of victims of violence and any name-change information.

- ◆ Hold victim contact, location, and name-change information confidential in secured databases or files, accessible only to authorized court personnel. Sexual assault survivors, battered women, and stalking victims frequently relocate, go to temporary shelters, or change telephone or e-mail addresses in attempts to limit perpetrator contact and opportunities for further violence. Victims sometimes change their names to reduce perpetrators' ability to track them and reoffend. It is imperative that courts not compromise these safety strategies.

6. Establish mechanisms for assessing the dangers posed by perpetrators.

- ◆ Initiate risk assessment at bail or arraignment proceedings and continue it throughout the legal process and for the full period of any sentence imposed.
- ◆ Evaluate the risk posed by the perpetrator to the victim, the victim's family, and the community when making a judicial decision.
- ◆ Invite victim input into risk assessment.
- ◆ Employ standardized instruments for risk assessment to ensure consistency and facilitate evaluation.

7. Retain qualified persons to translate and provide communication services for those victims and offenders who require language assistance.

- ◆ Ensure that interpreters are available and that they have been trained to work with victims of sexual assault, domestic violence, and stalking. Victims, witnesses, and defendants who do not speak English, who cannot read, or who are deaf, hard of hearing, or visually impaired require assistance for full and fair participation in the criminal court process. Language and communication services are increasingly important as this country becomes more diverse.
- ◆ Ensure that interpreters are qualified to help victims and offenders understand the sentences imposed, the conditions and potential consequences for violating those conditions, the process for surrendering firearms, compliance procedures, and methods for enforcing sentences.
- ◆ Ensure that posters, brochures, forms, videos, and other informational material provided by courts are culturally and linguistically appropriate.

8. Encourage advocates and victim/witness specialists to participate in civil and criminal legal processes.

- ◆ The court should involve community-based advocates and victim/witness specialists in educating victims on victims' rights, protective orders and their enforcement, the civil and criminal legal processes, victim input or participation in court processes, scheduling and appearances at hearings, security procedures in the courthouse, and crime victim compensation claims and restitution.
- ◆ Some advocates and victim/witness specialists provide support during proceedings and help survivors communicate more effectively with bail commissioners, arraignment magistrates, prosecutors, and probation staff.
- ◆ In some judicial districts, advocates offer "court schools" for victims and witnesses to acquaint them with court processes and help them participate most effectively in the civil and criminal justice systems.

- ◆ Consider including the costs of victim advocates and victim/witness specialists in court budgets.

9. Develop information systems that enhance judicial access to relevant information about perpetrators of violence against women.

- ◆ Maintain information systems that permit judges and other court personnel to learn about perpetrators' criminal histories, outstanding warrants, current conditions on release, probation or parole, existing protection orders, and other family or juvenile court orders that may be in effect.
- ◆ To support informed decisionmaking, give bail commissioners, magistrates, judges, and other court personnel and probation staff access to legal databases and other information to assess risk, draft orders, review compliance, pursue revocation, and otherwise preside fairly over cases involving violence against women.
- ◆ Bear in mind that the criminal history of violent perpetrators is relevant to risk assessments and development of sentencing conditions.
- ◆ Enter all conditions of release,¹⁹ no-contact or protection orders, sentences, and conditions of probation or parole into court and appropriate law enforcement databases.

10. Develop information systems that enhance law enforcement access to relevant information about perpetrators of violence against women.

- ◆ Devise systems to enter data about sex offenders into state sex offender registries.
- ◆ Create failsafe systems to export protection orders to state protection order registries, including data such as perpetrator identifiers that can be passed on to the FBI's National Crime Information Center (NCIC) Protection Order File,²⁰ Brady identifiers to be eligible for entry into the federal instant check system related to firearms prohibitions,²¹ and conditions on release and probation or parole.

11. Ensure the physical accessibility of courthouses and the judiciary.

- ◆ Consider the use of telephone, fax, video, or Internet technology to give victims who live in rural areas and those who cannot afford or access public transportation the ability to

participate in interviews, protection order or bail proceedings, preliminary hearings, and postdispositional matters.

- ◆ Work with the state to reimburse victims for transportation costs for trial and make arrangements for transportation from remote areas. Cover the costs of housing and food for those victims who live too far away to commute to hearings.

12. Use judicial selection and assignment processes to ensure that judges presiding over violence against women cases are well informed.

- ◆ Ensure that judges assigned to handle domestic violence cases are adequately trained to assess issues that are unique to these cases.
- ◆ In so far as is practicable, assign judges who demonstrate familiarity with violence against women and the range of judicial and community interventions that advance victim safety and offender accountability to cases and dockets involving violence against women.
- ◆ Recognize that bureaucratic handling that trivializes cases of violence against women vindicates offenders, discourages victims from seeking justice, and undermines the court's authority.

13. Exempt criminal cases related to violence against women from mediation.

- ◆ Avoid the use of mediation or other conciliation processes in violence against women cases.²² The use of mediation or conferencing between the parties can be dangerous and highly debilitating to victims.
- ◆ Consider victim-offender mediation or other practices designed to teach the offender the full impact of his criminal acts inappropriate for use with batterers, sex offenders, or stalkers.

14. Undertake evaluation research on the process and outcomes of court reforms.

- ◆ Evaluate the efficacy of court practices in cases involving violence against women. Identify the strengths and weaknesses of court systems and practices through research on the judicial process and its outcomes.

What Judges Can Do in Response to Violence Against Women

15. Impose conditions of bail or release that promote offender accountability and prevent reoffense.

- ◆ Consider additional factors beyond risk of flight when making recommendations to courts related to bail and conditions of release in cases of violence against women.²³ Numerous state codes authorize or mandate that magistrates and bail commissioners examine the dangers posed by perpetrators of violence against women and delineate conditions designed to stop the violence.²⁴
- ◆ Include restrictions on access to other potential victims as part of conditions for sex offenders.

16. Avoid penalizing victims for refusing to testify or participate in criminal cases involving violence against women.

- ◆ Judicial compulsion to penalize victims who refuse to participate in the criminal case against their batterer may revictimize survivors, jeopardize their safety, and deter them from seeking help in the future.

17. Review court and law enforcement databases before issuing orders in criminal cases involving violence against women.

- ◆ Review databases to identify all court orders issued against the perpetrator.
- ◆ Avoid issuing conflicting orders that place the perpetrator at risk of penalty for violating one order while complying with another. Conflicting orders also place enforcing police officers in the untenable position of choosing between court orders.

18. Carefully scrutinize negotiated pleas and sentences in criminal cases involving violence against women.

- ◆ Scrutinize pleas in sexual assault, domestic violence, and stalking cases. Reject pleas that do not provide for offender accountability or may jeopardize the victim's safety.
- ◆ Invite victim input in devising "criminal protection orders." Judges are authorized by common and statutory law to impose conditions on sentences. State legislation enumerates the elements of these conditions. Some state codes explicitly

allow judges to protect victims or witnesses from intimidation or recurring violence.

19. Incarcerate violent offenders as appropriate.

- ◆ Continue to confine sex offenders, and continue civil commitments of recidivist sex offenders. Exercise judicial authority to remove serial sex offenders from the community.
- ◆ Incarcerate batterers who are recidivists or who pose a high risk of continuing danger to victims. Research confirms that batterers often use escalated and more injurious violence at and after the time that the victim separates from the abuse and when the victim seeks assistance from law enforcement or the court.²⁵

20. During sentencing hearings, inform offenders and victims about the terms and conditions of a sentence and the possible consequences of noncompliance.

- ◆ Discuss all terms and conditions of sentences imposed in violence against women criminal cases and the potential consequences of non-compliance. Offenders in intimate violence and stalking cases often exhibit denial and cognitive distortions of their behavior. Because they blame others for limitations on access to their victims or the provisions in their sentences that circumscribe their behavior, it is essential that judges inform offenders of all the conditions of their sentences and the consequences of noncompliance.
- ◆ Inform convicted offenders when, where, and how they are to surrender all firearms and ammunition.
- ◆ Help victims understand the mandates of a sentence so that they can accurately assess whether a perpetrator's conduct violates those prescriptions. Provide victims with information about the processes for enforcing court orders and what to do if they feel in danger of recurring violence.

21. Conduct compliance reviews and, in locations where courts retain the authority to modify a sentence, modify conditions to respond to a significant change in risk or circumstances.

- ◆ Where appropriate, enhance scrutiny and supervision of perpetrators of sexual assault, domestic violence, and stalking. Judges and court

personnel in jurisdictions that invest time in compliance reviews find that scrutiny and supervision are useful prevention strategies. In some judicial districts, requiring regular written reports of providers (such as batterer intervention programs) to whom perpetrators are mandated for services has minimized the time invested by probation and courts.

- ◆ Require regular reports to the court about mandated attendance, participation, and completion of counseling, drug or mental health treatment, batterer intervention, or sex offender treatment programs, as well as immediate reports to probation and/or the police about recurring violence.
- ◆ Modify conditions of release or sentence to address any threat or danger that perpetrators of violence against women pose to victims or the community. Enter any modification into the appropriate law enforcement and court databases.

22. Make enforcing restitution awards a priority.

- ◆ Ensure that victims, especially those who experience significant economic losses related to violent crimes, benefit from restitution in payments made pursuant to sentencing. Often, crime victims have received funds paid by offenders only after court costs, counseling fees, fines, and penalties were paid.
- ◆ Mitigate adverse effects of victimization by broadly conceiving restitution. For example, consider allowing victims to claim not just medical or counseling reimbursement, but property replacement, lost wages or tuition, relocation costs, and funds expended for participation in legal processes. The restitution paid to victims helps them reestablish their economic viability and move toward recovery.
- ◆ Tightly monitor repayment schedules.
- ◆ Pursue other collection strategies permitted by statute or case law, including wage attachment, asset forfeiture or judgments, and asset attachments, when restitution is not made in a timely fashion. Offender work release programs that carefully use mechanisms to protect victims may be a strategy for fulfilling restitution requirements.

23. Continue and expand education for judges and other court personnel on sexual assault, domestic violence, and stalking.

- ◆ Support ongoing judicial education and training that emphasizes the risks posed to victims and the community, the recidivism of offenders absent swift and predictable interventions, the impact of violence on victims and their children, and the potential contributions that judges can make to promote victim and community safety and offender accountability.

How Judges and Court Administrators Can Contribute to Coordinated Community Responses

24. Participate in state and local councils or task forces on violence against women.

- ◆ Organize and serve on coordinating bodies designed to improve practice and policy throughout local and state legal systems. Judges bring significant personal and institutional power to these justice-seeking efforts. Models of coordinated community response are numerous.²⁶

25. Initiate or participate in fatality reviews.

- ◆ Help develop and implement domestic violence and stalking fatality reviews.²⁷ Modeled on child death review initiatives, these efforts have permitted the legal system, advocacy community, and medical field to examine community systems to assess whether domestic violence homicides might have been prevented had various institutions throughout the community responded differently.

26. Participate in community education of professionals and the general public.

- ◆ Implement standards for intervention and community service programs affiliated with courts and charged with providing rehabilitative, monitoring, or educational services to offenders.
- ◆ Educate professionals in related fields on the law and the workings of court processes. Provide ongoing instruction for colleagues in the legal and human services systems as new statutes and court rules are promulgated.
- ◆ Teach community-based victim advocates how they can assist victims in the legal process.

The Role of Federal and State Grantmakers and Congress

27. Increase funding available to courts to expand and upgrade their responses to violence against women.

- ◆ Redeploy judicial resources to help jurisdictions accomplish the recommendations in this *Toolkit*.
- ◆ Set aside substantial funding to develop and manage information systems to enhance court responses related to violence against women. Automation of the courts and development of information systems requires significant, sustained resources. Protecting these information systems from unauthorized access and ensuring the confidentiality of victim information is essential but can be costly.

Pretrial Release, Presentence Investigation, and Probation

Agencies facing burgeoning sexual assault, domestic violence, and stalking caseloads are struggling to tailor the traditional approaches of pretrial release, presentence investigation, and probation to the unique requirements of these criminal defendants.

Pretrial release agencies, on which the criminal justice system has historically relied to assess defendants' risk of flight and danger to the public, are now asked to consider additional factors in cases of violence against women. This supplementary investigation usually considers the risk of further harm to or intimidation of the crime victim; risk of harm to the victim's children, family, or supporters; amenability of the perpetrator to specialized sex offender management or batterer intervention programs; and, when feasible, supervision of the offender pending trial.

Agencies that draft presentence reports for court consideration were not traditionally asked to investigate and make recommendations on misdemeanor cases. People who commit crimes of sexual assault, domestic violence, and stalking often recidivate during the pendency of prosecution and escalate the severity and frequency of their criminal

conduct, making early and appropriate intervention critical. Misdemeanor intervention may, in fact, be effective in terms of long-term resistance. Today, resources are being directed at increasing presentence investigations in misdemeanor cases involving violence against women.

Probation offices have begun to establish programs for sex offender and batterer supervision, management, and intervention. Practices include specific conditions on probation issued by courts or by probation offices; assessment systems that set the level of supervision based on the risk posed by offenders; intensive and specialized probation and field supervision; and routine feedback to courts regarding perpetrator compliance.

Although pretrial service and probation agents have not always considered regular contact with victims as appropriate or necessary components of their work, the nature of intimate partner crimes is that reoffenses usually occur against the same victim within the 6 months following the presenting charge. Sex offenders who target nonpartner or acquaintance victims may not reassault the same victim but are likely to assault another during the pendency of prosecution. Victims may be the best source for information about the defendant's compliance with some release and probation terms. Victim safety can often be assessed only by regular contact. Ensuring victim safety and offender accountability requires reaching out to victims.

Innovative policies, supervision styles, and management systems can greatly enhance oversight of probationers and parolees and increase offender accountability. They must also advance the safety and restoration interests of victims. Evaluation of all probation approaches should carefully examine the efficacy and efficiency of policies and practices from the perspective of victim and community safety and restoration.

Outlined below are specific actions that court personnel, victim/witness staff, community-based victim advocates, law enforcement personnel, and pretrial release, presentence investigation, probation, and related agencies can take to end violence against women.

The Role of Pretrial Release, Presentence Investigation, Probation, and Related Agencies

1. Conduct prerelease assessments for those accused of misdemeanor and felony sexual assault, domestic violence, and stalking. Make these assessments available electronically to all bail commissioners and arraignment judges.

- ◆ Increase bail commissioners' and arraignment judges' access to protection order registries, sex offender registries, databases containing conditions on release or probation, risk assessments conducted by various sectors of the criminal justice system, and victim feedback on potential risk and protective conditions on release.
- ◆ Create an electronic network of databases for bail commissioners or judges to help them evaluate whether bail should be denied, the appropriate amount of any cash bail granted, and conditions to be imposed on bail for victim protection and offender restraint.
- ◆ Develop assessment tools to enhance both the quality and speed of pretrial release data gathering.
- ◆ Overcome judicial resistance to pretrial detention by educating judges and court administrators on the risks posed by certain offenders. Pretrial services staff might consider submitting memos delineating how the profile of a particular perpetrator matches the risk markers for lethality or heightened dangerousness as revealed in current research literature.

2. Submit a presentence investigation report to the court in every sexual assault, domestic violence, and stalking case.

- ◆ Report to sentencing courts on the history of prior convictions for a defendant accused of sexual assault, domestic violence, or stalking crimes; records related to intimidation or threats against this or other victims; substantiated findings or convictions for child abuse; history of protection orders issued against the defendant; listing of the defendant in any sex offender registry; history of firearms ownership or possession and use; abuse of pets or animals; personal

history of the defendant; history of addictions; defendant treatment needs and amenability to treatment; compliance with prior probation or other intervention; and victim impact statement.

- ◆ When preparing presentence reports on sex offenders, perpetrators of dating and domestic violence, and stalkers, consider their elevated rates of recidivism and the likelihood that the defendant will attempt to exert control over the victim and perhaps people associated with the victim.
- ◆ Recommend conditions to the sentencing judge that will limit perpetrator access (directly or through third parties) to victims and provide safeguards for all those at risk.
- ◆ Adopt a crime-specific assessment form to use in preparing presentence investigations and reports. Use standard forms to help court or probation staff identify and assess all of the relevant and available information. If during the course of assessment it appears that the offender has committed other crimes of interpersonal violence, include this information in the presentence report.
- ◆ Ensure that all sentences include detailed, special conditions on probation or parole related to the specific profile of the offender and the safety requirements of direct and indirect victims, such as the stalked woman and her family members.
- ◆ Assess the level of threat that is posed by the offender to the victim, her family, or the community, using one of the several risk assessment tools currently available. Ask victims whether they consider themselves to be at risk of violence, abuse, or coercive controls from the perpetrator. Craft sentences and modify probation or parole conditions based on the risks posed.

3. Develop new models of probation supervision and management of offenders. Such models could include

- ◆ Assessing defendants for dangerousness to the victim, her children, and others in the community, including separate assessment tools for sex offenders and perpetrators of dating and domestic violence. Usually, this assessment is a supplement to the standard evaluation instrument. It is crucial that probation agencies make supervision decisions based on these assessments. (See

assessment factors listed above in recommendation 2, presentence investigation.)

- ◆ Automatically classifying sex offenders, perpetrators of domestic violence, and stalkers for maximum supervision and management.
- ◆ Building close, cooperative working relationships among probation and law enforcement, prosecution, courts, victim advocacy organizations, specialized sex offender and batterer treatment providers, mental health and addictions agencies, and children's services.
- ◆ Consistently sanctioning perpetrators for violations. Denial of their acts of violence, rationalization of the conduct acknowledged, and intimidation of victims are all exacerbated when offenders violate probation terms, however minor, with impunity.
- ◆ Expediting hearings on probation or parole violation charges related to intimate partner and sexual violence and using dedicated or specialized courts to enable swift, predictable, and effective penalty imposition.²⁸
- ◆ Enhancing the development and use of sex offender registries. Convicted sex offenders are required to register with the local police in any community in which they reside; the statutes often authorize community member access to registry information. Every state has enacted some form of sex offender registration law. At least 14 state codes authorize or require electronic posting of registration information on the Internet.²⁹
- ◆ Initiating programs for community volunteers or chaperones who help sex offenders reintegrate into communities.
- ◆ Providing specialized supervision of sex offenders and perpetrators of domestic violence. Such an approach requires light caseloads and much more contact with offenders, which can be very costly.
- ◆ Moving from court- or office-based supervision to field or community supervision. Proponents of community supervision believe it is more effective for monitoring compliance and promoting victim safety.

- ◆ Expanding use of technology-based supervision enhancements to help manage sexual assault, domestic violence, and stalking offenders. Two examples of such technology are electronic monitoring and automated check-ins, both of which have greatly improved in recent years and now provide more reliable data on compliance. Technology in the service of supervision and management achieves closer supervision at reduced costs.
- ◆ Adding victim advocates to the probation staff to help victims with safety planning and legal options assessment, information, and referral. In a few jurisdictions, probation staff rotate through the victim advocate position; in others, new staff are added to offer support and advocacy to victims of violent crimes. In most communities, however, advocacy and services for victims of sexual assault, domestic violence, and stalking are provided by community-based service organizations that partner with probation departments to offer assistance to crime victims.

4. Develop new strategies to ensure regular contact between probation offices and victims of sexual assault, dating and domestic violence, and stalking.

- ◆ Focus victim contact prior to arraignment on identifying risk and assessing whether that risk can be managed by conditions on release or if the accused should be detained pending prosecution. Ideally, conduct an initial victim interview prior to meeting with the offender.
- ◆ Focus victim contact in presentencing investigations on identifying risk of future escalated violence and safeguards to protect victims and the community from recurring violence. Solicit victim input regarding sentencing. Explore issues related to incarceration versus probation, rehabilitation, specialized offender intervention, monitoring, or community service, as well as victim losses and proposed restitution.
- ◆ Focus postdisposition victim contact on assessing risk of further violence. Inform victims of the sentence imposed and the conditions on probation or parole, and advise victims about ways to participate in compliance enforcement.

- ◆ In all types of risk assessments, address cultural barriers that victims may encounter when they attempt to obtain services and law enforcement response. Ensure that all risk assessment strategies are culturally and linguistically competent.
- ◆ Early in the process, disclose limits on the confidentiality of communication between the victim and victim/witness staff or community-based victim advocates who work in probation offices. Without such disclosures, many women are understandably confused about the roles of staff. Without an accurate understanding of the extent and limitations of confidentiality, victims cannot exercise informed choices related to how much information they want to disclose (and to whom) about themselves, their children, or their assailants.

An Emerging Issue: Victim-Offender Mediation

Victim-offender mediation, conferencing, or community justice initiatives should never address the issue of offender culpability for the crime(s) charged, particularly in cases of violence against women. Victim-offender mediation or other practices that are designed to give the offender insight into the full impact of criminal acts are also generally not appropriate for use with batterers, sex offenders, or stalkers, most of whom fully intend the impact of their actions.

One of the effects of sexual assault, domestic violence, and stalking is an extreme power imbalance between the parties; many victims are intimidated into silence and highly fearful of retaliatory or recurring violence from the perpetrator. The use of mediation or conferencing between the parties can be dangerous and highly debilitating to victims. Victim-offender mediation or conferencing should not be attempted in cases in which the offender has controlled and terrorized the victim. Mediation or conferencing should never be compelled by the court or encouraged by probation. Guidelines for facilitated encounters with offenders should be determined by victims in consultation with community-based victim advocates and probation staff.

For further discussion of mediation, see the “Alternative Dispute Resolution” section in Toolkit chapter “Enhancing the Response of the Justice System: Civil Remedies.”

Women Victims of Violence as Criminal Defendants

Many female offenders are victims of violence who have been arrested or convicted as a direct or indirect result of the abuse they experienced.³⁰ Those whose involvement in the criminal justice system results directly from their victimization include women who kill or assault their abusers in self-defense, women coerced into criminal activity by their abusers, women charged with failing to protect their children from an abuser’s violence, and women charged with parental kidnapping in their attempts to protect their children from abusers. For these women, information about their histories and experiences of abuse may be directly relevant to their defense. Other women might be charged with or convicted of a crime not directly related to abuse, but the path that led them into conflict with the law began with abuse.

An unintended consequence of some of the recently adopted domestic violence arrest policies has been an increasing number of arrests of women victims. Some battered women are being arrested after acting in self-defense, when their abusers level false charges against them, or when police officers fail to adequately investigate the alleged criminal conduct and identify the primary or predominant aggressor. The arrest of both parties or the singular arrest of victims is increasing significantly in some jurisdictions, particularly where policy and protocol development and training have been inadequate.

Women’s prisons in this country are filled with victims of violence. Studies indicate that the majority of women prisoners have experienced some form of abuse as an adult or child,³¹ and that most female prisoners are incarcerated for

nonviolent offenses.³² Limited appeal and postconviction options with very tight deadlines have prevented many women prisoners from challenging their convictions. Very few alternative sentencing programs are available, including specific programs for women with small children. Early release options, such as parole and clemency, have become more difficult for any prisoner to receive, including women victims of violence, and many of the latter are serving extremely long prison sentences.

Outlined below are specific actions that criminal justice system practitioners, community advocates, law enforcement agencies, state legislatures, and state, federal, and private funders can take to end violence against women.

The Role of Defense Counsel

1. Provide women victims of violence who face criminal charges or are in prison with access to quality legal representation.

- ◆ Give all women victims charged with crimes, including indigent defendants, access to competent legal counsel. When needed, provide for access to expert witnesses on abuse and its effects. Experts may be required at the trial, on appeal, through state and federal postconviction processes, at parole, and during clemency stages of the legal process.

The Role of Community Advocates

2. Develop programs and protocols to help identify women defendants whose abuse history is relevant to their current criminal charges.

- ◆ Implement protocols to identify, soon after arrest, women defendants who are victims of violence. Understand that women victim-defendants are often reluctant to discuss their victimization with defense counsel and may not understand the extent to which it is critical to their defense claims. As appropriate, help defense counsel explore the relevance of the abuse to legal claims.

3. Train defense counsel to understand the significance of any violence experienced by women victim-defendants.

- ◆ Develop the expertise needed to advocate effectively for victims of violence who are also defendants, including providing services for incarcerated women.
- ◆ Teach defense counsel about the possible dangers a victim-defendant faces during the trial process and help victims develop and implement safety plans.
- ◆ Understand the potential long-term consequences of conviction for victim-defendants. Work with defense counsel to fully inform each victim client about these consequences before the victim decides on a course of action, including making a plea.

4. Provide an array of services for women victim-defendants and incarcerated women who have disclosed histories of sexual assault, dating or domestic violence, or stalking.

- ◆ Seek funding to develop victim-centered, gender-specific, gender-relevant, and confidential services for women victims who are newly jailed, facing trial, out on bail, or serving sentences, as well as women who have completed their sentences and returned to their communities.
- ◆ Provide victim-defendants with advocacy and support services even when their abuse history is not directly related to their defense claims.

5. Safeguard the confidentiality of communication with women victim-defendants and incarcerated women.

- ◆ Diligently protect the confidentiality of communication with counsel of all women victim-defendants and incarcerated women who are victims of violence.
- ◆ Understand the limits of the confidentiality that can be offered to victim-defendants regarding their communication with advocates. The right of confidential communication may be detailed in a state statute or regulation or may be claimed as a matter of public policy, contract, or professional ethics. The right may derive from working under the supervision of attorneys or other professionals with whom victims have privileged communication.

- ◆ Work closely with defense counsel to ensure that all protected communications between the advocate and the victim-defendant remain confidential.

6. Work with other community organizations to establish bail funds for women victim-defendants.

- ◆ Consider developing bail funds so that women victim-defendants can be released on bail pending their trials. Bail funds enable victim-defendants to have regular access to their attorneys; parent and nurture their children; remain connected to friends, family, and their faith community; pursue victim assistance and advocacy; and obtain or maintain employment.

7. Broker civil legal assistance for women victim-defendants and incarcerated victims of violence.

- ◆ Work with other organizations to provide comprehensive civil legal services to women victim-defendants facing trial and incarcerated victims of violence to address the myriad civil legal issues that may arise during the pendency of their trial and/or their imprisonment, including their need for civil legal counsel to help them maintain relationships with and care for their children, obtain requisite health care, stop violence and harassment within the institution, acquire meaningful job training, pursue education, or file for bankruptcy.

The Role of Criminal Justice System Practitioners

8. Evaluate the experience of women defendants who are victims of crimes of violence when making recommendations or decisions.

- ◆ Consider the victim-defendants' histories and experiences of abuse when making charging and sentencing determinations. Direct victim-defendants to services and intervention options that will help them achieve safety from perpetrators.
- ◆ Help victim-defendants develop compliance strategies to enable them to adhere to the conditions of release or probation, free from the coercive controls and interference of perpetrators.

The Role of Public and Private Funders

9. Provide criminal justice and advocacy personnel with education and training on responding to women victims of violence who are defendants or prisoners.

- ◆ Increase the education and training available to defense counsel, prosecutors, judges, officers of the court, correctional officials, victim advocates, and others who work with women victims charged with crimes and imprisoned women. Justice system practitioners need quality education and training to understand violence, its impact on victims, and the relationship of a history of abuse to the legal claims of victims.
- ◆ Offer training to educate about the experiences of victims of abuse, the legal defense options available to women victims who become defendants, and the potential relevance of a victim's history of abuse to her defense claim.

The Role of State Legislators

10. In state codes, create affirmative defenses for parental interference with the custody of a child, refusing to disclose the whereabouts of a child to an abusive parent or partner, kidnaping of children based on previous violence inflicted against a partner or child, or other attempts to avert recurring violence.

- ◆ Recognize fleeing from a perpetrator of sexual assault, domestic violence, or stalking as an affirmative defense to parental interference with the custody of a child, refusing to disclose the whereabouts of a child to an abuser, or parental kidnaping. Protection of a child or oneself should be an enumerated defense to criminal charges.

11. Provide courts with the requisite funding for defense counsel and experts at all stages of the legal process.

12. Develop and fund programs that provide transitional assistance, including job training, education, and other related support, for women released from prison because of clemency or expiration of their sentence.

- ◆ Work with community-based sexual assault and domestic violence programs on the design and implementation of such programs.

The Role of Law Enforcement Agents

13. Review and evaluate arrest policies to determine whether innocent victims of violence are being inappropriately arrested.

- ◆ Work with advocates to determine whether women victims of violence are being inappropriately arrested and if they are, to identify the underlying cause for this practice.
- ◆ Make the changes needed to reduce the incidence of inappropriate arrests.

Interventions With Batterers

As the criminal justice system's response to domestic violence began to shift from the mediation of "domestic disputes" to arrest and prosecution of domestic violence, marital rape, and stalking, intervention strategies with batterers also began to change. Battering had been viewed as a problem derived from individual pathology or lack of impulse control and poor anger management. Corresponding responses were based in couples counseling, "fixing relationships," or building communication skills. In recent years, the intervention community began to identify the problem underpinning battering as the societal belief in the right of men to exercise power and control over intimate partners through violence or other coercive tactics. With this change, batterer intervention programs began to address the social context in which violence against women occurs. Practitioners asked the courts to combine safeguards for victims with legal penalties for abusers who continued to use violence, including requiring batterers to participate in educational programs addressing power and control issues. As practice evolved, the courts and the community recognized that intensive, specialized probation enhances the efficacy of legal sanctions and intervention.

Although many batterer intervention programs now exist, efforts to establish effective programs may be hampered by differences of opinion about which programs most successfully change offender behavior and enhance victim safety. There is disagreement about curriculum content, appropriate

program duration, the most effective program providers and settings, and the necessary qualifications and training of the people who provide these interventions. Another barrier to effective programming in some jurisdictions is that some programs have been developed without involving community-based victim advocacy agencies and the court system.

Criminal justice system practitioners and victim advocates agree that intervention programs have the potential to play an integral role in the continuum of criminal justice system and community interventions to end domestic violence. They also agree that batterer intervention programs, by themselves, will not protect women from further violence. These programs must operate as part of a larger strategy within a community that uses graduated sanctions to change the perpetrator's behavior and works with victim advocacy organizations, community groups, law enforcement, and the courts to create a climate of intolerance for violence against women.

Outlined below are specific actions that batterer intervention programs (working collaboratively with the courts and victim advocacy programs), law enforcement, and state and federal corrections can take to end violence against women.

Enhancing Batterer Intervention Programs

1. Build partnerships with courts and community-based advocacy programs and battered women to design, monitor, and evaluate programs.

2. Adopt program guidelines that address victim safety in the following ways.

◆ *Information.* Give victims information about the program, including the content of the curriculum, the name of a contact person who can answer victim questions, the limits of a program's ability to ensure victim safety, the program's policy on victim confidentiality, the program's duty to warn and protect victims about the foreseeable violence of batterers, the range of community resources available to victims, and the importance of victims developing a safety plan.

◆ *Compliance notification.* Share information with victims, advocates, and the court about perpetrator compliance with program requirements.

◆ *Partner contact.* Initiate contact between the batterer intervention program and the victim to provide the victim with information to base her decisions on and pursue partner contact only to ensure victim safety. Avoid viewing victims as informants for the batterer intervention program.

◆ *Monitoring.* Require monitoring of the batterer intervention program by a community-based domestic violence program to ensure that victims and their advocates have broad access to information so that advocates can advise victims about the impact that policies, procedures, and practices will have on the lives of battered women. Advocates can assist in formal and informal evaluations of whether the program is promoting the safety and well-being of victims. Develop an explicit agreement with the domestic violence program for monitoring, and provide compensation to help underwrite the costs of these monitoring activities.

3. Ensure that curriculums for batterer intervention programs reflect an understanding of battering as a pattern of behavior used to gain power and control over an intimate partner.

◆ Ensure that curriculums examine belief systems that underpin violent behavior in intimate relationships, identify and define controlling behaviors, develop perpetrator awareness of the effects of violence on adult victims and child witnesses, and teach and practice alternatives to violent behavior.³³

4. Develop curriculums that are culturally and linguistically appropriate for the diverse populations of batterers.

◆ Ensure that curriculums for batterer intervention programs respond to the diversity of individuals participating in the program. Address participant diversity in class, race, age, disability, ethnicity, culture, language, sexual orientation, and religious and spiritual beliefs in the curriculum design and implementation.

◆ Ensure that providers reflect the diversity of the community in which services are provided.

5. Incorporate material related to the impact of domestic violence on children in program curriculums.

- ◆ Teach nonviolent parenting skills, address child abuse, and educate batterers about the physical, emotional, and developmental effects of exposing children to violence.
- ◆ Use participants' hope for relationships with their children and their desire for reconciliation with children as reinforcements for some men to make behavioral changes.³⁴

6. Collaborate with responsible fatherhood initiatives to create consistent curriculums related to nonviolence and parenting.

- ◆ Recognize that there will be significant overlap between participants in batterer intervention programs and responsible fatherhood programs, and use both kinds of programs to provide consistent messages about battering as a pattern of behavior used to gain power and control over an intimate partner and children.
- ◆ Collaborate with responsible fatherhood programs to develop curriculums that encourage fathers to take financial and parental responsibility for their children and commit to nonviolence in their relationships with their children and their children's mothers.
- ◆ Encourage responsible fatherhood programs to consult domestic violence programs when designing, implementing, and evaluating their services.

7. Provide complementary substance abuse and mental health assessment services when needed.

- ◆ Screen program participants for substance abuse and mental health issues.
- ◆ Provide appropriate referral or coordinated services when necessary.

8. Implement batterer intervention programs within the context of a coordinated criminal justice system response.

- ◆ Implement coordinated community responses in a manner that clearly sets forth the role and responsibilities of batterer intervention programs in the criminal justice system and the community. Coordinate with the criminal justice system

so that batterers cannot take advantage of fragmentation, institutional bias, and community misconceptions about the underlying motivations for domestic violence. Eliminate the ability for perpetrators to avoid both formal and informal community sanctions for their actions.

- ◆ Judges and court administrators should give batterer intervention programs the authority to reject inappropriate referrals, including but not limited to perpetrators who fail to comply with program requirements, perpetrators who reoffend, and perpetrators with chronic mental illness or addiction problems who need complementary services. Develop effective alternative responses for these individuals. Limit referrals to programs that participate in the coordinated efforts of the criminal justice system and victim advocacy programs.
 - ◆ The criminal justice system should establish procedures to monitor the compliance of perpetrators with all requirements of the batterer intervention program. Regular feedback from batterer intervention programs to probation and court personnel can pinpoint any slippage in the coordination of efforts to hold perpetrators accountable. To maximize the formal controls available within the court system, develop agreements with the judiciary and probation that include swift and compelling consequences for program noncompliance, violation of protection orders, or new offenses.
- 9. Avoid ordering victims of domestic violence to participate in batterer intervention programs.**
- ◆ Women defendants should be evaluated individually to determine an appropriate sentence or service plan. If, after careful assessment, a woman defendant is determined to be a batterer—one who uses violence and other tactics of power and control—refer her to a women-only batterer intervention group.
 - ◆ Ensure that victims are not revictimized by being arrested inappropriately and required to attend batterer intervention programs, an unintended consequence of pro-arrest policies and inadequate training of law enforcement personnel.

10. Initiate specialized programming in state and federal correctional facilities for men who batter.

- ◆ Implement programming within correctional facilities that addresses male violence against women. Correctional facilities and programs should use the time perpetrators spend under correctional supervision to make such programming available and effective.
- ◆ Build stronger links among correctional facilities, community-based batterer intervention programs, sex offender treatment programs, and victim advocates to develop effective curriculums that promote victim safety.
- ◆ Provide correctional staff with training on interventions with juvenile and adult men who batter, commit sexual offenses, and stalk women and girls to help staff screen and identify offenders for specialized batterer programming.
- ◆ Build links between in-house batterer services and community services to support continuity of intervention, perpetrator accountability, and victim safety after the batterer is discharged from incarceration.

Other Trends and Issues

Specialized Intervention for Juvenile Perpetrators of Dating and Domestic Violence

Much like adults, some young men use violence to gain power and control in both dating and family relationships. By developing programs that work specifically with juveniles who batter, it may be possible to prevent the continued use of violence as juveniles enter adulthood. Crimes of violence against women perpetrated by juveniles require immediate attention, intensive intervention, and the coordinated services of batterer intervention programs, domestic violence victim advocacy agencies, and the juvenile justice system.

Most batterer intervention programs do not have specialized curriculums and program policies that address the needs of juveniles who batter. Specialized responses to these juveniles should include policies that make victim protection and access to services the highest priority. Juvenile

programs must employ facilitators who are specially trained in family and teen dating violence.

Curriculums should be developmentally appropriate and address sexual and physical assault, stalking, coercive controls, reproductive health issues, and same-sex relationship issues. Youth who use violence against family members will require additional intervention regarding responses to parental authority and modeling appropriate behavior for siblings. For many youth, a supplemental school plan or program should be introduced to reinforce the batterer intervention curriculum.

Evaluate Current Methods of Batterer Intervention

Research is needed to address controversies in the implementation of batterer intervention programs and to identify promising developments in the field. The following areas of inquiry are recommended for continued research and analysis:

- ◆ Examine coordinated community responses to determine which programs and sanctions most effectively maximize victim safety and sustain offender accountability.
- ◆ Compare the efficacy of different intervention models on different types of offenders.
- ◆ Identify culturally competent approaches that respond to the needs of diverse communities.
- ◆ Explore complementary programs for assessing and treating drug and alcohol addictions among perpetrators.
- ◆ Develop methods to more effectively assess a perpetrator's level of dangerousness.
- ◆ Evaluate the impact of state standards for batterer intervention programs that promote victim safety and improve monitoring of perpetrators.
- ◆ Evaluate the impact of parenting curriculums included in batterer intervention programs on the perpetrators' parenting behavior and relationships with their children.
- ◆ Research the effectiveness of current intervention strategies for juvenile perpetrators of dating and domestic violence.

Interventions With Sex Offenders

Sexual assault and sexual abuse of women and children persist as sources of constant fear in too many communities. The true extent of sexual violence remains hidden because these crimes are perpetrated most commonly within the context of relationships—by family members, friends, or acquaintances of the victim or her caretaker. Preventing these crimes requires many different strategies, but one critical component of any prevention effort must be intervention with those who have already been identified as sex offenders.

When framed by a central concern for victim and community safety, investing resources to supervise and manage sex offenders is an investment in sexual assault prevention. Research shows that sex offenders have a propensity to reoffend,³⁵ so it is essential that the dangers posed by this offender population be matched by interventions that employ a strategic, multidisciplinary model of offender management. To be most effective, carefully devised and strategically implemented interventions must begin while the offender is incarcerated.

Community concerns about sexual assault and sex offenders can be mobilized to build support for programs that combine meaningful controls on offender behavior with a central concern for victim safety and justice. Laws that require sex offender registration (often known collectively as “Megan’s Law”) and community notification of the presence of known sex offenders may offer some benefits, but they should not be viewed as offering much community safety by themselves. They are only one component of a comprehensive plan to prevent reoffending by sex offenders. The popularity of these laws reflects the public’s and policymakers’ mistaken belief that most sexual assaults are committed by strangers.

When implemented without strong offender supervision and intervention programs, and in the

absence of community education, notification laws may give communities a false sense of security. In some tribal communities, the false sense of security associated with community notification is potentially even more harmful because the law requires only Indian sex offenders to register; non-Indian offenders who live on tribal lands are exempt from registration requirements. Furthermore, programs that provide information about individual offenders may provoke revenge-motivated violence against those offenders.

Models emerging in communities around the country suggest that jurisdictions can effectively manage the danger posed by sex offenders and provide victims with a sense of safety and justice if they receive sufficient financial and other support. Where these promising practices are being implemented, significant changes in philosophy are taking place: providers of sex offender treatment and community supervision are working together and viewing the victim and the community, not the offender, as their primary “client”; advocates for survivors of sexual assault are concerning themselves with supervision options available to sex offenders; and judges and prosecutors are consulting with and listening to advocates, survivors, and providers when devising appropriate conditions of sentencing.

Implementing sex offender supervision and management programs that are truly concerned with victim and community safety requires significant work. It involves initiating and maintaining communication among disciplines that historically have not worked collaboratively, consulting current research, and educating the community.

Outlined below are specific actions that the courts, criminal and civil justice professionals, probation and parole agencies, departments of correction, sex offender management providers, public funders, sexual assault victim advocates, and federal, tribal, and state legislators can take to end violence against women.

A Comprehensive Approach to Managing Sex Offenders

1. Support the implementation of sex offender supervision strategies that are multidisciplinary and place the safety of the victim and the community at the center of their design.

- ◆ Implement policies that proactively support participation of the courts, the corrections system, victim advocates, and law enforcement in collaborative, multidisciplinary efforts.
- ◆ Invest the resources needed to develop effective supervision strategies that center on victim and community safety needs, increase the formal and informal controls on the sex offender, and emphasize offender accountability throughout intervention.
- ◆ Employ a comprehensive approach to managing sex offenders. Use a broad set of strategies including, but not limited to, supervision, work with employers and families, notification, and registration.
- ◆ Designate resources for the necessary participation, cross-training, and collaboration among probation and parole agencies, victim advocacy organizations, sex offender management programs, and other criminal and civil justice professionals.
- ◆ Institute collaborative efforts between law enforcement, the courts, and professional licensing agencies to exchange offender information while maintaining victim privacy and confidentiality. Enhance the revocation of licenses and certifications of professionals who are convicted of crimes of sexual violence or exploitation.
- ◆ Consider providing victims with the services of “witness-protection programs” when their safety or well-being requires confidential, protected, emergency housing. Protection should be available during criminal legal processes and beyond—for as long as necessary to ensure victim safety.

2. Implement sex offender registration and community notification laws in conjunction with community education programs about sexual assault.

- ◆ Conduct community education programs using a multidisciplinary group led by the community-based sexual assault program. This group should include sex offender management providers, probation and parole officers, and law enforcement officers.
- ◆ Ensure that community sexual assault education programs convey current information about the prevalence and nature of sexual assault, remind audiences that a small percentage of sex offenders are caught for their crimes, and provide guidelines for risk reduction.
- ◆ Ensure that information provided under notification laws is accurate, accessible, timely, free, and comprehensive.

3. Make intervention efforts with juvenile sex offenders a priority.

- ◆ Invest in early intervention with sexual offenders, particularly with juvenile sexual offenders, as an important component of efforts to decrease the possibility of multiple offenses over time.
- ◆ Educate relevant professionals to promote early intervention in response to violent behaviors.
- ◆ Design offender management programs in collaboration with advocates for victims of sexual violence. Evaluate all methodologies for their impact on the safety and well-being of victims and the community.

Improve Supervision of Sex Offenders in the Community

4. Establish specialized supervision for sex offenders.

- ◆ Recruit and hire experienced supervision staff who are committed to working with sex offenders, and designate staff to supervise sex offenders. Provide the training and resources necessary to enhance their ability to provide intensive supervision of sex offenders. Limit caseloads so that agents can spend a significant portion of their time in the field.
- ◆ Develop sex offender-specific policies and protocols for each collaborating agency, including conditions tailored to monitoring and placing limits on an offender’s activities. Involve

advocates and sexual assault survivors in the development and evaluation of sex offender management programs.

- ◆ Design, implement, and monitor community-based sex offender programs in consultation with victim advocates and agencies. Require these programs to work with local advocates and programs for victims of sexual violence.
- ◆ Require offenders released from correctional facilities or placed on probation to participate in community-based sex offender programs.
- ◆ Recognize the potential for sex offenders to assault adults as well as children, and restrict offenders' access to women and children.

Provide Comprehensive Sex Offender Intervention Programs

5. Make providing high-quality sex offender intervention programs within correctional institutions a priority.

- ◆ Develop corrections-based programs in consultation with victim advocates and providers who specialize in managing sex offenders.
- ◆ Focus on the offender taking responsibility for his behavior. Offenders must understand, acknowledge, and stop their violent behavior.
- ◆ Hire providers whose practices and approaches are guided by current research, who conform to state guidelines or certification procedures where available, and who adhere to high ethical standards in providing inmate treatment.
- ◆ Reflect costs of intervention programs in institutional budgets. Provide sufficient resources for well-trained staff, community monitoring by advocacy and probation services, and evaluation.
- ◆ Safeguard the privacy of those who seek sex offender treatment to encourage participation.
- ◆ Develop relationships with victim advocates, community-based parole or corrections agencies, service providers, and courts to ensure that offenders receive a continuum of intervention from institution to community.

6. Ensure that sex offender management program staff are well supervised and trained to work with sex offenders. Ensure that they conform to the highest ethical standards with regard to safety issues.

- ◆ Contract with or refer clients only to providers who demonstrate a knowledge of sex offenders that is informed by current research and promising practices, who agree to the primacy of victim and community safety, who are willing to work collaboratively with other agencies and individuals, and who share responsibility for supervising sex offenders.
- ◆ Establish state-level minimum standards, developed by a multidisciplinary group, for all sex offender management programs.
- ◆ Develop state-level partnerships with provider networks and other professional associations (e.g., state chapters of the American Psychological Association) to expand the pool of qualified providers.

Develop Policies That Promote a Comprehensive Response to Sex Offenders

7. Review all existing laws affecting sex offenders to ensure they are consistent with current research in the field.

- ◆ Consult with knowledgeable corrections officials, sex offender management providers, researchers, diverse sexual assault survivors, and victim advocates to create laws that most effectively promote community safety and justice for victims and the community and offender accountability.

The Defense Bar and Violence Against Women

Victims of violence against women come into contact with the defense bar both when counsel is defending abusers and when counsel is defending victims who have been charged with crimes. In each instance, the defense attorney has a professional and ethical obligation to vigorously defend his or her client.

The relationship between the defense bar and victim advocates has historically been adversarial. Advocates working with victimized women charged with crimes have often criticized the representation these women receive in criminal trials.

Many victim advocates also have watched defense attorneys defending clients accused of crimes of violence against women using strategies that blame the victim, exploit gender bias, and compromise victim safety. Conversely, defense counsel often describe victim advocates as indifferent to the due process rights of defendants and as volunteer investigators for the prosecution.

Despite this historical adversity, battered women's advocates are forging working relationships with members of the defense bar at the local, state, and federal levels. Many of these relationships have developed because of the increased prosecution of women victims of crime in the past 10 years. Among other crimes, women have been charged with crimes of violence against their perpetrators, with crimes committed while escaping from assailants, or with crimes coerced by batterers. Both victim advocates and defense counsel have begun to realize that they could better assist battered women defendants if they worked more collaboratively.

Outlined below are specific actions that members of the defense bar, victim advocates, and related professionals can take to end violence against women.

The Role of the Defense Bar

1. Carefully screen women defendants for domestic violence to build an appropriate defense and provide appropriate referrals.

- ◆ Understand that many victims of domestic violence will not discuss with counsel the abuse they have experienced unless the crime charged implicates domestic assault. Most batterer-defendants blame victims for their violence. In contrast, many victim-defendants will not blame their abusive partners, preferring to plead to avoid confrontation with the perpetrator at trial.
- ◆ Explore the relationship between victim-defendants' experiences of abuse and the crimes with which they have been charged. Battered women victims may be charged with a variety of crimes as a result of attempting to escape or separate from their perpetrators or because they

were coerced into crime by the perpetrators. Batterers sometimes set up victims to take responsibility for crimes the batterers have committed and threaten retaliation if the victims reveal abuser culpability. Battered women defendants may not volunteer this information in their defense.

- ◆ Provide clients who disclose a history of abuse with appropriate referrals and resources. For some clients, a message from their attorney, coupled with good resources and referrals, will make a difference in their understanding of their options, including seeking civil protection orders and other legal options, developing more effective safety plans, and securing advocacy and support services.

2. Refer clients charged with or disclosing crimes of violence against women to appropriate community resources.

- ◆ Recognize that the likelihood that a client who commits violence against women or children will reoffend without intervention is extremely high. Prepare to discuss with clients why acts of violence against women are inappropriate and unequivocally wrong.
- ◆ Provide clients with appropriate referrals and resources. For some clients, a message from their attorney, coupled with good resources and referrals, will make a difference in their future choices, including the use of violence, coercion, or stalking and seeking intervention services.

The Role of Victim Advocates

3. Reaffirm a commitment to advocate for and on behalf of all battered women, regardless of their criminal legal status.

- ◆ Ensure that close relationships between victim advocates and prosecutors do not put battered women defendants or battered women who might be facing criminal charges at risk. It is unethical for domestic violence victim advocates at community-based organizations to decline advocacy services to battered women charged with crimes because of their legal status.

4. Consider the rights of defendants and the due process implications of any action contemplated.

- ◆ Evaluate programs, protocols, and legislation to determine their impact on the rights of defendants or due process. Avoid taking any position that compromises these rights. Routinely evaluate whether any program or protocol might be used against a woman victim of violence who becomes a defendant in a criminal case.

Emerging Issues

Defense Bar Participation in Coordinated Community Responses and Fatality Review Teams

Given the adversarial nature of the criminal legal system, many members of already established coordinated community response teams are not eager to involve the defense bar in their process. Defenders are very involved in dealing with violence against women, however, by representing both clients who commit the violence and victims who are arrested. Each community must ascertain the goals of the coordinated community response team and seriously consider inviting members of the defense bar to participate.

In particular, defense counsel may have some very important insights to contribute to fatality review teams. When appropriate, they should be included as members of such teams. Unquestionably, the timing of the reviews will make a difference in terms of participation by prosecution and defense.

For related recommendations, see Toolkit chapter “Strengthening Community-Based Services and Advocacy for Victims.”

Resources

American Probation and Parole Association

2760 Research Park Drive
P.O. Box 11910
Lexington, KY 40578-1910
Phone: 859-244-8203
Fax: 859-244-8001
Web site: www.appa-net.org

The American Probation and Parole Association (APPA) is the voice for probation and parole practitioners, educators, and concerned citizens. The Web site provides information on training and technical assistance opportunities, publications and resources, grants and special projects, and an “Information Clearinghouse” that provides users with APPA staff contacts for each of several dozen topics.

Battered Women’s Justice Project—Criminal

4032 Chicago Avenue South
Minneapolis, MN 55407
Phone: 1-800-903-0111, ext. 1
Fax: 612-824-8965

The Battered Women’s Justice Project’s (BWJP’s) mission is to promote systemic change within community organizations and governmental agencies engaged in the civil and criminal justice response to domestic violence that creates true institutional accountability to the goal of ensuring safety for battered women and their families. To this end, BWJP undertakes projects on the local, state, national, and international levels.

Center for Sex Offender Management

8403 Colesville Road, Suite 720
Silver Spring, MD 20910
Phone: 301-589-9383
Fax: 301-589-3505
Web site: www.csom.org

The Center for Sex Offender Management works to enhance public safety by improving the management of adult and juvenile sex offenders who are in the community. Center efforts facilitate information exchange in the field, training and technical assistance for probation and parole agencies and officers, and a grant program to help state and

local jurisdictions establish or enhance their strategies to manage sex offenders under community supervision.

**Family Violence Department
National Council of Juvenile and Family Court Judges**

University of Nevada
P.O. Box 8970
Reno, NV 89507
Phone: 1-800-52-PEACE
Fax: 775-784-6160
Web site: www.nationalcouncilfvd.org

The National Council of Juvenile and Family Court Judges' Family Violence Department addresses court responses to family violence and offers resources including publications, national conferences, trainings, and technical assistance to practitioners in social services and the justice system.

Institute for Law and Justice

1018 Duke Street
Alexandria, VA 22314
Phone: 703-684-5300
Fax: 703-739-5533
Web site: www.ilj.org

The Institute for Law and Justice (ILJ) is a nonprofit organization that provides consulting, research, and evaluation services to criminal justice practitioners. ILJ also provides management and strategic planning training on a range of topics including community policing, corrections, courts and prosecution, advanced technology, economic studies, emergency response, and related public safety issues.

International Association of Chiefs of Police

515 North Washington Street
Alexandria, VA 22314
Phone: 703-836-6767 or 1-800-THE-IACP
Fax: 703-836-4543
Web site: www.theiacp.org

The International Association of Chiefs of Police (IACP) fosters cooperation and the exchange of information and experience among police administrators throughout the world and advocates high professional standards of police performance and conduct. The IACP Web site provides information

on training opportunities, conferences, awards, and campaigns, as well as links to *Police Chief Magazine* and other publications, information on international activities and outreach, and legislative and policy updates.

**Judicial Education Project
Family Violence Prevention Fund**

383 Rhode Island Street, Suite 304
San Francisco, CA 94103-5133
Phone: 415-252-8900
Fax: 415-252-8991
Web site: www.fvpf.org/programs/justice

The Family Violence Prevention Fund (FVPPF) works to end domestic violence and help women and children whose lives are affected by abuse. The FVPPF Judicial Education Project provides materials for educational programs that give justice system personnel a foundation for assessing domestic violence cases. Training includes domestic violence information as it applies to criminal, civil, custody, and visitation cases.

**Mending the Sacred Hoop
STOP Violence Against Indian Women Technical Assistance Project**

202 East Superior Street
Duluth, MN 55802
Phone: 218-722-2781 or 1-888-305-1650
Fax: 218-722-5775
Web site: www.msh-ta.org

Mending the Sacred Hoop (MSH) is a Native American Women's organization that helps tribal governments and agencies improve their response to Native American victims of violence against women by crafting strategies at local levels that reflect available resources and cultural perspectives. MSH publishes a newsletter, provides assistance and advocacy, coordinates public education events and conferences, and hosts an online discussion forum.

National Association of Criminal Defense Lawyers

1025 Connecticut Avenue NW., Suite 901
Washington, DC 20036
Phone: 202-872-8600
Fax: 202-872-8690
Web site: www.criminaljustice.org

The National Association of Criminal Defense Lawyers (NACDL) is a professional bar association that works to ensure justice and due process for persons accused of crime or other misconduct. Web site resources include updates on criminal justice news and legislation, information on programs and projects in the field, descriptions of NACDL publications and upcoming events, and links to online legal research.

National Center for State Courts Research Division

300 Newport Avenue
Williamsburg, VA 23185
Phone: 757-253-2000 or 1-800-877-1233
Fax: 757-220-0449
Web site: www.ncsc.dni.us/RESEARCH/index.html

The National Center for State Courts (NCSC) works to improve the administration of justice in the United States and abroad through research, education, consulting, and information services. The NCSC Research Division identifies trends, shapes future developments, and fosters adaptation to change. The Research Division Web page provides information about current and recently funded projects and Research Division publications.

National Clearinghouse for the Defense of Battered Women

125 South Ninth Street, Suite 302
Philadelphia, PA 19107
Phone: 1-800-903-0111, ext. 3, or 215-351-0010
Fax: 215-351-0779

The National Clearinghouse for the Defense of Battered Women provides technical assistance, support, resources, networking, and training to help battered women who are forced to defend themselves when faced with life-threatening violence from their abusers.

National District Attorneys Association

99 Canal Center Plaza, Suite 510
Alexandria, Virginia 22314
Phone: 703-549-9222
Fax: 703-836-3195
Web site: www.ndaa.org

The National District Attorneys Association (NDAA) promotes the interests of prosecutors across the Nation, in major metropolitan areas as

well as rural communities. NDAA provides government advocacy and a forum for prosecutors to share their knowledge, skills, and influence. Resources include centralized training facilities (at the National Advocacy Center complex), conferences, and publications.

**National Judicial Education Program
NOW Legal Defense and Education Fund**

395 Hudson Street, Fifth Floor
New York, NY 10014
Phone: 212-925-6635
Fax: 212-226-1066
E-mail: njep@nowldef.org
Web site: www.nowldef.org/html/njep/index.htm

The NOW Legal Defense and Education Fund pursues equality for women and girls in the workplace, the schools, the family, and the courts—through litigation, education, and public information programs. The National Judicial Education Program to Promote Equality for Women and Men in the Courts (NJEP) works to create a fair and equitable judicial system through judicial and legal education. NJEP offers model judicial education curriculums that cover such topics as gender fairness, sexual violence, child custody and sexual abuse, and racial bias.

National Jury Project/Midwest

322 First Avenue North, Suite 500
Minneapolis, MN 55401
Phone: 612-338-2244
Fax: 612-338-2607
E-mail: njpmidwest@njp.com
Web site: www.njp.com

The National Jury Project (NJP) is a trial consulting agency that uses social science techniques to help attorneys develop effective strategies for trial preparation, case presentation, and jury selection. NJP services include case analysis, focus group and trial simulations, community attitude surveys, witness assessment and preparation, courtroom visuals, and posttrial juror interviews.

National Legal Aid and Defender Association

1625 K Street NW., Eighth Floor
Washington, DC 20006
Phone: 202-452-0620
Fax: 202-872-1031
Web site: www.nlada.org

The National Legal Aid and Defender Association (NLADA) advocates equal access to justice for all Americans, with emphasis on delivery of legal assistance to the poor (including civil legal services and indigent defense services). NLADA provides legislative advocacy, public education, workshops and training events, and publications including a quarterly newsletter, research and evaluation reports, training materials, management and administration resources.

National Sexual Violence Resource Center

123 North Enola Drive
Enola, PA 17025
Phone: 1-877-739-3895 or 717-909-0710
Fax: 717-909-0714
E-mail: resources@nsvrc.org
Web site: www.nsvrc.org

The National Sexual Violence Resource Center (NSVRC) is a clearinghouse for resources and research about all forms of sexual violence. NSVRC works with its partner agency, the University of Pennsylvania, to provide new policies for establishing sexual violence intervention and prevention programs.

National Training Center on Domestic and Sexual Violence

2300 Pasadena Drive
Austin, TX 78757
Phone: 512-407-9020
Fax: 512-407-9022
Web site: www.ntcdsv.org

The National Training Center on Domestic and Sexual Violence provides consultation and training (including national and regional conferences), helps government decisionmakers develop and evaluate policies and programs, and promotes collaboration among government agency staff, victim advocates and service providers, university researchers, and related professionals in working to end domestic and sexual violence. The Web site

includes a calendar of training sessions throughout the United States.

**National Training Project
Minnesota Program Development**

202 East Superior Street
Duluth, MN 55802
Phone: 218-722-3942
Fax: 218-722-5775
Web site: www.duluth-model.org/ntpmain.htm

The National Training Project helps communities develop and implement policies to protect victims of domestic abuse and offer rehabilitation opportunities for offenders. The project offers seminars, trainings, workshops, and resource materials for staff of domestic violence and community agencies.

PRAXIS International

202 East Superior Street, Suite 100
Duluth, MN 55802
Phone: 218-722-4820
Fax: 218-722-1053
E-mail: ruralta@aol.com
Web site: www.praxisinternational.org

Praxis is a nonprofit research and training organization that works to end violence against women and promotes autonomy, integrity, and safety for women and their children. Praxis analyzes criminal justice and human service agency responses to abused women, provides technical assistance to programs receiving rural grants from VAWO, and promotes social change through community organizing.

Sacred Circle**National Resource Center to End Violence Against Native Women**

722 St. Joseph Street
Rapid City, SD 57701
Phone: 605-341-2050 or 1-877-733-7623
Fax: 605-341-2472

Sacred Circle promotes the sovereignty and safety of women and works to change individual and institutional beliefs that oppress Native women.

**Stalking Resource Center
National Center for Victims of Crime**

2000 M Street NW., Suite 480
Washington, DC 22036
Phone: 202-467-8700 or 1-800-FYI-CALL
Fax: 202-467-8701
Web site: www.ncvc.org

The National Center for Victims of Crime's mission is to help victims of crime and their families rebuild their lives. The Stalking Resource Center provides resources, training, and technical assistance to criminal justice professionals and victim service providers to support locally coordinated, multidisciplinary antistalking approaches and responses.

Vera Institute of Justice

233 Broadway, 12th Floor
New York, NY 10279
Phone: 212-334-1300
Fax: 212-941-9407
Web site: www.vera.org

The Vera Institute of Justice works with government agencies to design and implement programs that encourage just practices in public services and improve the quality of urban life. Projects in progress address issues such as police accountability, crime and victimization, youth and violence, sentencing and corrections, and the judicial process. The Web site includes information on current work, research, and planning; a catalog of publications; and links to related criminal justice agencies and organizations.

**Violence Against Women Unit
American Prosecutors Research Institute**

99 Canal Center Plaza, Suite 510
Alexandria, VA 22314
Phone: 703-549-4253
Fax: 703-549-6259
Web site: www.ndaa.org/apri/Vawa/Index.html

The American Prosecutors Research Institute provides resources including research, program development, and an information clearinghouse to prosecutors at all levels of government. Its Violence Against Women Unit is a national resource for prosecutors and other criminal justice professionals working to stop violence against

women. The unit provides comprehensive and specialized training, research and technical assistance, and resource materials on domestic violence, stalking, cyberstalking, and sexual assault.

Endnotes

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3. President's Task Force on Victims of Crime (1986). *Four Years Later: A Report on the President's Task Force on Victims of Crime*. Washington, DC: U.S. Department of Justice. NCJ 102834

4. Sherman, L.W., and Berk, R.A. (1984). "The Specific Deterrent Effects of Arrest for Domestic Assault." *American Sociological Review* 49(2): pp. 261-272.

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The Minneapolis arrest study was replicated in several other cities (Atlanta, Georgia; Charlotte, North Carolina; Colorado Springs, Colorado; Metro-Dade, Florida; Milwaukee, Wisconsin; and Omaha, Nebraska), and the results of these studies suggest that arrest is uneven in terms of deterrence and that demographic factors, criminal history, and the coordination of the criminal justice response after arrest all have an impact on the deterrent

effect for domestic assault. However, no police intervention has consistently been shown to be more effective than arrest.

5. *Weinstein v. City of Santa Fe*, 121 N.M. 646, 650, 916 P.2d 1313, 1317 (1996) (sexual assault).

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7. John Jay College of Criminal Justice (2000). “Equal Opportunity? More Women Arrested for DV—But Why?” *Law Enforcement News* (January 15/31) 26(525/526): p. 3. www.lib.jjay.cuny.edu/len/2000/01.15

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8. The Dover, New Hampshire, police department has almost completed a law enforcement protocol on stalking. It will be posted on the City of Dover Web site (www.ci.dover.nh.us/police/anti_stalking.htm) on completion. The National Center for Victims of Crime is crafting a model police protocol on stalking to be implemented in Philadelphia, Pennsylvania: *Creating an Effective Stalking Policy* (forthcoming).

9. The Polaroid Corporation initiative related to violence against women has brought documentation through pictures within reach of many police agencies within the past 10 years.

10. The FBI’s National Incident-Based Reporting System was designed almost 15 years ago to provide criminal incident data well beyond that contained in the Uniform Crime Reporting System (which neither records relationships between offenders and victims nor enumerates all criminal acts of men who use violence against women, including multiple criminal acts during a singular incident).

11. See International Association of Chiefs of Police (1999). *Model Policy on Police Officer Domestic Violence and Concepts and Issues Paper*. Alexandria, VA: International Association of Chiefs of Police.

12. Los Angeles City Attorney’s Office, California Alliance Against Domestic Violence, and Los Angeles Police Department (1999). *Primary*

Aggressor: Domestic Violence Training Project. Los Angeles, CA: Los Angeles City Attorney's Office, California Alliance Against Domestic Violence, and Los Angeles Police Department.

13. Most of the men who are stalked are stalked by other men.

14. Tjaden, P., and Thoennes, N. (1998). *Stalking in America: Findings From the National Violence Against Women Survey* (National Institute of Justice Research in Brief). Washington, DC: U.S. Department of Justice and Centers for Disease Control and Prevention. NCJ 169592

15. See curriculums and other materials developed by the Family Violence Prevention Fund, the National Association of Women Judges, the National Center for State Courts, the National Council of Juvenile and Family Court Judges, the NOW Legal Defense and Education Fund, the STOP Violence Against Women Grants Technical Assistance Project, the VERA Institute, and the Women Judges Fund for Justice.

16. Related codes and rules:

Domestic Violence

- ◆ Alaska Stat. § 18.66.310 (requires the administrative director for the Alaska Court System to provide domestic violence training to judicial officers and court clerks).
- ◆ Cal. Gov't Code § 68555 (requires the Judicial Council to establish judicial training programs).
- ◆ Fla. Stat. Ann. § 25.385 (requires the Florida Court Educational Council to establish standards for instruction of circuit and county court judges who have responsibility for domestic violence cases).
- ◆ Ky. Rev. Stat. Ann. § 21A.170 (requires the Supreme Court to provide, at least once every 2 years, inservice training programs for circuit judges, district judges, and domestic relations and trial commissioners).
- ◆ Minn. Stat. Ann. § 480.30 (requires the supreme court's judicial education program to include ongoing training for district court judges).

- ◆ N.J. Stat. Ann. § 2C:25-20 (requires the Administrative Office of the Courts to ensure that judges and judicial personnel attend an initial training within 90 days of appointment or transfer and annual inservice training).
- ◆ Okla. Stat. tit. 10, § 1211 (requires all judges having juvenile or domestic docket responsibility to attend training relating to domestic abuse issues; requires the Administrative Office of the Courts to monitor attendance at such training).
- ◆ Tenn. Code Ann. §§ 38-12-102, -107, -109 (requires development of domestic violence training course and curriculum; requires all state and local court administrators, court clerks, and judges to adopt policies regarding domestic violence and provide initial and continuing education; requires the Administrative Office of the Courts to establish and provide continuing education on domestic violence to all judges and court personnel).
- ◆ Tex. Gov't Code Ann. §§ 22.011, .110 (requires the Supreme Court to provide judicial training; requires rules to be adopted to require each district judge and each judge of a statutory county court to complete 8 hours of training within the judge's first term and provide a method of certification of completion).
- ◆ W. Va. Code § 48-2A-13 (allows all judges and requires family law masters to receive a minimum of 3 hours of training by 10/1/93 and 3 hours per year each year thereafter on family violence issues).

Sexual Violence

- ◆ In California, New Jersey, and Texas, judicial education on sexual violence is mandatory.

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See also Gray, C. (1997). *A Judicial Survival Guide to Balancing Social Commitments With the Code of Judicial Ethics*. Washington, DC: American Bar Association.

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18. Griffith, C.L., and Tucker, M.S. (1997). "A Cry for Help: The Need for a Judicial Response to the Threat of Domestic Violence." *The Judges' Journal* (Spring) 36(2): pp. 22–26.

19. In Michigan and Oregon, statutes direct that conditions of bail must be entered into the state's law enforcement information network.

20. See section on full faith and credit in *Toolkit* chapter "Enhancing the Response of the Justice System: Civil Remedies."

21. See section on firearms in *Toolkit* chapter "Additional Justice System Responses."

22. The Texas Code of Criminal Procedure was amended in the 1999 legislative session to prohibit judges from referring family violence criminal cases to mediation or other alternative dispute resolution. § 5.08.

23. Supplementary investigation includes risk of further harm to or intimidation of the victim; risk of harm to the children, family, or supporters of the victim; amenability to specialized sex offender management or batterer intervention services; and the need for highly intensive supervision pending trial. Source: Lovik, M.M. (1998). "Conditional Pretrial Release in Criminal Proceedings." In *Domestic Violence: A Guide to Civil and Criminal Proceedings*. East Lansing, MI: Michigan Judicial Institute.

24. The 1999 legislative sessions produced codes that require or authorize courts to consider violence against women in release decisions. Source: National Council of Juvenile and Family Court Judges (2000). *Family Violence: Legislative Update*. Reno, NV: National Council of Juvenile and Family Court Judges.

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27. There are many models for these investigations. The first national conference on domestic fatality reviews was held in Key West in October 1996. It was a joint undertaking of the National

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29. See Institute for Law and Justice at www.ilj.org.

30. Browne, A., Miller, B., and Maguin, E. (1999). "Prevalence and Severity of Lifetime Physical and Sexual Victimization Among Incarcerated Women." *International Journal of Law and Psychiatry* 22(3–4): pp. 301–322.

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Also see Harlow, C. (1999). *Prior Abuse Reported by Inmates and Probationers*. Washington, DC: U.S. Department of Justice. NCJ 172879. More than half (57.2 percent) of women state prisoners reported having been abused prior to admission.

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What the Justice System Can Do To Make a Difference

- ◆ **Guarantee confidentiality.** Evidence shows that victims may not seek legal assistance, counseling, or help unless they are certain that their identity, communications, and records will be kept confidential.
- ◆ **Ensure that victims, advocates, victim/witness specialists, and lawyers understand the parameters of confidentiality.** Ensure that criminal justice and victim service professionals understand the existing privileges.
- ◆ **Tailor services, legal assistance, and advocacy to meet the requirements of immigrant victims of violence against women.** Provide services that are linguistically and culturally appropriate and tailored to a victim's cultural, religious, and spiritual beliefs.
- ◆ **Understand the impact of criminal convictions on the immigration status of victims and perpetrators.** Ensure that safety planning for immigrant battered women accounts for their immigration status and helps them avoid any conduct that might compromise their status.
- ◆ **Use state databases as supplements to National Instant Criminal Background Check System (NICS) background checks to prevent domestic violence perpetrators from obtaining firearms.**
- ◆ **Promote efforts to remove firearms from violent offenders who are prohibited from access or ownership pursuant to federal or state laws.** Enhance the enforcement of federal and state firearms prohibitions related to domestic violence.
- ◆ **Upgrade state crime victim compensation programs.** Implement confidentiality policies, expand categories of eligible victims and eligible providers, increase available funds, evaluate program rules and requirements, and conduct outreach campaigns to ensure victim safety and recovery.

Chapter 5

Additional Justice System Responses

Victim Privacy and Confidentiality

Confidential Communications With Advocates and Counselors

Confidential communications are central to the safety and recovery of victims of gender-based violence. Evidence shows that victims may not seek legal assistance, counseling, or help without an assurance of confidentiality from an advocate or counselor.¹ Even those who seek assistance may fail to fully disclose important information if they learn that their communications with an advocate or emergency services provider are not confidential. A victim who participates in prosecution of the crime committed against her may find herself forced to choose between justice and privacy, particularly in cases involving sexual assault.

The success of the relationship between the victim and the advocate/counselor is based on trust. Trust can only be developed if a victim feels that she can fully and freely confide intimate information to her advocate/counselor. Because most domestic violence victims believe they will be endangered if the perpetrator learns that they have contacted an agency—and particularly that they have discussed legal options, safety strategies, and separation plans—the guarantee of confidentiality is critical. Sexual assault victims may share this concern, but their fears typically involve the public disclosure of private information.

A victim's expectations that her identity, location, and contact with a sexual assault or domestic violence program will remain confidential must be respected. Disclosure of information obtained

under promise of confidentiality may have a chilling effect on the help-seeking of the victim whose trust is betrayed and on all other victims who learn of this breach of guarantee.

Consequently, 33 states² and the District of Columbia have enacted statutes to protect confidential communications, advice, and records that result from the relationship between victims of sexual assault or domestic violence and their counselors at sexual assault or domestic violence agencies.³ Confidential communications are usually broadly defined and include information given by the victim to the advocate/counselor, advice or information given by the advocate/counselor to the victim, and any records created as a result of the contact between them, including e-mail and phone messages. Whether a counselor qualifies for the privilege may depend on certain factors, including the number of hours of training completed by the counselor. In addition, there may be some statutory limitations on the privileges.

The type of information that victims wish to keep confidential and that is protected by law extends beyond information that affects the victim's safety to information that, if disclosed, may cause the victim personal pain or harm—including child abuse history, sexual history, sexual orientation, HIV/AIDS status, sexually transmitted disease history, financial history, mental health history, marriage history, school records, drug and alcohol treatment records, personnel files, employment history, and communications with doctors, therapists, spouses, religious counselors, lawyers, or drug and alcohol counselors.

State statutes, case law, and federal laws and regulations protect to differing degrees these confidential communications and records from disclosure. Some statutes cover either sexual assault or domestic violence counselors, while others address both, including in the definition of “counselor” trained advocates, volunteers, and crime victim counselors. Some statutes protect shelter locations and shelter records and specifically exclude those records from disclosure under the state’s open records law. Some laws specifically protect the identity of not only the client, but also the advocate or counselor. Some state and federal funding statutes and regulations require funded service providers to implement confidentiality policies as a condition of funding.

The type and level of protection granted by confidentiality statutes or case law vary, and may include either an absolute (where disclosure is not permitted under any circumstances) or a qualified privilege.⁴ Under an informed consent process, a victim can waive the confidentiality privilege. Generally there is no waiver of privilege when a third party, such as an interpreter, is present to facilitate communication between the victim and the advocate/counselor. Victim testimony about the crime does not waive the privilege. Some state laws provide that confidentiality dies with the victim; others provide that it survives the victim or that the executor or administrator of the victim’s estate may waive it.

Communications with victim/witness specialists in law enforcement or prosecution offices generally are not protected against disclosure, and information shared by a victim with a victim/witness specialist is likely to be shared with law enforcement personnel, prosecutors, and even the perpetrator’s attorney in a criminal case. Similarly, records kept by victim/witness specialists are not protected.

In some states, limited privileges give way to defendants’ rights. In practice, most state statutes or case law that limits the confidentiality privilege requires that any records or testimony that the defendant seeks must first be reviewed *in camera*,

i.e., by the judge in chambers. Grounds for waiving the confidentiality privilege in some statutes include a decision that the probative value of information concerning the victim’s physical appearance at the time of injury, matters of proof regarding the chain of custody of evidence, situations in which the counselor has reason to believe the victim may have committed perjury, and any proceeding by the victim against the counseling agency or counselor outweighs the risk of disclosure.

Even when a privilege is absolute, there may be statutory exceptions that require disclosure. The most common exceptions include mandatory reporting of suspected child abuse or neglect, disclosure of information when there is imminent risk of death or serious bodily injury, or disclosure that the victim is about to commit a violent crime. Some state statutes provide that partial disclosure of privileged or confidential information may require full disclosure of all privileged or confidential information.

Confidentiality of Location and Personal Privacy Concerns

Court records, voter registration records, motor vehicle registration information, school records of the victim or her children, or other publicly available documents may include private information that could compromise victim safety. Most states now provide that a petitioner’s address can be kept confidential as part of the relief in a protection order. Many state statutes also specify that crime victims generally, or victims of sexual assault or domestic violence in particular, can keep their addresses and telephone numbers confidential.

A few states have implemented address confidentiality programs, which provide procedures for a battered adult to obtain an alternative mailing address as a way to keep her location confidential.⁵ The Social Security Administration has rules that allow domestic violence victims to change their Social Security numbers to protect their privacy.⁶

Outlined below are specific actions that legislators, court administrators and staff, law enforcement personnel, prosecutors, and advocates can take to ensure the confidentiality of victims of violence against women.

Secure Confidentiality Through State or Tribal Law

1. Establish confidentiality programs that prohibit public disclosure of a victim's location.

- ◆ Nine states have adopted address confidentiality programs that allow victims to obtain an alternative mailing address to more safely vote, receive service of process, and protect their current address from their perpetrator.

2. Enact specific statutory protections for confidential communications (including advice, written and electronic records, and identifying information) between sexual assault and domestic violence victim advocates/counselors and victims.

- ◆ Protect, by statute, the confidentiality of victims' identity, location, and contact with a victim advocacy program or therapist.
- ◆ Limit any *in camera* review of confidential information to criminal cases and then upon a showing of specific need.
- ◆ Establish that the duty to assert privilege on behalf of the victim lies with the holder of privileged information.
- ◆ Consider, where appropriate, extending the right to claim the privilege to teenagers. In situations in which parents' or guardians' interests contradict the victim's, it could be detrimental to allow parents/guardians access to records or to waive privilege.
- ◆ Establish that, when appropriate, confidentiality extends beyond the death of the victim, but that the executor or administrator of her estate may waive the privilege.

3. Grant victim advocates and counselors the highest degree of privilege possible to limit perpetrator access to victims' private information.

- ◆ Impose clear and consistent rules for confidentiality in situations in which privileges may overlap. For example, when an advocate works

closely with an attorney on a particular case, each professional has his or her own privilege, and the extent of the attorney's privilege may be greater (for example, the attorney is probably not obligated to report suspected child abuse or neglect, while the advocate may be).

4. Ensure protection of a victim's due process rights when state law provides defendants with access to a victim's personal information.

- ◆ Protect the victim's rights to receive notice and opportunity to be heard before information is released.

5. Consider exempting the records of sexual assault and domestic violence programs from open or public records laws, even if the programs receive state or federal funding or are public agencies as defined by state law.

- ◆ Open records laws in some jurisdictions may be inconsistent with confidentiality laws that protect counselor-victim communications. Confidentiality cannot be ensured if a domestic violence or sexual assault organization is required to turn over records on request per an open records law.

6. Enact statutes that provide for the confidentiality of sexual assault and domestic violence fatality reviews.

- ◆ Absent the safeguard of confidentiality, many agencies may choose not to collaborate with community partners on fatality reviews, concluding that any joint action will compromise professional privileges or organizational rules of nondisclosure. Without statutory protection of these deliberations, vital information may be lost and the community's capacity to devise homicide/suicide prevention strategies may be diminished.

7. Provide that a victim's disclosure of information to a crime victim compensation program is confidential.

- ◆ Many sexually assaulted, battered, and stalked adults are entitled to compensation under state crime victim compensation programs. The price for exercising that right should not be the release of identifying information about the victim.

8. Create statutory provisions that permit a victim of domestic violence to change her name without public notice.

- ◆ Many victims of domestic violence attempt to change their names as a way to hide from batterers. Often, state laws require public notice of a name change, which could thwart the purpose of the name change.

9. Create statutory remedies that permit victims to be compensated for breaches of confidential communications.

- ◆ Give victims of sexual assault, domestic violence, and stalking accelerated access to courts to seek injunctions against the disclosure of confidential information.
- ◆ Provide civil and criminal remedies for the unauthorized release of confidential information that are similar to provisions in the law that penalize release of confidential information regarding HIV/AIDS status.

10. Enact statutes that protect the privacy of court proceedings, consistent with constitutional limitations.

- ◆ Allow victims to request that records be sealed at the conclusion of a trial.
- ◆ Seal visual evidence, such as videos, in sexual assault cases.

The Role of Court Administrators and Staff

11. Limit access to electronic and hardcopy information that could compromise a victim's confidentiality, privacy, or safety.

- ◆ Protect access to electronic databases of civil protection orders (including petitions, service sheets, motions, orders, suspensions, or modifications) from the general public, Temporary Assistance for Needy Families (TANF) offices, child support enforcement authorities, and child and youth agencies. Protection order information should be available only to law enforcement, prosecution, probation, and parole offices.
- ◆ Remove a victim's name, address, and other identifying information (such as social security number, phone number, and work address) from

court records or other documents that are publicly available.

- ◆ Do not use court databases to track the whereabouts of victims of sexual assault or dating or domestic violence.

12. Examine defendant applications for disclosure carefully when a criminal court determines that a victim privilege is qualified rather than absolute.

- ◆ Require a specific, fact-based showing that the confidential material sought is directly relevant to a claim or defense and that the confidential communication is of such consequence to a just outcome for the case that failure to admit it would render the proceeding fundamentally unfair and constitute an unconstitutional denial of the defendant's right to due process.
- ◆ Undertake judicial review of privileged information about victims only when the countervailing interest of the criminal defendant rises to a constitutional level.
- ◆ When the court concludes that disclosure is required, limit release to the exculpatory material and avoid releasing information that will compromise the safety, agency, and privacy of victims.
- ◆ Consider issuing protection orders that limit disclosure of the released information to the specific purposes for which it is constitutionally required.

The Role of Law Enforcement and Prosecution Personnel

13. Safeguard the addresses and contact information of victims of sexual assault, dating and domestic violence, and stalking.

- ◆ Keep confidential contact information for victims of sexual assault, dating and domestic violence, and stalking out of reports or case files; such information should be kept separately to avoid inadvertent disclosure to perpetrators.
- ◆ Do not disclose information about shelter addresses, friends or family offering temporary housing, or people who agree to be telephone contacts for victims.

14. Inform victims about the release of police incident reports, investigative reports, exculpatory information, and related materials to the defendant and his counsel.

- ◆ Inform victims about all information that may or will be disclosed to the defendant.
- ◆ Secure all databases containing confidential victim contact information that are used to comply with state laws on notifying victims about legal proceedings, the custodial status of offenders, and probation and parole deliberations and outcomes. Ensure that only those people responsible for notifying victims have access to information about their whereabouts.

15. Establish policies that specify the parameters of confidentiality between victims of sexual assault and dating and domestic violence and the victim/witness specialists employed by law enforcement and prosecution offices, and between victims and community-based advocates located in such agencies.

- ◆ Disclose who may have access to the information shared with the victim/witness specialist (such as police officers, prosecuting attorneys, prosecutor's expert witnesses, and defense or family law attorneys for the perpetrator). Inform victims of limitations on nondisclosure or confidentiality prior to any interview with them.
- ◆ Provide victims with a concise and understandable written version of the agency's nondisclosure guidelines.

16. Inform victims of the differences in confidentiality privilege for victim/witness specialists working for law enforcement agencies or prosecutors and for advocates/counselors, as granted by privileged communication statutes.

The Role of Administrators of Victim Advocacy Agencies

17. Adopt comprehensive confidentiality policies.

- ◆ Develop policies and procedures that provide the greatest protection available under state law for victim confidences, communications, and records.⁷

18. Avoid employing advocates or counselors who also serve as victim/witness specialists for law enforcement or prosecution offices.

- ◆ Because an advocate or counselor may have a protected confidential relationship with a victim and a victim/witness specialist may not, it is important to identify clearly the role in which a professional is acting at any given time.

19. Consult counsel regarding advocate presence during a victim's communication with persons outside the agency, and establish policies that guide practice to not compromise the confidential communications privilege of victims.

- ◆ Laws may specify that a communications privilege is made void by communications in the presence of a third party. Advocates or counselors who accompany victims to interviews with persons working outside their agencies (e.g., police, prosecution, or child welfare personnel) must make clear that those communications do not generally fall under the privilege.
- ◆ A victim of sexual assault or dating or domestic violence may request that an advocate or her counselor be present when she meets with an attorney. The advocate's presence may compromise the attorney-client privilege, or the attorney's presence may waive the advocate-client privilege. Advocacy or counseling agencies and attorneys must recognize the different privileges that apply to communications with the same client, and when and how confidentiality may be compromised by the presence of other parties.

The Role of Administrators of Funding Agencies

20. Require that any group awarded funds for serving victims of sexual assault, dating and domestic violence, and stalking implement confidentiality policies related to communications, advice, exchanges, and records.

21. Conduct program and fiscal audits or reviews in a manner that protects the identities and privacy of the individuals served.

- ◆ Insist that names and other identifying information be removed from the information provided to the reviewer.

Violence Against Immigrant Women

Immigrant women come to this country with great hopes for what the United States will offer them—hopes that may be frustrated as they face overwhelming cultural, linguistic, and social changes in their lives. These challenges are compounded when an immigrant woman is a victim of sexual assault, domestic violence, or stalking.

Until recently, an immigrant woman who sought lawful permanent residency in the United States had to rely on her U.S. citizen or lawful permanent resident spouse to file and follow through on her immigration petition. If her spouse was abusive, the control he had over the application process could obstruct her efforts to obtain or maintain the lawful immigration status she needed to achieve independence from her abusive husband. In 1994, Congress remedied this problem by passing the battered immigrant women provisions of the Violence Against Women Act (VAWA).⁸ The Violence Against Women Act of 2000 (VAWA 2000) strengthened and improved access to these protections.⁹

The statutes and regulations governing the VAWA immigration process are highly complex. Immigrant victims of violence against women are likely to need help from advocacy organizations, law enforcement, legal services providers, counseling agencies, social services, and economic assistance programs. They may not have work authorization, and thus may not be able to survive economically without their abusers. They may feel lost in the American justice and social services systems. They may not seek help outside the home because they have been raised to keep their victimization secret or because they have been disillusioned by the justice systems in their home countries. Due to isolation or language barriers, abusers may be the victims' only source of information about law enforcement or the criminal justice system. Abusers may tell victims that police will not

believe them if they summon police for help. Battered immigrants often fear that their abusers will carry out threats to have them deported, kidnap their children, or harm family members if they seek help. Thus, new approaches must be undertaken to tailor services, legal assistance, and advocacy to meet the requirements of these victims and to do so in a manner that ensures confidentiality and is linguistically competent, culturally welcoming, and highly knowledgeable about legal and social services options.

Outlined below are specific actions that staff and volunteers at victim advocacy programs, immigrant rights organizations, law enforcement agencies, courts, and law firms can take to end violence against women.

The Role of Administrators of Victim Advocacy Programs

1. Locate victim advocacy services where immigrant victims of sexual assault, dating and domestic violence, and stalking can easily access them.

- ◆ Whenever possible, locate services for immigrant victims of sexual assault, dating and domestic violence, and stalking in their own communities, including worksites.

- ◆ Conduct outreach to immigrant communities through existing community-based programs, such as immigrant rights organizations.

2. Ensure that offered services are culturally appropriate.

- ◆ Work with community-based immigrant rights groups to gain a basic understanding of cultural, religious, or spiritual principles that may guide immigrant client decisions and reactions to sexual assault, dating and domestic violence, and stalking.

- ◆ Teach staff to appreciate the cultural, religious, and spiritual beliefs that clients may rely on to survive, overcome, or heal from these forms of violence.

- ◆ Ensure that shelter-based programs can accommodate battered immigrants' dietary practices or customary activities.

3. Ensure that staff and volunteers can communicate with immigrant victims of sexual assault, dating and domestic violence, and stalking in their own languages.

- ◆ If bilingual staff or volunteers are not readily available, collaborate with an agency or program that can provide interpreter services.

4. Develop specialized services and procedures for advocacy on behalf of immigrant victims of sexual assault, dating and domestic violence, and stalking.

- ◆ Offer services tailored to battered immigrants' needs. Become familiar with the immigration process and refer clients to local and national resources that assist immigrant battered women.
- ◆ Institute protocols to help women develop and safeguard documents and evidence that are essential to their immigration applications.
- ◆ Ensure that safety planning for immigrant battered women accounts for their immigration status and helps them avoid any conduct that might compromise their status.
- ◆ Offer immigrant survivor peer groups that provide access to advice, support, and advocacy.

5. Understand any statutory limitations on the use of federal funding to provide services to immigrant victims.

- ◆ Federally supported in-kind benefits that are not based on a recipient's income or resources and that are necessary for the protection of life and safety are available to immigrant victims regardless of their immigration status. Such assistance includes shelters for battered women. Be aware that federally funded programs that refuse to serve immigrant victims may be violating federal antidiscrimination laws.

6. Develop alternatives to shelter-focused services to protect the safety of battered immigrants who cannot use services or legal protections that separate them from their families.

- ◆ Recognize that some immigrant battered women will choose shelter-focused services, whereas others may feel uncomfortable outside their families and communities.
- ◆ Make arrangements for alternative safe housing with extended family, rather than encouraging women to use services or legal protections that compromise the support of family and friends.

- ◆ Develop alternative safety protocols such as providing the immigrant with a mobile phone that is programmed to dial 911 and services tailored for immigrant women.

7. Ensure that staff and volunteers who help immigrants apply for public benefits know the laws that permit and prohibit immigrant victims from using such programs.

- ◆ Help immigrants apply for public benefits for which they are eligible, including battered immigrants who are eligible for relief under VAWA and may be eligible to receive other benefits.

The Role of Law Enforcement Personnel

8. Respond to immigrant victims of sexual assault, dating and domestic violence, and stalking in a linguistically and culturally meaningful manner.

- ◆ Recruit and train personnel with adequate linguistic abilities to ensure that no immigrant victim's safety will be compromised because of language barriers. Use on-call interpreter services as necessary.
- ◆ Never ask the alleged perpetrator of abuse, children, or neighbors to interpret on behalf of an immigrant victim.
- ◆ Develop training programs in collaboration with victim service agencies to educate personnel about the cultural, religious, economic, or immigration issues that may affect immigrant victims' decisions on and reactions to sexual assault, dating and domestic violence, and stalking.

9. Understand the fears that many immigrant victims have regarding police interventions, and develop procedures for mitigating those fears.

- ◆ Understand that immigrant victims of sexual assault, dating and domestic violence, and stalking may fear law enforcement for a variety of reasons.
- ◆ Recognize that perpetrators of violence, as part of a continuing pattern of abuse, may deliberately misinform victims about their rights and responsibilities under U.S. law.

- ◆ Conduct outreach programs in immigrant communities (in cooperation with trusted community programs) to help immigrant victims understand how the police and the law can help them.
- ◆ Carefully consider the consequences that inappropriate arrests may have for immigrant victims. Dual arrest, or arrest of an innocent victim if it leads to a conviction, could make the victim ineligible for immigration relief under VAWA and result in her deportation. When innocent immigrant victims are arrested, they may plead guilty because they need to return home to their children quickly, without understanding the impact a guilty plea may have on their immigration status.

The Role of Court Administrators and Personnel

10. Respond to immigrant victims of sexual assault, dating and domestic violence, and stalking in a linguistically and culturally meaningful manner.

- ◆ Translate relevant court instructional materials, rules, and forms into the languages spoken in the immigrant communities within the judicial district. Provide clerical assistance to pro se litigants in an appropriate language.
- ◆ Improve and expand court translation services, and establish standards of professional practice for court translators.
- ◆ Train judges and court personnel to enrich their understanding of cultural, religious, economic, or immigration issues that may influence immigrant victims of sexual assault, dating and domestic violence, and stalking.

11. Develop protocols to facilitate access to legal justice for immigrant victims.

- ◆ Recognize and respond to fears of deportation, which make battered immigrants afraid to ask for legal help through civil and criminal courts. Inform victims that guidelines clarify that the only agencies affirmatively required to report information about persons they know to be undocumented are state, federal, and local agencies that administer Supplemental Security

Income (SSI), TANF, food stamps, and housing benefits.

12. Employ creative and culturally appropriate remedies when issuing protection and custody orders.

- ◆ Provide creative forms of relief that are consistent with immigrants' cultural norms and religious beliefs.
- ◆ Do not allow perpetrators of violence against immigrants to invoke cultural norms as a justification for violent, abusive, or criminal behavior.

The Role of Attorneys and Victim Advocates

13. Always work with an immigration law specialist when providing assistance to immigrant victims of sexual assault, dating and domestic violence, and stalking.

- ◆ Avoid taking action that might harm an immigrant victim's ability to obtain or maintain lawful immigration status. Be aware that seemingly unrelated issues, such as the contents of a police report, can adversely affect a client's immigration status. Legal advocates, lawyers, or prosecutors should refer immigrant victims to immigration specialists immediately and coordinate their work with that of immigration experts.

14. Understand the impact of criminal convictions on the immigration status of victims and perpetrators.

- ◆ Consider the risks to immigrant victims related to criminal prosecution of perpetrators before commencing criminal proceedings against assailants. Consult victims about the costs and benefits of prosecuting abusers in light of the potential impact on the immigration status of both victim and perpetrator. Understand that conviction of an innocent victim for any criminal offense could prevent her from accessing VAWA immigration relief and could result in her being deported.

15. Respond to immigrant victims of sexual assault, dating and domestic violence, and stalking in a linguistically and culturally meaningful manner.

- ◆ Obtain training to ensure that services provided are responsive to the personal, cultural, and immigration needs of immigrant victims.

Understand the importance of confirming that no cultural norm or religious belief is a justification for violent behavior or for violations of human rights.

Federal Support for Assistance to Immigrant Victims

16. Sponsor training to ensure that the bench and bar, law enforcement, and victim service programs understand VAWA and its impact on immigrant victims of sexual assault, domestic violence, and stalking.

- ◆ Recognize that the complexity of statutes and regulations governing VAWA immigration relief make it crucial for an immigrant victim of sexual assault, domestic violence, or stalking to coordinate work on her immigration application with other legal and economic assistance.

Firearms

Firearms often pose a grave threat to the lives of victims of sexual assault, dating and domestic violence, and stalking. According to Federal Bureau of Investigation (FBI) statistics, women are far more likely to be killed by a spouse, intimate acquaintance, or family member than to be murdered by a stranger,¹⁰ and firearms are the most common weapons males use to murder females. In 1998, for homicides in which the weapon could be identified, 54 percent of female victims (978 out of 1,825) were shot and killed with guns—more than 60 percent by male intimates.¹¹

The federal Gun Control Act of 1968¹² prohibits the sale of firearms to certain enumerated persons.¹³ Congress recognized the danger that firearms pose to victims of domestic violence when it passed four amendments to the Gun Control Act in 1994 and 1996. Section 922(g)(8) of Title 18 prohibits persons subject to qualifying protection orders from shipping or transporting any firearm or ammunition in interstate or foreign commerce, possessing any firearm or ammunition in or affecting commerce, and receiving any firearm or ammunition that has been shipped or transported in interstate or foreign commerce. Section 922(g)(9) of Title 18 imposes the same prohibitions on

anyone who has been convicted in any court of a misdemeanor crime of domestic violence. Related Sections 922(d)(8) and 922(d)(9) prohibit knowingly selling or disposing any firearm or ammunition to persons disqualified under 922(g)(8) or 922(g)(9).

Some state statutes also prohibit the purchase, possession, transfer, or disposal of firearms and ammunition and prohibit the issuance of or provide for the revocation of licenses to purchase, possess, carry, or conceal firearms for cases in which the applicant is the subject of a restraining order. Some state codes give specific direction to law enforcement about affirmative enforcement of these prohibitions. Some state statutes make it a crime to violate a firearms prohibition in a protection order. Other statutes prohibit the possession, purchase, or control of a firearm by persons charged with or convicted of sexual assault, dating or domestic violence, or stalking. Some state criminal codes also contain provisions that require forfeiture of weapons upon conviction of a crime of violence. Some penalize the seller or transferor of a firearm to a person who is the subject of a protection order or convicted of a crime related to violence against women.¹⁴

Enforcement of firearm prohibitions is facilitated by the national background check system or by state background check systems. The Brady Handgun Violence Prevention Act (Brady Act)¹⁵ requires federal firearms licensees (FFLs) to conduct a background check before the sale or transfer of a firearm to determine whether the potential transferee is prohibited under federal law from possessing a firearm. The background check is conducted through the National Instant Criminal Background Check System (NICS); some states conduct the Brady background check through their own system rather than through NICS.¹⁶ About one-half of the states handle all or some of their checks; the rest rely on the federal system.

From November 30, 1998, to November 30, 2000, NICS processed more than 17 million inquiries and prevented more than 300,000 prohibited persons from purchasing firearms from federally licensed

dealers. Domestic violence convictions or restraining order prohibitions accounted for 18 percent of the rejections.

Outlined below are specific actions that state legislators, law enforcement and prosecution personnel, court administrators, departments of public safety personnel, and related professionals can take to end violence against women.

The Role of Legislators

1. Enact codes that prohibit access to and ownership of firearms by perpetrators of sexual assault, dating and domestic violence, and stalking; deny or revoke the firearms licenses of such perpetrators; provide for confiscation of firearms; and penalize perpetrators who fail to comply with state law or court orders on firearms possession.

- ◆ Enact statutes that prohibit convicted dating or domestic violence perpetrators or persons with restraining orders issued against them from possessing firearms.
- ◆ Authorize courts to direct that perpetrators subject to protection orders surrender their firearms, ammunition, and licenses and not possess, exert control over, or acquire other weapons during the duration of any protection order.
- ◆ Enact enforcement codes that instruct law enforcement to seize and retain firearms.

2. Enact codes to establish and enhance state criminal background check systems.

- ◆ Consider including checks of state databases as supplements to NICS background checks.¹⁷

The Role of Law Enforcement and Prosecution Agency Personnel

3. Facilitate enforcement of federal firearms prohibitions related to violence against women.

- ◆ Ensure that all state and local police officers, sheriffs, prosecutors, and trial judges understand federal VAWA firearms prohibitions.
- ◆ Coordinate with the Bureau of Alcohol, Tobacco and Firearms (ATF), the FBI, and the local U.S. Attorney's Office to fully investigate and

consider for prosecution violations of federal domestic violence prohibitions, and train all personnel on relevant protocols and procedures.¹⁸

The Role of Court Staff and Administrators

4. Facilitate enforcement of federal firearms prohibitions related to violence against women.

- ◆ Amend state protection order forms to include the elements that would be required to meet the standard of Title 18 U.S.C. §§ 922(g)(8) and 922(g)(9).
- ◆ Obtain at least one unique identifier for the perpetrator (e.g., date of birth, driver's license number, Social Security number), and include it in the protection order or on a cover sheet.
- ◆ Provide oral notice of 18 U.S.C. §§ 922(g)(8) and 922(g)(9) to parties present at protection order hearings.

5. Order relinquishment of firearms, ammunition, and permits as part of the relief granted in a protection order or as release conditions and terms of probation/parole.¹⁹

- ◆ When the state protection order codes or criminal codes allow it, include this relief—even if a firearm was not used or threatened to be used in stalking or previous sexual assault or dating or domestic violence incidents—in light of evidence that perpetrators of these crimes tend to escalate the violence over time. Removal of firearms also increases the safety of law enforcement officers who must respond to protection order violation calls. Potential loss of a weapon may also serve as a deterrent for some perpetrators.
- ◆ When the state protection order codes do not specifically authorize such relief, use any enabling provisions in the codes to impose firearms limitations on perpetrators.²⁰

6. Develop mechanisms in collaboration with law enforcement and probation to enforce provisions in protection and other court orders that restrict firearm possession or require firearm relinquishment.

- ◆ Issue orders that specify that firearms, ammunition, and licenses or permits are to be surrendered and direct that these items be surrendered

to a named law enforcement agency by a certain date and time, preferably immediately after court proceedings or upon service of a protection order.

- ◆ Ensure daily distribution of orders, firearms face sheets,²¹ and related information by the court to local law enforcement, the statewide protection order registry, and the person responsible for sending protection order information to NCIC.
- ◆ Expedite the execution of warrants to search for and seize weapons when they are not surrendered pursuant to court order. Similarly, issue search and arrest warrants for offenders who do not comply with directives to surrender firearms.
- ◆ Inform judges and prosecutors about compliance with orders at the end of the designated relinquishment date.
- ◆ Ensure that firearms are stored in appropriate, secure locations.²²
- ◆ Develop protocols for ordering the surrender or seizure of all firearms from law enforcement, corrections, probation, and military personnel who have been convicted of a qualifying domestic violence misdemeanor or who are subject to any qualifying protection order.²³
- ◆ Develop protocols for return of firearms when appropriate, and for forfeiture and destruction of unclaimed firearms.

The Role of the State's Attorney General and Public Safety or Police Personnel

7. Promote efforts to remove firearms from violent offenders who are prohibited from access or ownership pursuant to federal or state laws, and enhance the enforcement of federal and state firearms prohibitions related to VAWA.

- ◆ Establish or upgrade the statewide protection order registry to ensure that it includes all of the enforceable protection orders issued in the state.
- ◆ Institute mechanisms for rapid entry of civil and criminal protection orders into the NCIC Protection Order File (POF), as well as state and local registries. Efforts should be undertaken to ensure that all orders comport with POF requirements.²⁴

- ◆ Ensure that the appropriate Brady indicator²⁵ is entered on orders sent to the NCIC POF.²⁶
- ◆ Require that any state criminal background check system be able to identify firearms prohibitions, including protection orders, conditions on release, or terms of probation or parole related to firearms. Where background checking systems are electronic, links should be established with state protection order, bail, and sentencing databases.

Crime Victim Compensation

The losses sustained by victims of violence against women are substantial. If victims are to achieve safety and recover, the range of expenses for which they can be compensated must be expanded. States have begun to enlarge the categories of compensable expenses through state-administered crime victim compensation programs. In a handful of states, domestic violence victims may receive relocation expenses, with one state providing for 3 months of rental costs for dislocated victims. A few states pay for property loss beyond personal medical devices, and others provide compensation for victim pain and suffering.

The Office for Victims of Crime (OVC) within the Office of Justice Programs of the U.S. Department of Justice was formally established by Congress in 1988 through an amendment to the Victims of Crime Act of 1984 (VOCA). OVC administers two major formula grant programs, victim compensation and victim assistance. OVC now disburses grants to every state, the District of Columbia, the U.S. Virgin Islands, and Guam to support victim compensation programs.²⁷

Since 1986, more than \$854 million in compensation funds has been disbursed by state compensation programs. VOCA dollars account for an average of 29 percent of the funding distributed by these state compensation programs. The annual allotment for federal compensation funds has increased 350 percent since the inception of the VOCA program. The two VOCA funding streams

provide significant assistance to victims of sexual assault, domestic violence, and stalking.²⁸ The maximum amount paid to a crime victim varies by state. Most states authorize awards up to \$15,000 or \$25,000, but the median per victim award is approximately \$2,500.²⁹

VOCA victim compensation funds may be used to pay for a victim's medical or dental costs, mental health counseling, funeral and burial costs, and lost wages or loss of support,³⁰ but federal dollars cannot be used to pay for property damage or property losses except for personal medical devices. State grantees may offer compensation for other types of expenses as authorized by statute, rule, or established policy, including necessary living space modifications and equipment to accommodate physical disabilities resulting from a compensable crime. Nonetheless, most victims of sexual assault, domestic violence, and stalking are not able to fully recover the costs or losses sustained from the violence due to eligibility limitations and requirements.

Reimbursement for the cost of forensic examinations of sexual assault victims continues to be an issue of great concern. As documented by The Urban Institute in its 1998, 1999, and 2000 evaluations of the STOP Formula Grant Program, the extent to which states pay for this cost varies widely.³¹ Victims and hospitals or other facilities that perform forensic exams are still likely to be expected to bear the cost of such exams, or face hurdles when they seek reimbursement from police departments, special funds, or, as the payor of last resort, the state compensation program.

Sexual assault victims justifiably fear disclosure of information that may be used against them if they file an insurance claim to cover the cost of the forensic exam. Disclosing to their health insurance providers that they have been sexually assaulted is unacceptable to many survivors of sexual assault. Victims also may not want to reveal the sexual assault to their primary care physicians or have the sexual assault included in medical records. They may fear that their husbands or parents will discover that they have been sexually assaulted or

that persons handling medical claims for employers will not be discreet. They may suspect that insurance databases will reveal victimization to prospective insurance providers, potentially rendering the victim ineligible for insurance or at risk of being charged higher premiums.

A few model programs exist that never track the names of the victims for whom the exams are being paid because the transaction is one solely between the hospital and the program itself. In these cases, the program reimburses the hospital for however many exams are completed, often in a bill for all the exams for a particular month.

In 1998, OVC published a comprehensive plan for improving services and compensation for victims of violent crime; it contains 18 recommendations for upgrading state crime victim compensation programs.³² The recommendations in the plan provide a broader framework for the following recommendations, which relate specifically to the role that victim compensation programs can play in ending violence against women.

The Role of Victim Compensation Program Administrators and Staff

1. Add categories of eligible expenses for which victims may be compensated that meet the compensation needs of abused and stalked women and girls.

- ◆ Expand compensation to include expenses that may be the most critical costs faced by victims, including but not limited to costs for transitional housing, emergency transportation, security mechanisms, childcare, and destroyed necessities (for example, work clothing, schoolbooks, and business equipment).

2. Establish catastrophic injury or permanent disability funds that are available beyond any compensation cap or time limit for preliminary compensation awards.

- ◆ Consider authorizing payment for catastrophic injuries or permanent disability above the cap for regular compensation.
- ◆ Expand the use of supplemental awards to cover expenses incurred after initial awards are made.

3. Cover the costs of forensic medical examinations for sexual assault victims in the absence of other state funds set aside for this purpose, and do not seek recoupment from the public or private health insurance of victims. (Do seek recoupment from any award of civil damages.)

4. Amend program eligibility requirements as necessary in consideration of the fact that victims of sexual assault, domestic violence, and stalking are often reluctant to report crimes to law enforcement and participate in the criminal justice process.

- ◆ Extend deadlines for reporting sexual assault, dating and domestic violence, and stalking to law enforcement or other appropriate agencies.
- ◆ Eliminate the requirement that sexual assault victims report to law enforcement as a condition of eligibility for compensation or assistance, as permitted under revised VOCA guidelines.
- ◆ Expand the types of agencies to which reporting is permissible.

5. Expand the types of victims eligible to receive counseling benefits.

- ◆ Allow children and others who witness violence, but who are not themselves physically abused, to seek compensation for medical, mental health, and counseling services essential for their healing and restoration.

6. Expand the class of eligible providers to include nonclinical providers of counseling and health services for victims of sexual assault, domestic violence, and stalking.

- ◆ Define the class of eligible providers more broadly. Medical, mental health, and other licensed clinical services (i.e., the programs most often eligible) may not in all cases be accessible for or tailored to the specific treatment needs of victims of sexual assault, dating and domestic violence, and stalking. Consider including nontraditional health and counseling programs that provide competent and effective services to victims as eligible providers.
- ◆ Recognize that many victims, particularly those who are not English literate or who are hearing impaired, lesbians, women of color, immigrants, or older women, may prefer the restorative opportunities in alternative programs.

7. Exempt victims from time requirements for filing claims when injuries or losses are not reasonably discovered until after application deadlines or after award periods have expired.

- ◆ Permit extensions or allow claims to be reopened to reimburse eligible expenses up to the maximum state allotments, when injuries are not discovered during the period for application for or payment of compensation awards.

8. Eliminate or narrowly define unjust enrichment.

- ◆ Consider adopting proposed revised victim compensation guidelines that suggest that “states cannot deny compensation to a victim based on the victim’s familial relationship to the offender or because the victim shares a residence with the offender. States must adopt a rule or written policy to avoid unjust enrichment of the offender, but it cannot have the effect of denying compensation to a substantial percentage of victims of violence perpetrated by family members or others with whom the victim shares a residence.”³³

9. Establish and closely monitor guidelines for assessing exclusion criteria that result in denial of benefits to ensure criteria are narrowly tailored.

10. Review the state’s criminal code on stalking and eliminate any program requirement of physical contact or injury for eligibility for compensation when these are not essential elements in the law.

11. Develop and implement strategies to process claims, including emergency awards, expeditiously.

12. Ascertain why victims of sexual assault, domestic violence, and stalking are significantly underrepresented in the class of successful applicants for crime victim compensation. Undertake corrective measures to enhance appropriate disbursements to these victims.

13. Design outreach campaigns to target sexual assault survivors, battered women, and victims of stalking.

- ◆ Develop public education programs about the existence of compensation for victims of crime.
- ◆ Expand vehicles for communication to include faith organizations, local radio talk shows, community cable programming, and women’s and social clubs for diverse groups in the community.

- ◆ Coordinate outreach efforts with crime victim specialists in law enforcement, prosecution, and community-based victim advocacy agencies.

14. Provide training for victim service providers, law enforcement and court personnel, medical providers, and social services professionals on the availability of crime victim compensation, application procedures, and related information.

15. Ensure that all compensation program staff receive training on the prevalence, incidence, and impact of violence against women, the full scope of compensation available, and the availability of related community services.

16. Establish policies and procedures to maintain the privacy of applicants and the confidentiality of their records, addresses, and communications.

- ◆ Prohibit disclosure of program records to other state agencies, law enforcement, courts, perpetrators, their agents, or third parties, except when limited disclosure is required for fiscal audits by the state and VOCA and for appropriate research.

- ◆ Inform applicants about the parameters and limitations of privacy and confidentiality protections.

17. Conduct verification and recoupment processing with the utmost discretion.

- ◆ Conduct inquiries of law enforcement, courts, employers, and insurance carriers without compromising the victim's privacy rights.

Resources

Battered Women's Justice Project—Civil Division Pennsylvania Coalition Against Domestic Violence

6400 Flank Drive, Suite 1300
Harrisburg, PA 17112
Phone: 1-800-903-0111, ext. 2
Fax: 717-671-5542

Web site: www.pcadv.org/projects.html

The Battered Women's Justice Project (BWJP) works with advocates and victim service providers to educate communities about domestic violence and ensure targeted, appropriate responses to cases of domestic violence. BWJP functions through a

partnership of three nationally recognized organizations: the Domestic Abuse Intervention Project, which addresses the criminal justice system's response to domestic violence (including the development of batterer programs); the Pennsylvania Coalition Against Domestic Violence, which addresses civil court access and legal representation issues of battered women; and the National Clearinghouse for the Defense of Battered Women, which addresses issues raised when battered women are accused of committing crimes, including killing an abusive partner.

Bureau of Alcohol, Tobacco and Firearms

650 Massachusetts Avenue NW
Washington, DC 20226

Phone: For information or complaints about federal firearms prohibitions, call 1-800-ATF-GUNS.

Web site: www.atf.treas.gov

The Bureau of Alcohol, Tobacco and Firearms (ATF) is the division of the U.S. Department of the Treasury that is responsible for enforcing federal laws and regulations relating to alcohol, tobacco products, firearms, explosives, and arson.

Family Violence Prevention Fund

383 Rhode Island Street, Suite 304
San Francisco, CA 94103-5133

Phone: 415-252-8900

Fax: 415-252-8991

Web site: www.fvpf.org

The Family Violence Prevention Fund works to end domestic violence and help women and children whose lives are affected by abuse. The Web site offers free online catalogs, articles and information on abuse and violence, press releases and story archives, information on public policy efforts, and other resource materials.

International Association of Chiefs of Police

515 North Washington Street
Alexandria, VA 22314

Phone: 703-836-6767 or 1-800-THE-IACP

Fax: 703-836-4543

Web site: www.theiacp.org

The International Association of Chiefs of Police (IACP) fosters cooperation and the exchange of

information and experience among police administrators throughout the world and advocates high professional standards of police performance and conduct. The IACP Web site provides information on training opportunities, conferences, awards, and campaigns, as well as links to *Police Chief Magazine* and other publications, information on international activities and outreach, and legislative and policy updates.

National Association of Crime Victim Compensation Boards

P.O. Box 16003
Alexandria, VA 22302
Phone: 703-313-9500
Fax: 703-313-0546
E-mail: nacvcb@aol.com

The National Association of Crime Victim Compensation Boards promotes the exchange of information and ideas through a nationwide network of victim compensation programs. The association supports better methods for serving crime victims through training and technical assistance activities that help members establish sound administrative practices, achieve fiscal stability, and engage in effective outreach, communication, and advocacy.

National Center on Full Faith and Credit Pennsylvania Coalition Against Domestic Violence

1601 Connecticut Avenue NW., Suite 701
Washington, DC 20009
Phone: 1-800-256-5883, ext. 2
Fax: 202-265-5083

The National Center on Full Faith and Credit promotes interjurisdictional enforcement of civil and criminal protection orders (per the full faith and credit provision of the Violence Against Women Act of 1994). The project provides ongoing assistance and training on full faith and credit, federal firearms prohibitions, and federal domestic violence and stalking crimes to law enforcement officers, prosecutors, judges, court administrators and other court personnel, private attorneys, victim advocates, and others who work with victims of domestic violence and stalking.

National Immigration Project of the National Lawyers Guild

14 Beacon Street, Suite 602
Boston, MA 02108
Phone: 617-227-9727
Fax: 617-227-5495
Web site: www.nlg.org/nip

The National Immigration Project is a network of legal practitioners who work to end unlawful immigration practices, recognize the contributions of immigrants in this country, promote fair immigration practices, and expand the civil and human rights of all immigrants. Project work groups study immigration issues including border violence, immigrant women, HIV and immigrants, children in detention, incarcerated noncitizen defendants, and ideological visa denials.

National Instant Criminal Background Check System Operations Center

Public Information/Customer Service
Phone: 1-877-444-6427
Web site: www.fbi.gov/hq/cjisd/nics/index.htm

Developed and administered by the Federal Bureau of Investigation, the National Instant Criminal Background Check System (NICS) is a national computerized system that performs background checks on individuals purchasing firearms. State legislation dictates the method and requirements for firearms background checks in each state.

National Sexual Violence Resource Center

123 North Enola Drive
Enola, PA 17025
Phone: 717-909-0710 or 1-877-739-3895
TTY: 717-909-0715
Fax: 717-909-0714
E-mail: resources@nsvrc.org
Web site: www.nsvrc.org

The National Sexual Violence Resource Center (NSVRC) is a clearinghouse for resources and research about all forms of sexual violence and assault. NSVRC works with its partner agency, the University of Pennsylvania, to provide new policies for establishing sexual violence interventions and prevention programs.

Sacred Circle
National Resource Center to End Violence Against Native Women

722 St. Joseph Street
Rapid City, SD 57701
Phone: 605-341-2050 or 1-877-733-7623
Fax: 605-341-2472

Sacred Circle promotes the sovereignty and safety of women and works to change individual and institutional beliefs that oppress Native women.

Stalking Resource Center
National Center for Victims of Crime

2000 M Street, Suite 480
Washington, DC 20036
Phone: 202-467-8700
Fax: 202-467-8701
Web site: www.ncvc.org

The National Center for Victims of Crime's (NCVC's) mission is to help victims of crime and their families rebuild their lives. The Stalking Resource Center provides resources, training, and technical assistance to criminal justice professionals and victim service providers to support locally coordinated, multidisciplinary antistalking approaches and responses.

Endnotes

1. Violence Against Women Office (1995). *Confidentiality of Communications Between Sexual Assault or Domestic Violence Victims and Their Counselors: Findings and Model Legislation*. Washington, DC: U.S. Department of Justice. NCJ 169588. Congress ordered the U.S. Department of Justice (see 42 U.S.C. § 13942) to analyze the justification for keeping confidential the communications between sexual assault or domestic violence counselors and victims. This report is the result of that Congressional mandate.

2. For example, Ala. Code §§ 15-23-40 to -46 (2000); Alaska Stat. §§ 18.66.200–.250 (Michie 2000); Ariz. Rev. Stat. 13-4401, -4430, 8-409 (2000); Cal. Evid. Code §§ 1035–1035.8, 1036, 1036.2, 1037–1037.7 (West 2000); Colo. Rev.

Stat. § 13-90-107 (2000); Conn. Gen. Stat. § 52-146k (2000); D.C. Code Ann. § 7-1201.01 (1999); Fla. Stat. Ann. §§ 90.5035, 5036 (West 1999); Haw. R. Evid. 505.5 (2000); 735 Ill. Comp. Stat. 5/8-802.1, .2 (2000), 750 Ill. Comp. Stat. 60/227, 60/227.1 (2000); Ind. Code §§ 35-37-6-1 to -11 (1999); Iowa Code Ann. § 915.20A (West 1999); Ky. R. Evid. 506; La. Rev. Stat. Ann. § 46:2124.1 (West 2000); Me. Rev. Stat. Ann. 16 tit. §§ 53-A to -C (West 1999); Mass. Gen. Laws Ann. ch. 233, §§ 20J, K (West 2000); Mich. Comp. Laws Ann. § 600.2157a (West 2000); Minn. Stat. Ann. § 595.02(k) (West 2000); Mont. Code Ann. § 26-1-812 (1999); N.H. Rev. Stat. Ann. § 173-C:1–10 (1999); N.J. Stat. Ann. 2A:84A-22.13–.15 (West 2000); N.M. Stat. Ann. 1978 §§ 31-25-1 to -6 (Michie 2000); N.Y. C.P.L.R. 4510 (Consol. 1999); N.D. Cent. Code § 14-07.1–.18 (2000); Okla. Stat. Ann. tit. 43A § 3313 (West 1999); 23 Pa. Cons. Stat. Ann. §§ 6116, 5309 (West 1999); Tenn. Code Ann. § 36-3-623 (1999); Tex. Code Ann. §§ 44.071–.075 (Vernon 2000); Utah Code Ann. §§ 78-3C-1 to -4, -24-8 (1999); Vt. Stat. Ann. tit. 12, § 1614 (2000); Wash. Rev. Code Ann. §§ 70.123.075, 42.17.310, 70.125.065, 5.60.060 (West 2000); W. Va. Code § 48-2C-15 (2000); Wis. Stat. Ann. § 895.67 (West 1999); Wyo. Stat. Ann. § 1-12-116 (Michie 2000).

3. Violence Against Women Office (1995). *Confidentiality of Communications Between Sexual Assault or Domestic Violence Victims and Their Counselors: Findings and Model Legislation*. Washington, DC: U.S. Department of Justice. NCJ 169588. Identifying four elements that are necessary to establish a testimonial privilege, this report concludes that there are persuasive policy arguments supporting the protection of counselor-victim communications.

Citing Wigmore, J.H. (1961). *Evidence in Trials of Common Law* (Vol. VIII §§ 2175–2396). Boston: Little Brown and Co.:

- a. Communications between victims and counselors originate in confidence.
- b. Confidentiality is essential.

- c. Society supports the counselor-victim relationship.
- d. Disclosure injures the counselor-victim relationship more than it benefits litigation.

4. Violence Against Women Office (1995). *Confidentiality of Communications Between Sexual Assault or Domestic Violence Victims and Their Counselors: Findings and Model Legislation*. Washington, DC: U.S. Department of Justice. NCJ 169588. This report presents model confidentiality laws, including one for an absolute privilege and one for a qualified privilege.

5. For example, Cal. Gov't Code §§ 6205 et seq. (2000); Fla. Stat. ch. 741.401 et seq. (1999); 750 Ill. Comp. Stat. 61/1 et seq. (2000); Nev. Rev. Stat. §§ 217.462 et seq. (2000); N.H. Rev. Stat. Ann. §§ 7:41 et seq. (Enacted June 12, 2000); N.J. Stat. Ann. §§ 47:4-2 et seq. (West 2000); R.I. Gen. Laws §§ 17-28-1 et seq. (2000); Vt. Stat. Ann. tit. 15, ch. 21 § 1101–1115 (Act of May 12, 2000); Wash. Rev. Code Ann. §§ 40.24.010 et seq. (West 2000).

6. For further information, see www.ssa.gov.

7. A model confidentiality policy can be obtained from the Battered Women's Justice Project—Civil Division of the Pennsylvania Coalition Against Domestic Violence (1–800–903–0111, ext. 2) and can be found in Field, J.K. (Forthcoming). *The Confidentiality Manual: Protecting Confidentiality of Victim-Counselor Communications*. Harrisburg, PA: Battered Women's Justice Project—Civil Division of the Pennsylvania Coalition Against Domestic Violence.

8. One of these provisions allows a married battered immigrant to apply for lawful permanent residency without the assistance of her spouse if she has been subjected to extreme cruelty by her U.S. citizen or lawful permanent resident husband and is a person of good moral character. This process is called “self-petitioning” and removes the abusive spouse's ability to control his wife's immigration status. Self-petitioning is also available to children abused by their U.S. citizen or lawful

permanent resident parents and to parents of abused children who are not abused themselves.

A second provision, “cancellation of removal” (formerly called “suspension of deportation”), helps women who cannot meet the requirements for self-petitioning. To qualify for cancellation of removal, an applicant must be deportable; must have been battered or subjected to extreme cruelty by a U.S. citizen or lawful permanent resident spouse or parent or must have a child abused by the child's U.S. citizen or lawful permanent resident parent; must have been continuously present in the United States for 3 years; and must be a person of good moral character. Cancellation of removal is one step toward ending the threat of deportation, which many battered immigrant women fear nearly as much as the abuse.

9. The Violence Against Women Act of 2000 extends protections to battered immigrants who divorce their abusers within 2 years of seeking VAWA relief.

10. Violence Policy Center (2000). *When Men Murder Women: An Analysis of 1998 Homicide Data*. Washington, DC: Violence Policy Center. www.vpc.org

11. *Ibid.*

12. See 18 U.S.C. §§ 921–930.

13. Persons to whom firearms may not be sold or otherwise provided are fugitives from justice, unlawful users of any controlled substance, persons under indictment for or convicted of a crime punishable by imprisonment for more than 1 year, persons who have been adjudicated mentally defective or committed to a mental institution, aliens unlawfully in the United States, persons discharged from the Armed Forces under dishonorable conditions, persons who have renounced their U.S. citizenship, persons who have been convicted of misdemeanor domestic violence, or persons subject to a court order restraining them from harassing, stalking, or threatening an intimate partner or child. See 18 U.S.C. § 922(d).

14. Hart, B.J. (1999). Firearms and Protection Order Enforcement: Implications for Full Faith and Credit and Federal Criminal Prosecutions. Lecture presented at the National College of District Attorneys' Annual Domestic Violence Conference, Reno, NV.

15. 18 U.S.C. § 922(t).

16. U.S. General Accounting Office (2000). *Gun Control: Options for Improving the National Instant Criminal Background Check System*. Washington, DC: U.S. General Accounting Office. p. 4 (GGD-00-56). Fifteen states have designated a state agency to conduct background checks on all firearms purchases, and in 24 states, the Federal Bureau of Investigation (FBI) conducts firearms background checks. The 11 remaining states are partial participants; they conduct background checks for handgun purchases, and the FBI conducts checks for long gun purchases.

17. States have the option of designating a state agency to undertake state background checks or to serve as the point of contact to conduct NICS checks. States conducting their own background checks have access to criminal records systems and other databases not available through the NICS system. For example, many protection orders that disqualify persons from possessing or purchasing firearms and ammunition under 18 U.S.C. § 922(g)(8) are not available in the NCIC Protection Order File, due to incompatibilities between state protection order registries and NCIC or the fact that many states do not enter their orders into any database, state or federal. In other states, orders may be rejected by the NCIC system because information in one or more of the required data fields has not been supplied. If the state runs a check of its own databases, including its protection order registry, it is more likely that such a prohibition will be identified.

18. Such protocols should provide specific steps to clarify the roles and responsibilities of each agency. Protocols should address:

- ◆ Circumstances under which local law enforcement should confiscate firearms and hold alleged perpetrators for pickup by ATF.
- ◆ Identification of the agency to which referrals should be made and the point of contact within the appropriate agency.
- ◆ Coordination of prosecution in cases for which both federal and state charges are pursued.
- ◆ Specification of the type and scope of evidence federal prosecutors need to go forward with cases.
- ◆ Cooperation between local victim service specialists and advocates and the victim/witness specialist within the local U.S. Attorney's Office.
- ◆ Appropriate storage of confiscated firearms.
- ◆ Guidelines for victims or advocates for contacting local law enforcement, ATF, or the point of contact within the local U.S. Attorney's Office regarding potential violations of federal laws.

19. Enacting firearms provisions in protection order codes, bail statutes, and sentencing codes or guidelines is only the first step in the process of removing firearms from perpetrators of violence against women. Many states currently allow judges to order the relinquishment of firearms, ammunition, handgun permits, and/or identification cards when issuing protection orders. However, some judges are ambivalent about issuing these orders. Some judges indicate that their reluctance to issue firearms prohibitions is because victims do not want firearms removed, and other judges believe that firearms prohibitions should be extraordinary relief, imposed only when there is a clear and present danger that the firearms will be used against adult victims and children.

20. Many protection order statutes allow judges to exercise broad discretion to order any supplementary relief deemed necessary to prevent future abuse.

21. A firearms face sheet should include the names of persons required to relinquish weapons, the number and description of prohibited weapons, ammunition, licenses or permits, the date and time

by which the items must be surrendered, and the law enforcement agency to which surrender must be made.

22. Law enforcement frequently reports that storage facilities are insufficient for the requirements of these surrender statutes. In one state, the local National Guard offices have agreed to use armories for this purpose. Other creative strategies may have to be explored to accommodate weapons storage.

23. In developing protocols, state and local officials should note that ATF has interpreted the firearms prohibition related to protection orders to create an exemption for law enforcement to apply only for the time personnel are on duty and only for use of service firearms (see 18 U.S.C. § 925(a)(1)). State and local law enforcement may establish personnel guidelines that are more restrictive than federal law.

24. Quality-control checks should be put in place to ensure that the protection order form includes information for all required data fields prior to entry into NCIC. In the case of numeric identifiers, for example, an agency should be designated to search the issuing state's motor vehicle or other records to find an NCIC-compliant number if the petitioner or court is unable to supply one.

25. A "Brady indicator" is a marker within the NICS Protection Order File showing that an individual falls under the category of federally prohibited persons by being the subject of a qualifying order of protection.

26. Currently, entering agencies have the choice of entering "Yes," "No," or "Unknown" to indicate whether an order qualifies under Section 922(g)(8). If nothing is entered, the field will default to "No." If a qualifying order has nothing entered in the Brady indicator field, this could result in the sale of a firearm to a disqualified person, thus placing the victim/petitioner and others in jeopardy. If there is nothing on the face of a protection order to indicate whether it qualifies under Section 922(g)(8), steps should be taken to gather information from the issuing court regarding qualification.

In the absence of such information, "Unknown" should be entered to indicate that this information will require further investigation by the FBI when a NICS check is conducted.

27. Puerto Rico recently set up a compensation program and soon will receive funds also.

28. Newmark, L., Lider, B., Benderman, J., and Smith, B. (2001). *National Evaluation of State VOCA Compensation and Assistance Programs*. Washington, DC: The Urban Institute.

29. Ibid.

30. Compensation programs currently reimburse victims for wages lost due to violence and compensate survivors of homicide victims or drunk driving fatalities for their loss of support. Compensation funds do not pay for the loss of support when the obligor is the perpetrator of sexual assault, dating or domestic violence, or stalking. Thus, if the perpetrator flees or is incarcerated, compensation programs do not pay for lost support due by the perpetrator to the victim.

31. Burt, M.R., Zweig, J.M., Schlichter, K., Kamyra, S., Katz, B.L., Miller, N., Keilitz, S., and Harrell, A.V. (2000). *2000 Report: Evaluation of the STOP Formula Grants to Combat Violence Against Women*. Washington, DC: The Urban Institute.

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32. Office for Victims of Crime (1998). *New Directions From the Field: Victims' Rights and*

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33. Office for Victims of Crime (2000). "Proposed Program Guidelines for the Victims of Crime Act Crime Victim Compensation Grant Program." *Federal Register* (September 20, 2000) 63: pp. 57067–57076. Section IV.B.7. p. 57073. www.access.gpo.gov/su_docs/fedreg/a000920c.html

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What Communities Can Do To Make a Difference

- ◆ **Eliminate the economic crisis that often follows victimization.** Expand emergency financial assistance available to victims of sexual assault, dating and domestic violence, and stalking and their families.
- ◆ **Implement policies and programs that support both the safety and self-sufficiency of welfare clients.** Provide welfare, job training, and employment services that are comprehensive, culturally and linguistically competent, and lead to permanent employment and economic security.
- ◆ **Promote the safe pursuit of child support whenever possible, and consider exemptions from paternity and child support requirements in cases in which risks to the custodial parent or child cannot be overcome.** Design comprehensive strategies that protect victims of sexual assault, domestic violence, and stalking and protect mothers whose children are at risk of physical or sexual abuse.
- ◆ **Increase the responsiveness of housing policies and programs.** Develop comprehensive responses to the housing-related risks facing victims of sexual assault, domestic violence, and stalking.
- ◆ **Increase the availability of job training programs and educational opportunities.** Invest in job training and education programs for survivors of sexual assault and domestic violence.
- ◆ **Enhance the safety and economic security of at-risk families and survivors of abuse.** Support the design, development, evaluation, and replication of community development initiatives, including microenterprise development programs.

Chapter 6

Promoting Women's Economic Security

Violence against women raises complex economic issues for individual women and their children and for the entire nation.

Regardless of their prior economic circumstances, many women are placed at financial risk or are impoverished after being sexually assaulted, battered, or stalked. Data from the National Crime Victimization Survey for 1992 through 1996 indicate that during each of these years, more than 42,400 women were sexually assaulted while they were working or on duty.¹ Regardless of whether sexual assault occurs in or out of the workplace, it can impair an employee's work performance, require her to take time away from work, and undermine her professional life. Young women fleeing child sexual abuse may drop out of school with limited job skills, lack any source of income, and become homeless. Mental health services that assist adult women in recovering from the trauma of child sexual abuse or severe abuse as an adult are often not available, not routinely covered by health insurance plans, or too expensive.

Batterers frequently control their partners by limiting their partner's access to cash, checking accounts, and transportation and by sabotaging their educational, job training, and employment opportunities.² Some abusers purposefully damage their partner's credit, which affects the partner's ability to secure housing and other economic resources. Some victims of sexual assault and domestic violence become economically vulnerable due to liability for property damage or because of medical and legal fees; others lose insurance coverage, housing, or childcare as a result of a

perpetrator's violence. The scarcity of safe, affordable housing for victims undermines the efforts of many survivors of sexual assault, domestic violence, and stalking to get away from perpetrators of violence and find safety.

Over the past several decades, welfare and other government benefits—including subsidized housing programs—have provided financial assistance and other economic supports to adult survivors of child sexual abuse and countless battered and abused women. Assistance programs must consider the safety needs of survivors of sexual and domestic violence, particularly those from poor and economically at-risk families, to avoid endangering lives or limiting the ability of survivors to escape from abusive partners, other abusive family members, or unsafe neighborhoods.

Economic security is the availability of a steady and reliable source of income to sustain daily living for oneself and one's family and to allow planning for the future. To increase economic security for victims of sexual assault, dating and domestic violence, and stalking, a coordinated, interdisciplinary, and multilevel response is required. For more women to be free from the constraints of violence, access to real economic options must be available. Such options include affordable and safe housing and childcare, adequate employment opportunities, financial assistance when necessary, and comprehensive, affordable health services (including mental health services).

Secure the Economic Safety Net: The Need for Community Action

Battered women and sexual assault victims have demonstrated remarkable courage and resilience in the face of violence. Many women have been able to rely on family, friends, neighbors, coworkers, or members of their faith community for the necessary support to survive. Others have received assistance from community programs that have helped them recover and find safety. For some women, however, the physical and emotional trauma of sexual assault or dating or domestic violence, either as children or adults, is debilitating and longlasting, interfering with education and employment throughout their lives, as well as daily living. For too many women and their children, sexual assault and domestic violence cause, exacerbate, or prolong poverty and homelessness.

Research and practice have shown that violence against women occurs in all social groups regardless of age, race, ethnicity, sexual orientation, or economic circumstances. However, the intersection of poverty, welfare, and violence against women is particularly important. Most single mothers live below or close to the poverty level. It is estimated that between 9 and 23 percent of current welfare recipients have experienced domestic violence in the past 12 months, with upwards of 70 percent reporting abuse in their lifetime.³ In one study involving public assistance recipients, 20 percent of the women surveyed reported being sexually abused as children and 18 percent reported being physically and sexually abused while growing up. Significant numbers of adolescents who become pregnant report being sexually abused as children.⁴

In 1996, Congress adopted the Personal Responsibility and Work Opportunity Reconciliation Act. The new law replaced the Aid to Families With Dependent Children program with the Temporary Assistance to Needy Families (TANF) program and made profound changes to this nation's welfare system. TANF funds are tied to a new 5-year

limit on federal welfare benefits, tougher work requirements, stricter child support cooperation provisions, and increased pressure on states to reduce overall welfare caseloads. Many states adopted even shorter lifetime limits on welfare receipt or requirements for recipients to stop receiving benefits for a period of time before they are eligible to reapply. The new federal welfare rules also allow states to voluntarily adopt a Family Violence Option under which greater flexibility and protections can be offered to individual welfare recipients who will be endangered by the new provisions.⁵ Many states, however, have been slow to put in place the policies, procedures, and training necessary to support women and children most at risk.⁶

A large number of battered women are interested in establishing paternity and pursuing child support if they can do so safely.⁷ They recognize that time-limited welfare benefits or the wages from a low-paying job will not be adequate to support their families. Other women, including some battered women and the mothers of sexually or physically abused children, justifiably fear that paternity and child support actions will renew violence if they alert the abuser to the victim's location, precipitate contact between the abuser and victim, and/or result in custody or visitation arrangements dangerous to the mother or child. Flexible responses are needed to help custodial parents safely pursue child support whenever possible and to protect them when child support actions would place the mother or child at risk.⁸

Another safety net issue is insurance discrimination. Although many states have adopted legislation to prohibit insurance discrimination against victims of domestic violence and, less frequently, victims of sexual assault, such efforts have not reached all states and territories, leaving many women unprotected. Insurance practices may unfairly deny or limit these victims' access to insurance or result in higher premiums or exclusions. These practices penalize and discourage victims from seeking necessary medical and criminal justice services for fear that information contained in their court or medical records will be used

against them by insurance companies. They also deter victims from filing necessary and rightful insurance claims.

Ensuring that a safety net remains in place for all women who seek escape from violence requires coordinated attention to a wide range of policy and practice issues: welfare and other public benefits programs, child support, childcare, transportation, and insurance.

Enhance All Women's Access to Safe and Affordable Housing

Without adequate housing options, women often cannot leave an abusive relationship or unsafe neighborhood. Victims of sexual assault or stalking by strangers or relatives other than an intimate partner may not qualify for emergency shelter, housing subsidy programs, or transitional housing programs designed specifically for victims of abuse by an intimate partner. Teenage girls who flee child sexual abuse at home or violence in their dating relationships often are turned away from homeless and domestic violence shelters due to their status as minors. Many battered women's shelters and other emergency housing programs limit residents' stays to only 30 or 60 days because of high demand and funding restrictions. Women with a substance abuse problem—a problem often directly related to their victimization—have even fewer options. As a result, these women often find themselves homeless or in inadequate, unsafe, or unstable housing conditions.

A significant number of homeless women have histories of child sexual abuse⁹ or domestic violence.¹⁰ Recent research shows that women who live in public housing face high rates of violence, particularly by people they know.¹¹ In addition to these pressures, recent changes in public housing policy and programs may place some women dependent on such housing at additional risk.

This nation is experiencing record-low vacancy rates and rents that are rising at twice the rate of inflation. More than 5 million families pay more

than 50 percent of their incomes in rent.¹² The wait for a public housing unit can exceed 2 years. The shortage of affordable housing is particularly challenging to women survivors of violence who are older and live on fixed incomes, single women with children, women of color who also face racial discrimination, and women with low or no incomes.

Communities are urged to place a priority on creating affordable housing units and upgrading the existing public housing stock. Economic incentives can be employed to encourage private housing management companies and public housing authorities to offer safe and affordable housing to victims of sexual assault, domestic violence, and stalking.

Invest in Women's Safety and Economic Security: Job Training, Education, Employment, and Government Benefits

Efforts to ensure equal employment opportunities, job security, and real economic options for all women will increase a woman's ability to leave an abusive relationship and unsafe living conditions. Many survivors of violence risk losing their jobs when they take time off from work to go to court, move out of a dangerous home, or seek medical, mental health, or advocacy services. In most states, if a person voluntarily leaves a job for reasons unrelated to the job, that person is disqualified from receiving unemployment insurance. Workplace policies and government benefits programs, such as unemployment and worker's compensation and family and medical leave, can be better structured to respond to the safety and economic security needs of survivors of sexual assault and domestic violence.

Over the past 50 years, women's enrollment in higher education programs has increased dramatically. Women now account for more than one-half of all undergraduate students, although women continue to earn fewer graduate and postgraduate

degrees. Studies have found that postsecondary education increases women's income, improves their self-esteem, increases their children's educational ambitions, and has a dramatic impact on their quality of life.¹³ Research also shows that women with college and advanced degrees spend less time on welfare and earn more than women with a high school education or less.¹⁴ To support women's long-term economic security, educational opportunities must be enhanced at multiple levels, including increasing opportunities to earn a general equivalency diploma (GED), enroll in literacy programs, and obtain a higher education. Educational programs should be structured to take into account those students whose histories of child sexual abuse or sexual, dating, or domestic violence as an adult has affected their educational attainment.

Long-term economic security is particularly crucial for older women who are victimized by physical and sexual violence. Because women in later life may be unemployed, facing discrimination in employment, or living on fixed incomes, public policies that specifically improve older women's economic security are needed.

Outlined below are specific actions communities can take to promote women's economic security and play a role in ending violence against women. Community members who will want to consider these recommendations include community social service agencies, welfare and child support agencies, state victim compensation programs, and sexual assault and domestic violence programs; businesses and trade associations involved in security and communications, such as home security companies, cellular phone companies, and locksmiths; national, state, and county bar associations, law school clinics, state judicial systems, and lawyer's organizations; credit reporting agencies and consumer groups; state and local law enforcement agencies and state victim compensation programs; state and local government and childcare provider networks; insurance industry associations and insurance companies; public and private housing agencies; and public and private employers, institutions of higher education, job training and employment programs, and advocacy groups.

Secure the Economic Safety Net for Victims of Violence Against Women

1. Eliminate the economic crisis facing many victims of sexual assault, domestic violence, and stalking by designing and implementing programs to provide stability to victims and their families immediately following victimization.

- ◆ Create or expand emergency assistance programs to provide funds for mortgage, security, or rent payments for victims forced to relocate; repairs and maintenance of property damaged during an attack (including the replacement of phones and clothes or equipment required for work); the installation of security systems; and other expenses associated with the recent victimization.
- ◆ Widely publicize that these funds are available and ensure that they can be easily and quickly obtained through multiple access points.
- ◆ Ensure that survivors of violence have routine access to safe and reliable transportation to assist them in relocating and obtaining medical and mental health care, justice system protections, sexual assault and domestic violence services, and other assistance available in the community. To respond to the crisis needs of victims, consider providing grants or low-cost loans to be used for car repair or purchase, bus or subway passes, or the development or expansion of special transportation.
- ◆ Create and adequately fund emergency childcare and respite care programs that support the survivors' ability to pursue court protections, secure other emergency services, and stabilize their families after victimization. Situate these programs in places that are accessible to necessary crisis intervention and protective services, such as in courthouses, social services agencies, sexual assault and domestic violence crisis agencies, and medical and counseling programs.
- ◆ Provide emergency sexual assault and domestic violence program services without restriction to "nonqualified aliens" per order of the U.S. Attorney General (Attorney General Order Number 2049-96, U.S. Department of Justice), and work with immigrant and refugee rights

organizations to raise awareness of this policy within immigrant and refugee communities.

- ◆ Authorize state compensation funds to cover expenses related to the emergency housing, transportation, relocation, childcare, and security requirements of abused and stalked adults and to cover gaps in worker's compensation coverage for otherwise eligible victims of sexual assault, domestic violence, and stalking.
- ◆ Consolidate and make readily available information on financial assistance, housing, health care, and other benefits available to seniors, and expand advocacy and services networks.

2. Donate security and communications services or underwrite the costs of security-enhancing products and services for women requesting such assistance through community-based programs or the courts.

- ◆ Increase the number of programs that provide cell phones or e-mail accounts and cover the costs of phone installation or monthly service charges for women in ongoing danger. Provide women needing to relocate or engage in job searches with safe and private access to those accounts.

3. Provide incentives, including technical assistance, for private law firms and individual attorneys to offer free, low-cost, or sliding scale representation for women survivors of sexual harassment, sexual assault, and dating and domestic violence.

- ◆ Increase the availability of representation in all areas of civil law, including divorce, child custody, public benefits, property/real estate, and landlord/tenant disputes, and help women explore the feasibility of filing personal injury suits against perpetrators.

4. Design and implement credit policies and programs to help women survivors recover from damage to their credit caused by an abuser, establish or reestablish credit in their own names, and protect themselves against future economic abuse.

- ◆ Protect privacy and confidentiality interests of survivors in all policies and programs.

5. Explore ways to fully cover the costs of forensic medical exams for sexual assault victims without seeking reimbursement from the victim or from any public or private health insurance under which she might otherwise be covered, and without requiring the victim to report the crime to any public or private health insurance plans.

- ◆ Consider earmarking state, county, and local law enforcement funds; designating fees and fines; or modifying state victim compensation program policies and funding priorities to ensure coverage of forensic medical exam costs.

For related recommendations, see Toolkit chapter "Improving the Justice System Response."

6. Design and implement welfare policies and practices that enhance both safety and self-sufficiency for all welfare clients, including victims of sexual assault, dating and domestic violence, and stalking.

- ◆ Develop and implement welfare policies and practices that provide for the following:
 - Clear and multilingual notices that fully describe welfare and child support program services and requirements, any temporary relief from program requirements that is available, the process to access such programs and relief, and any rights to appeal adverse decisions.
 - Informed, confidential, and voluntary disclosures of past or current sexual, dating, or domestic violence by applicants and recipients.
 - Individualized assessments by trained staff of a client's support needs and any barriers to participation in training or employment activities, including past or current abuse.
 - Referrals to sexual assault and domestic violence victim services.
 - Referrals to other support services, including substance abuse and mental health services as appropriate, without being inappropriately classified as mentally disabled.
 - Flexible, individualized, and culturally and linguistically competent responses to the

safety and support needs of each applicant or recipient.

- When appropriate, temporary waivers, exemptions or extensions from work, time limits, child support cooperation, or other requirements as allowed under the Family Violence Option and other provisions.
 - Face-to-face presanction screenings to determine when noncompliance with requirements is related to sexual abuse or dating or domestic violence and a plan to respond if disclosure of abuse occurs during the assessment process.
 - Assurances that the confidentiality of information provided on abuse and all records containing such information is safeguarded.
- ◆ Provide public assistance to otherwise eligible immigrants, refugees, and persons seeking asylum who are survivors of sexual assault, dating and domestic violence, and stalking regardless of their legal status.
- Ensure the ongoing availability of benefits necessary to protect life and provide safety, such as emergency shelter, food assistance, and crisis counseling, to immigrants regardless of their immigrant status.
 - Note that battered immigrants who are eligible for relief under the Violence Against Women Act (VAWA) and refugees and persons seeking asylum also may be eligible to receive public assistance.
- ◆ Provide multilevel training to welfare intake staff, caseworkers, and supervisors, including
- Basic training for all agency personnel on violence against women and its implications for families seeking welfare benefits.
 - Advanced training for caseworkers and supervisors on the state's policies and procedures and other related responses to violence against women.
 - Periodic inservice training on new research and program developments, including policy revisions.

- ◆ Provide training for all employment, training, and welfare-to-work placement staff and contractors.
 - Incorporate information about violence against women, including child sexual abuse, and its impact on women's employment and the types of educational, employment, mental health services, and/or protections some women will need to move safely from welfare to work and to sustain employment.
- ◆ Develop formal memorandums of understandings or other agreements between public welfare, employment, and training agencies and sexual assault and domestic violence victim advocacy programs.
 - Define how referrals of welfare applicants and recipients will occur, the specific services and support available from each agency for survivors of abuse, and how ongoing communication and collaboration will be structured.
 - Develop similar agreements between welfare-to-work agencies and substance abuse and mental health and other social service agencies to ensure that a comprehensive network of services and supports is available.
- ◆ Where available, use TANF surpluses, current TANF block grant funds, and state Maintenance of Effort (MOE) and welfare-to-work dollars to expand the services available to victims of sexual assault, dating and domestic violence, and stalking.
 - Expand the availability of sexual assault and domestic violence services and mental health and substance abuse services responsive to victims of sexual assault and dating and domestic violence, including adult survivors of child sexual abuse who are applying for or receiving public benefits.
 - Where allowed, use such funds to expand training and cross training of welfare and child support staff, employment and training personnel, and sexual assault and domestic violence program staff.

7. Help custodial parents to safely establish paternity and pursue child support whenever possible, and provide exemptions from paternity and child support requirements only when the safety risks to custodial parents or children cannot be overcome.

- ◆ Develop and disseminate clear and multilingual materials that explain how the child support system works, including the court’s role in the process and the protections available to custodial or noncustodial parents who are themselves at risk or whose children are at risk.
- ◆ Protect the confidentiality of at-risk custodial parents or their children, including the use of flags in case files and registries, and minimize or eliminate any face-to-face contact between the abuser and victim.
- ◆ Train all child support, welfare, court, and paternity establishment program personnel who will come into contact with survivors of sexual assault, domestic violence, and stalking to identify and discuss child support issues with custodial and noncustodial parents who are victims of abuse and interact effectively with abusers.
- ◆ Colocate welfare and child support staff, where appropriate, and form joint working groups to develop and implement policies and protocols that address safety concerns.
- ◆ During civil or criminal protection order proceedings, inform victims if and how temporary or permanent child support orders or other orders for payment of household expenses can be included in *ex parte* (without notice to the other party) or temporary orders and final orders.
- ◆ Explore mechanisms to address child support, safety, and advocacy issues within the context of domestic violence court proceedings, particularly protection order hearings, and other civil and criminal proceedings in which domestic violence or child abuse concerns have been raised.
- ◆ Implement statewide Address Confidentiality Programs to enable survivors to receive child support and other public benefits without disclosing their home or work addresses or the location of their children.¹⁵

- ◆ Train all matrimonial, family, and surrogate court judges on the issues of sexual assault, domestic violence, and stalking and their relationship to divorce, custody, and visitation agreements.

8. Communicate options for safe, affordable childcare available in the community to victims of domestic violence.

- ◆ Develop and implement policies and procedures responsive to the safety interests of women and children.
- ◆ Train childcare and early childhood program workers to recognize possible exposure of children to sexual assault or domestic violence, and make appropriate referrals to services for both mothers and children.

For related recommendations, see Toolkit chapter “Early Intervention and Prevention with Children and Youth.”

Enhance All Women’s Access to Safe and Affordable Housing

9. Review and modify, as necessary, existing housing policies and programs to increase their responsiveness to the needs of women who have experienced or are at risk of violence.

- ◆ Collaboratively develop and use tools to assess the impact of current and future national, state, and local housing policies and programs on women’s short- and long-term safety and housing needs. Modify policies and practices determined to place women in danger or at risk of homelessness.
- ◆ Continue to identify how the crime prevention policies of the public housing authority enhance or compromise housing-related safety for survivors, and implement solutions to the problems identified in policy and practice. Of particular concern are crime reduction policies that expose a victim to the risk of eviction because her partner or ex-partner is violent, has caused property damage, has threatened other tenants, or has violated family one-strike policies.

- ◆ Design and implement procedures to ensure that victims of sexual assault, dating or domestic violence, or stalking who need to transfer between public housing units for safety reasons can do so in a timely fashion.
- ◆ Design and implement policies to ensure that sexual assault or domestic violence victims who hold joint Section 8 certificates with an abusive family or household member are able to keep the Section 8 certificate if they choose to vacate their apartment for safety reasons.
- ◆ Identify and implement strategies to ensure that all women with Section 8 certificates have information about and access to sexual assault and domestic violence services.
- ◆ Identify and remove barriers that may discourage residents from seeking help concerning violence against women. Of particular concern in the course of seeking help are the handling of disclosures that might represent violations of tenancy agreements (for example, information about a batterer's presence in the apartment) and concerns about confidentiality.

10. Review and modify national, state, and local housing policy, and explore funding opportunities to increase women's access to safe and affordable housing.

- ◆ Prioritize local housing development policies that support the creation of affordable housing units. Include nonprofit and for-profit developers, investors, and lenders in collaborative efforts with community advocates to ensure that local housing needs are met, especially in suburban communities with high housing costs and few rental units.
- ◆ Encourage commitments to maintain and expand the number of available affordable housing units to upgrade existing public housing stock.
- ◆ Implement fair housing laws and regulations to specifically protect housing subsidy recipients from discrimination based on their source of income.
- ◆ Explore the use of TANF surpluses, current TANF block grant funds, state MOE, and

welfare-to-work dollars to expand the availability of housing to victims of sexual assault, domestic violence, and stalking.

11. Incorporate women's safety and security in the design, development, management, inspection, and financing of public and private housing.

- ◆ Explore economic incentives such as federal loan requirements, tax policies, and subsidies to encourage private housing management companies and public housing authorities to develop emergency, short-term, transitional, and long-term housing for women survivors of sexual assault and domestic violence.
- ◆ Adopt and enforce housing codes and regulations that provide minimum safety standards for all residential properties, including lighted walkways, secure doors and entrances, and working pay phones. For larger properties, include emergency call boxes and screen security officers and all onsite personnel to see if they have a history of violent behavior. Ensure that shared laundry facilities or other service areas are well lit and secure.
- ◆ Vigorously enforce city ordinances that protect tenants of both residential and commercial property from sexual assault or abuse by landlords and other housing personnel. Provide safe ways for tenants to report abusive managers to landlords.
- ◆ Require landlords to be diligent in ensuring the safety of all tenants.
- ◆ Educate local government authorities about sexual assault, dating and domestic violence, and stalking and the need for safe, affordable housing for victims.

12. Collaboratively develop and implement training and technical assistance programs specific to violence against women for federal, state, and local housing agencies, campus housing programs, and nonprofit and community-based organizations.

- ◆ Design and implement cross-training programs that address violence against women and the housing, safety, and service issues that arise from such violence.

- ◆ Ensure that law school courses and continuing education courses on housing law, including fair housing and landlord-tenant law, incorporate information about sexual assault and dating and domestic violence.

Enhance Job Training, Education, and Employment for Women

13. Expand efforts to ensure a safe work environment for all employees, including job protection for victims of sexual assault and domestic violence who are temporarily unable to work or work full time.

14. Provide unemployment benefits, worker's compensation, and family and medical leave that are responsive to the needs of survivors of sexual assault, domestic violence, and stalking.

- ◆ Consider providing worker's compensation benefits to employees who are assaulted or harassed in the workplace or during work-related activities and incur medical or mental health costs as a result of the abuse.
- ◆ Encourage the use of state Family and Medical Leave laws to allow victims of sexual assault, domestic violence, and stalking or their family members to use leave to address issues related to their victimization.
- ◆ Ensure that disclosure of a history of sexual assault, dating or domestic violence, or stalking shall not be adequate cause for failure to hire, promote, or terminate an employee.

15. Ensure that the design and implementation of Welfare-to-Work and related job-training programs are responsive to both the safety and self-sufficiency needs of victims of violence.

- ◆ Include related training information on how current or past sexual or physical abuse might affect a trainee's participation and success, and appropriate responses to disclosures of child sexual abuse, or current or past adult sexual assault, dating or domestic violence, or stalking.
- ◆ Implement workplace safety policies and practices to protect participants in job training programs from stalkers, abusive partners, and other trainees.

For related recommendations, see Toolkit chapter "Promoting Safety and Nonviolence in the Workplace."

16. Provide increased resources to develop job training programs for women survivors of violence and increase the range of women's educational opportunities and access to them.

- ◆ Foster and support collaboration between educational institutions (e.g., literacy and GED programs, vocational schools, community colleges, other colleges and universities, and adult education programs) and sexual assault and domestic violence programs.
- ◆ Increase access to safe, affordable, and accessible childcare and access to transportation for student victims of violence against women.
- ◆ Widely disseminate information about college options, application and selection processes, career mapping, and distance learning opportunities. Ensure that financial aid information is user-friendly.
- ◆ Encourage girls and young women to participate in nontraditional studies and work, particularly in math, the sciences, computer science, information technology, and the trades.

17. Expand the capacity of sexual assault and domestic violence programs to help women achieve greater economic independence.

- ◆ Through targeted funding, training, and technical assistance, increase the ability of advocates to build effective partnerships with training and employment programs, and provide direct assistance to women seeking to set and achieve their education and employment goals.

18. Design community economic development programs that support women's safety, economic self-sufficiency, and long-term economic security.

- ◆ Dedicate funds to support the design, development, evaluation, and replication of community development initiatives, including microenterprise development programs, that enhance the safety and economic security of survivors of abuse and at-risk families.

Resources

Center for Impact Research (formerly the Taylor Institute)

926 North Wolcott
Chicago, IL 60622
Phone: 773-342-0630
Fax: 773-342-5918
Web site: www.impactresearch.org

The Center for Impact Research (CIR) works toward the elimination of poverty through grassroots research and poverty solutions crafted in collaboration with low-income persons, community-based organizations, and governmental agencies. CIR's publications include several documents addressing the relationship between poverty and domestic violence as well as a newsletter that covers developments in the field.

Center for Law and Social Policy

1616 P Street NW., Suite 150
Washington, DC 20036
Phone: 202-328-5140
Fax: 202-328-5195
Web site: www.clasp.org

The Center for Law and Social Policy (CLASP) focuses on increasing economic security for poor families with children and securing access to the civil justice system. CLASP efforts include policy advocacy, policy research, technical assistance, preparation of manuals and guides, training, conferences, and publications.

Commission on Domestic Violence—Law School Initiative Project

American Bar Association
740 15th Street NW.
Washington, DC 20005-1022
Phone: 202-662-8637
Fax: 202-662-1594
Web site: www.abanet.org/domviol

This American Bar Association Web page provides online links and resources for people who need counseling following a domestic violence incident and people who are searching for publications about violence against women.

National Resource Center on Domestic Violence

6400 Flank Drive, Suite 1300
Harrisburg, PA 17112
Phone: 1-800-537-2238
TTY: 1-800-553-2508
Fax: 717-545-9456

The National Resource Center on Domestic Violence (NRC) is a valuable source for information, training, and technical assistance regarding domestic violence issues. NRC also is a clearinghouse for resources and statistics that may be used to enhance policies and publications that are in research stages.

National Sexual Violence Resource Center

123 North Enola Drive
Enola, PA 17025
Phone: 1-877-739-3895
TTY: 717-909-0715
Fax: 717-909-0714
Web site: www.nsvrc.org

The National Sexual Violence Resource Center (NSVRC) is a clearinghouse for resources and research about all forms of sexual violence and assault. NSVRC works with its partner agency, the University of Pennsylvania, to provide new policies for establishing sexual violence interventions and prevention programs.

Violence Against Women Online Resources

Web site: www.vaw.umn.edu

This Web site provides up-to-date information on interventions to stop violence against women for professionals in the fields of law, criminal justice, advocacy, and social service.

Welfare Information Network

Web site: www.welfareinfo.org

This Web site is a clearinghouse for information resources, policy analysis, and technical assistance on welfare reform.

YWCA of the U.S.A.

350 Fifth Avenue, Third Floor
New York, NY 10118
Phone: 212-273-7800
Web site: www.ywca.org

YWCA's mission—to empower women and girls and eliminate racism—is the guiding principle for all YWCA child care, shelter, health, fitness, and social justice programs. YWCA is a leader in violence prevention; provides shelter and child care services; offers employment training and placement; oversees sports and physical fitness programs for women and girls; provides breast cancer referrals, screenings, and education services; and is a pioneer in the fight for social justice.

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What College and University Campuses Can Do To Make a Difference

- ◆ **Institutionalize a campuswide response to violence against women.** Develop policies to guide responses to sexual assault, dating and domestic violence, and stalking, and provide information concerning student rights and responsibilities.
- ◆ **Create an interdisciplinary task force to address violence against women.** Secure representation from the administration, faculty, students, campus security, and local victim advocacy programs to ensure a comprehensive approach to addressing campus violence. Expand participation as appropriate.
- ◆ **Establish a fair campus adjudication process.** Educate adjudication boards and assess current procedures for attention to victims' rights, safety concerns, and fears of participating in the campus judicial process.
- ◆ **Administer sanctions for perpetrators that convey the seriousness of the offense.** Publicize sanctions to communicate the unacceptability of violence against women and consistently enforce sanctions to ensure offender accountability and victim and community safety.
- ◆ **Invest in comprehensive and accessible on-campus and community services to victims.** Tailor victim services to address victims' need for advocacy from campus personnel and counseling support services.
- ◆ **Provide training on violence against women for all campus law enforcement.** Develop campus police investigation skills to build cases that corroborate or eliminate the need for victim testimony.
- ◆ **Form partnerships with local victim service programs and criminal justice agencies.** Design collaborative programs to enhance responses to violence against women on campus.
- ◆ **Highlight men's ability and responsibility to prevent violence against women.** Provide male students with information on the prevalence and unacceptability of acquaintance rape and other forms of violence against women on college campuses and the situations and circumstances that foster nonconsensual sexual conduct.
- ◆ **Enlist men in education efforts.** Urge men to organize other men in antiviolence efforts and teach them to encourage innocent bystanders to intervene safely to support victims.
- ◆ **Participate in full disclosure of campus crime data reports.** Fully comply with provisions of the Campus Security Act.

Chapter 7

Promoting Safety and Nonviolence on College and University Campuses

College and university campuses traditionally have provided a special environment in which young people can explore new ideas and learn about the world. One of the most important lessons that institutions of higher education can communicate to all students is that violence against women will not be tolerated. Creating a safe and supportive campus community is both an obligation and a challenge for college and university administrators, faculty and staff, other campus personnel, and students.

Sexual assault, dating and domestic violence, and stalking are serious problems on college and university campuses. College-age women are at high risk for all forms of violence against women. More than one-half of all stalking victims are between 18 and 29 years old¹ and the highest rate of intimate partner violence is among women ages 16 to 24.² Sexual assault is the second most common violent crime committed on college campuses; most perpetrators are students known by the victim. One-half of these sexual assaults occur in the victim's residence and an additional one-third take place in off-campus student housing such as fraternities.³ While current national attention focuses on the use of "rape drugs" to facilitate sexual assault, alcohol continues to play an important role in campus-related assaults.⁴ Excessive use of alcohol on college campuses has also been linked to increased risk of violence against women, although alcohol use is not the cause of sexual assault, domestic violence, or stalking.⁵ Although not the focus of this discussion, sexual harassment, a serious form of sex discrimination that can include sexual assault, remains a significant problem within college campus environments.

Sexual assault and other forms of violence against women in the general population are known to be seriously underreported, indicating that the problem is even more acute than available data suggest. This may be particularly true for violence against women on college and university campuses, with an estimated 81 percent of on-campus and 84 percent of off-campus sexual assaults not reported to the police.⁶ And unlike their counterparts in the larger community, women students victimized by other students often face challenges specific to a "closed" campus environment. Given the unique and progressive nature of many stalking cases, student victims are often unaware or unsure when they are being stalked or they may have difficulty convincing others that there is a problem. The stalker may have seemingly "legitimate" reasons for remaining in contact with or in proximity to the victim in class, the dining hall, or the library. Victims of sexual assault or dating violence may continue to encounter their assailants in residence halls or at campus events. Even changing one's living arrangements or class schedule may not eliminate the threat or additional trauma caused by ongoing contact.

In response to these disturbing realities, an increasing number of residential and community colleges are implementing campuswide responses to violence against women designed to coordinate victim services, campus law enforcement, health services, campus housing, student organizations, and disciplinary boards. Education and prevention initiatives that shift norms, attitudes, and beliefs about violence against women are also critical components of a comprehensive strategy, as are capital improvements and risk reduction efforts.

Effective intervention and prevention programs stress perpetrator accountability for sexual and physical violence; call attention to bystander behavior; highlight the prevalence and impact of acquaintance rape, dating and domestic violence, and stalking; and clearly define the role that campus communities can play in ending violence against women.

While sexual assault, dating and domestic violence, and stalking have implications for campus and student life, they often involve criminal acts that also necessitate the involvement of the criminal justice system. Campus adjudication procedures are critical for increasing the safety and security of women on campus but cannot substitute for criminal investigation or prosecution. Effective campus adjudication procedures complement other legal system processes. Ideally both options will be available to victims of sexual assault, dating or domestic violence, or stalking. The most successful responses link campus efforts with local criminal justice agencies and community-based sexual assault and domestic violence programs.

The federal Campus Security Act provides important guidelines for collecting and reporting data on campus sexual assaults. Title IX of the Education Amendments of 1972 provisions offer guidance and mandates related to preventing, redressing, and eliminating sexual harassment by students or school employees. Campus communities can influence large-scale social change by fully complying with the Campus Security Act and Title IX, adopting comprehensive policies that treat violence against women as serious offenses, and developing interventions that prioritize victim safety, offender accountability, and prevention. Failure to address violence against women on college campuses may not only result in institutional liability but also send the dangerous message that certain forms of violence are not serious and, therefore, are acceptable.

Outlined below are specific actions that institutions of higher education, college administrators and staff, student organizations, on-campus and off-campus law enforcement agencies and victim

service providers, adjudication board members, victim advocates, and related organizations can take to promote safety and nonviolence on their campuses.

A Safe and Supportive Campus Community

Enhance Women's Safety and Well-Being on Campus

1. Establish an interdisciplinary, campuswide violence against women task force to develop policies and oversee antiviolence efforts, including the periodic evaluation of those efforts.

- ◆ Secure representation from every sector of campus life, including administrators, health care and mental health professionals, faculty, and students, as well as experts from community-based sexual assault and domestic violence programs.
- ◆ Provide comprehensive training about violence against women to all task force members.
- ◆ Arrange regular task force meetings to develop short- and long-term plans for addressing violence against women on campus and oversee their implementation.
- ◆ Periodically evaluate campuswide antiviolence efforts and use findings to enhance intervention and prevention initiatives.

2. Develop and distribute clear, concise, and comprehensive written policies and procedures regarding appropriate behavior by students with respect to violence against women.

- ◆ Develop and disseminate a campus code of conduct, including descriptions of expected behavior and responsibilities of the entire campus community.
- ◆ Require consistent enforcement of the campus code of conduct.
- ◆ Provide clear definitions of sexual assault, dating and domestic violence, and stalking that are consistent with state criminal statutes.

- ◆ Articulate clearly that sexual assault, dating and domestic violence, and stalking will not be tolerated.
- ◆ Describe procedures for reporting incidents (including steps that take place after a report is filed) and protecting the victim’s rights throughout the process.
- ◆ Detail services available on and off campus.
- ◆ Outline options for pursuing justice and enhancing safety on campus through community-based service providers and the criminal justice system.
- ◆ Disseminate policies every academic year to all students (new and returning), faculty, staff, parents of students, campus organizations, counseling centers, health care centers, residence halls, and trustees.
- ◆ Publish campus policies in student handbooks, residence life guidelines, and through campus media such as the student newspaper, and post information on policies in appropriate public places.
- ◆ Share information with other campuses regarding policies, training programs, and effective practices for providing services to victims and holding offenders accountable.

3. Educate students, faculty, and staff about the problem of violence against women.

- ◆ Provide information on the prevalence of acquaintance rape and other forms of violence against women on college campuses, including the situations and circumstances that foster non-consensual sexual conduct.
- ◆ Offer special programs that educate all students about the warning signs that may signal risks to a student’s safety, behaviors that constitute stalking, and appropriate response strategies.
- ◆ Focus on the role of bystanders, including strategies students can use to prevent violence against women, address or challenge perpetrator behavior, identify and assist a victim, and make appropriate referrals.
- ◆ Highlight men’s responsibility to prevent violence, especially in programs designed for

all-male groups such as fraternities or athletic groups.

- ◆ Reduce victim blaming and promote perpetrator accountability by challenging widely held misconceptions about sexual assault, dating and domestic violence, and stalking.
- ◆ Provide information on the role of alcohol and other drugs, including “rape drugs” such as Rohypnol (flunitrazepam) and GHB (gamma hydroxybutyrate), in sexual assault and dating violence in a manner that does not promote the myth that alcohol consumption causes or excuses violent or abusive behavior.
- ◆ Share information about faculty-student dating and the potential link between and ramifications of power imbalances and sexual harassment or sexual assault.
- ◆ Involve advocates from local sexual assault and domestic violence programs in the design and implementation of training and education programs.

4. Use a variety of outreach strategies to support educational efforts.

- ◆ Incorporate discussion of sexual assault, dating and domestic violence, and stalking into orientation programs and materials for all incoming students with an emphasis on reaching young students, international students, and others who might be unfamiliar with campus laws, policies, and procedures.
- ◆ Integrate prevention education into relevant core curriculum classes, classes on criminal justice and victimology, and academic discourse.
- ◆ Disseminate prevention materials and messages through student newspapers, e-mail announcements, campus radio stations, posters, and similar mechanisms.
- ◆ Use common space (such as the student union, campus library, and dormitories) for widely publicized all-campus events about sexual assault, dating and domestic violence, and stalking.
- ◆ Invite college or university presidents, members of the board of trustees, prominent alumni, and other influential figures to speak out against

sexual assault, dating and domestic violence, and stalking.

- ◆ Design peer educator programs to conduct outreach to students and specific groups, including fraternities, athletic clubs, or religious groups.
- ◆ Reach out to marginalized communities that are less likely to access campus services, including students of color; lesbian, gay, bisexual, and transgender students; and students with physical, cognitive, or sensory disabilities.
- ◆ Use various points of access, such as international groups, churches, and childcare facilities, to reach international students, commuting students, and partners or spouses of students.
- ◆ Distribute materials on antiviolence programs to prospective students.

5. Provide adequate and appropriate risk-reduction measures on campus.

- ◆ Establish escort services for students on campus and for those traveling to nearby off-campus locations. Conduct background checks on all escort service volunteers and supervise and monitor them carefully.
- ◆ Provide security devices for students to activate when in danger and develop an emergency alert system on campus.
- ◆ Install adequate lighting on all parts of campus.
- ◆ Secure entry into residence halls, student rooms, and late-night computer labs and work areas; patrol residence halls, parking lots, and other common areas.
- ◆ Widely publicize emergency numbers for police and medical services and crisis hotline numbers for sexual assault, dating and domestic violence, and stalking programs.
- ◆ Support campus security efforts to gather accurate statistics on crime rates and the outcomes of violence against women on campus.

6. Mandate training and education for all campus police and security officers on sexual assault, dating and domestic violence, and stalking as well as related policies and protocols.

- ◆ Include data about the prevalence and unique characteristics of violence against women on college campuses.
- ◆ Provide guidelines for responding to victims in a nonjudgmental and appropriate manner; referring victims to campus and community-based services, including medical care and forensic sexual assault examinations as appropriate and requested; facilitating incident reporting to local law enforcement; and working collaboratively with local criminal justice agencies and community sexual assault and domestic violence programs.
- ◆ Develop investigation skills to build evidence-based cases.
- ◆ Promote full compliance with the Campus Security Act and its reporting requirements and work to ensure that all institutions maintain accurate data.

7. Involve campus housing and residence life staff in campus efforts to address and prevent sexual assault, dating and domestic violence, and stalking.

- ◆ Provide yearly training to campus housing and residence staff on sexual assault (including sexual harassment), dating and domestic violence, stalking, and campus policies and programs.
- ◆ Use residence hall programming to create opportunities for discussion and support groups on issues related to violence against women.
- ◆ Post hotline and referral information for campus and community-based sexual assault and domestic violence programs in residence hall bathrooms and on public notice boards.

8. Urge national associations of higher education professionals to prioritize violence against women as a key administrative and academic issue.

- ◆ Encourage national associations to work collaboratively with violence against women experts to develop common principles, guidelines, policy directives, and curriculum materials to help colleges and universities develop comprehensive approaches to address and prevent violence against college women and to educate college

students about sexual assault, dating and domestic violence, and stalking.

Develop Effective Campus Adjudication Processes

9. Facilitate students' access to both on-campus adjudication processes and off-campus criminal justice agencies.

- ◆ Ensure that campus judicial processes and sanctions do not inhibit criminal prosecution of perpetrators of sexual assault, dating and domestic violence, and stalking.
- ◆ Create statutes of limitation for campus adjudication that are not less than those in the state criminal and civil justice systems.
- ◆ Provide information to all victims about options for on-campus adjudication and off-campus law enforcement involvement.
- ◆ Enable every victim to pursue campus judicial processes, civil actions, and criminal charges concurrently, without concern that one outcome will affect the others.
- ◆ Foster working relationships between the campus and the local community, including campus service providers, campus police, campus adjudication officials, off-campus service providers, local law enforcement agencies, prosecutors and probation officers, and other criminal justice professionals.

10. Ensure a fair, victim-centered campus adjudication process through training and representative composition of the campus adjudication board.

- ◆ Provide annual training for all adjudication board members.
- ◆ When appropriate, involve violence against women experts in campus adjudication programs, including local sexual assault and domestic violence program advocates.
- ◆ Provide adjudicators with information on appropriate and inappropriate questions for victims and alleged perpetrators and the range of victim behavior patterns, including the delayed response of some sexual assault victims (especially in cases involving drugs or alcohol) and its impact on victim reporting and testimony.

- ◆ Ensure that the membership of the campus adjudication board reflects the composition of the campus community and, when appropriate, includes people not connected to the university who embrace a victim advocacy perspective.

11. Ensure that campus-based hearing procedures minimize victim trauma and maintain victims' rights without violating the rights of the accused.

- ◆ Ensure victim confidentiality throughout adjudication procedures.
- ◆ Apply the principles of rape shield laws to testimony (e.g., limiting inquiry into the victim's sexual history).
- ◆ Employ a clearly defined standard of proof.
- ◆ Allow the victim to have an advocate or similar figure accompany her through the judicial process, including legal counsel at her own expense.
- ◆ Inform the victim of the time and location of all hearings and proceedings related to the case and provide the option of being present during the entire hearing if the accused has that right. Minimize inconvenience and disruption to the victim to the extent possible.
- ◆ Allow the victim to testify at any hearings to recommend sanctions, remedial actions, or outcomes for the adjudication and, upon request, to testify at a different time than the accused perpetrator.
- ◆ Include the option of an expedited hearing to determine issues of immediate concern, such as the need to alter campus housing or class schedules. Special considerations, such as flexibility relative to classwork, testing, or leaves of absence without tuition penalties, should be provided to the victim to accommodate academic circumstances affected by the victimization.
- ◆ Inform the victim of the outcome of the case, including any conditions placed on the accused relative to the victim and her safety.
- ◆ Ensure that a victim's rights in campus adjudication procedures mirror those built into the criminal justice system.

12. Adequately and appropriately address victim safety in campus-based sanctions and the adjudication process.

- ◆ Establish a system of referral to law enforcement if the victim wants a protection order and is eligible for one under state law.
- ◆ Provide the victim with updates about sanctions against a perpetrator, as necessary.
- ◆ If feasible, allow students to obtain the administrative equivalent of a restraining/protection order against an offender, when appropriate, that accommodates the victim's academic schedule, needs, and preferences.

13. Administer sanctions in a manner that ensures offender accountability and victim and community safety.

- ◆ Provide the adjudication board a range of formal and informal options to recommend for perpetrators of sexual assault, dating and domestic violence, and stalking, including removal or suspension from athletics, fraternal organizations, student government, and other student organizations; loss of financial aid and grants; restricted access to residence halls or removal from campus housing; termination of campus employment; loss of eligibility for academic scholarships and fellowships; mandated counseling sessions; inclusion of the conviction in the offender's permanent transcript; and expulsion or suspension from the college or university.
- ◆ Avoid the use of mediation or counseling between the survivor and perpetrator to keep from revictimizing or endangering the victim.⁷
- ◆ Ensure that sanctions are not influenced by the racial, ethnic, or socioeconomic status of the perpetrator or his or her social, academic, or athletic standing within the campus community.

Expand Services for Victims of Sexual Assault, Dating and Domestic Violence, and Stalking

14. Provide free or low-cost comprehensive, accessible on-campus and community-based services to survivors.

- ◆ Designate at least one advocate responsible for assisting victims through the on- and off-campus systems following sexual assault, dating or domestic violence, or stalking.
- ◆ Ensure that sexually assaulted students have access to expert evidence collection through on-campus trained sexual assault nurse examiners or off-campus health and law enforcement facilities.
- ◆ Train health clinic staff on violence against women issues and how to provide appropriate, respectful screening and services to victims.
- ◆ Consider providing transportation for victims to and from the hospital, police station, courthouse, and counseling appointments in vehicles not marked as campus security or police.
- ◆ Provide appropriate services for all victims regardless of disability, race, national origin, sexual orientation, or gender.
- ◆ Make services accessible to students who commute, have limited English skills, are older than the average student population, or have children.
- ◆ Do not require that victims report the incident to campus security or local law enforcement as a condition for receiving services, but do encourage such reporting.
- ◆ To minimize future victim-perpetrator contact when perpetrators are not removed from campus settings, help survivors who request such assistance transfer from a campus dormitory, access safe housing or a shelter, obtain an unlisted phone number, set up a new e-mail account, and take other relevant security measures.
- ◆ Establish free short- and long-term counseling services and support groups on campus administered by counselors who have been trained to address the emotional and psychological needs of victims.

15. Widely publicize the availability of services for victims of sexual assault, dating and domestic violence, and stalking.

- ◆ Establish and publicize a point of contact on campus for survivors where all communications are confidential.
- ◆ Distribute brochures and literature about violence against women in places frequented by students, including health and mental health service centers.

Engage Fraternities and Athletic Departments in Efforts To End Violence Against Women

16. Develop and implement specific strategies for student athletes and members of fraternal organizations that promote their involvement in campus efforts to end violence against women.

- ◆ Provide comprehensive mandatory education programs about sexual assault, dating and domestic violence, and stalking for athletic directors, coaches, and fraternity advisers.
- ◆ Use educational programs and prevention initiatives to work with fraternities to deter the use of coercion and force to gain sexual access to women.
- ◆ Involve athletes and members of fraternal organizations in peer education programs on violence against women.
- ◆ Encourage fraternities and athletic groups to develop volunteer and service programs in support of campus and community-based anti-violence initiatives.
- ◆ Appoint college administrators who have been trained in violence against women issues and appropriate campus response to oversee fraternities and athletic groups and certify that they understand and comply with all campus policies and procedures related to violence against women.
- ◆ Encourage national and local fraternities to develop and enforce chapter certification requirements, codes of conduct, and housing agreements (in residential chapters) that are

consistent with campus efforts to end violence against women.

- ◆ Consider removing from sports teams or fraternities any athletes or members found in violation of the law or campus policies related to violence against women.
- ◆ Institute policies of disaffiliation for any fraternity that is in violation of campus policies on violence against women, presents a threat to women's safety, or is a source of violent behavior.

Resources

Campus Violence Prevention Center

Towson State University
Administrative Building, Room 110
Towson, MD 21204
Phone: 410-830-2178
Web site: www.reeusda.gov/pavnet/cj/cjcamvio.htm

The Campus Violence Prevention Center provides information to campus and housing administrators and local police departments to establish campus crime and violence awareness seminars across the United States and abroad.

Commission on Domestic Violence—Law School Initiative Project

American Bar Association
740 15th Street NW.
Washington, DC 20005
Phone: 202-662-8637
Fax: 202-662-1594
Web site: www.abanet.org/domviol

This American Bar Association Web page provides online links and resources for people who need counseling following a domestic violence incident and people who are searching for publications about violence against women.

International Association of Campus Law Enforcement Administrators

342 North Main Street
West Hartford, CT 06117
Phone: 860-586-7517
Web site: www.iaclea.org

The International Association of Campus Law Enforcement Administrators (IACLEA) was founded to provide a forum for campus administrators, board executives, and faculty members to review campus problems and discuss potential solutions.

Men Stopping Rape, Inc.

306 North Brooks Street
Madison, WI 53715
Phone: 608-257-4444
Web site: www.danenet.wicip.org/msr

Men Stopping Rape, Inc., is an organization of men who are concerned about women being victimized. It coordinates workshops on university and college campuses to train men and women to develop physically and emotionally safe places. Topics of discussion include masculinity, homophobia, male socialization, racism, and violence.

National and the New York State Intercollegiate Coalition Against Sexual Assault

Syracuse University R.A.P.E. Center
111 Waverley Avenue
Syracuse, NY 13244
Phone: 315-443-7273
Fax: 315-443-4276
Web site: students.syr.edu/icasa/nicasa.htm

The Intercollegiate Coalition Against Sexual Assault (ICASA) has established a victim service program on the Syracuse University campus through a grant from the New York Division of Health. ICASA implements programs on campuses across the country to expand awareness of and provide intervention services for persons involved in abusive relationships. This Web site includes a list of the campuses that participate in the program.

National Resource Center on Domestic Violence

Pennsylvania Coalition Against Domestic Violence
6400 Flank Drive, Suite 1300
Harrisburg, PA 17112
Phone: 1-800-537-2238
TTY: 1-800-533-2508
Fax: 717-545-9456
Web site: www.pcadv.org

The National Resource Center on Domestic Violence (NRC) is a valuable source for information, training, and technical assistance regarding domestic violence issues. NRC is also a clearinghouse for domestic violence resources and statistics that may be used to enhance policies and publications.

National Sexual Violence Resource Center

123 North Enola Drive
Enola, PA 17025
Phone 1-877-739-3895
TTY: 717-909-0715
Fax: 717-909-0714
Web site: www.nsvrc.org

The National Sexual Violence Resource Center (NSVRC) is a clearinghouse for resources and research about all forms of sexual violence. NSVRC works with its partner agency, the University of Pennsylvania, to provide new policies for establishing sexual violence interventions and prevention programs.

Rape, Abuse, and Incest National Network

635-B Pennsylvania Avenue SE.
Washington, DC 20003
Phone: 1-800-656-HOPE
Web site: www.rainn.org

The Rape, Abuse, and Incest National Network (RAINN) offers a toll-free hotline for free, confidential counseling and support 24 hours a day for victims of rape, abuse, and incest.

Rape Treatment Center

Santa Monica-UCLA Medical Center
Campus Rape Program
1250 16th Street
Santa Monica, CA 90404
Phone: 310-319-4503
Web site: www.911rape.org

The Rape Treatment Center provides free treatment to sexual assault victims, including emergency medical assistance, exams, counseling, and therapy. The center also offers prevention training for law enforcement officers, medical personnel, and legal professionals. The Rape Treatment

Center has free publications and videos to aid in teaching students and professionals.

Security On Campus, Inc.

601 South Henderson Road, Suite 205
King of Prussia, PA 19406
Phone: 610-768-9330 or 1-888-251-7959
Fax: 610-768-0646
Web site: campussafety.org

Security On Campus was established to prevent campus crimes and assist victims by enforcing their legal rights. The Web site provides links to recent publications and television broadcasts that have targeted this problem, as well as a list of resources for victims.

Stalking Resource Center

National Center for Victims of Crime
2000 M Street NW., Suite 480
Washington, DC 20036
Phone: 202-467-8700
Fax: 202-467-8701
Web site: www.ncvc.org

The National Center for Victims of Crime's (NCVC's) mission is to help victims of crime and their families rebuild their lives. The Stalking Resource Center provides resources, training, and technical assistance to criminal justice professionals and victim service providers to support locally coordinated, multidisciplinary antistalking approaches and responses.

Violence Against Women Office—Campus Grant Program

U.S. Department of Justice
810 Seventh Street NW.
Washington, DC 20531
Phone: 202-307-6026
Web site:
www.ojp.usdoj.gov/vawo/grants/campusgr.htm

The Grants to Reduce Violent Crimes Against Women on Campuses Program is designed to encourage institutions of higher education to adopt comprehensive, coordinated responses to violence

against women, including sexual assault, dating and domestic violence, and stalking. The program awards funds to qualified institutions to help them develop and implement such coordinated responses.

Endnotes

1. Violence Against Women Grants Office (1998). *Stalking and Domestic Violence: The Third Annual Report to Congress Under the Violence Against Women Act*. Washington, DC: U.S. Department of Justice. p. 10. NCJ 172204
2. Bureau of Justice Statistics (1998). *Violence by Intimates: Analysis of Data on Crimes by Current or Former Spouses, Boyfriends, and Girlfriends*. Washington, DC: U.S. Department of Justice. p. 13. NCJ 167237
3. Fisher, B., Sloan, J.J., III, and Cullen, F.T. (1995). *Final Report: Understanding Crime Victimization Among College Students: Implications for Crime Prevention*. Washington, DC: U.S. Department of Justice. p. 65. NCJ 175503
4. Presley, C.A., Meilman, J.R., Cashin, J.R., and Leichter, L.S. (1997). *Alcohol and Drugs on American College Campuses: Issues of Violence: A Report to College Presidents (Core Institute Monograph)*. Carbondale, IL: Southern Illinois University. p. 4.
5. Martin, P.Y., and Hummer, R.A. (1989). "Fraternities and Rape on Campus." *Gender and Society* 3(1): pp. 457-473.
6. Fisher, Sloan, and Cullen (1995), p. 65 (see note 3).
7. For more information, see discussion of alternative dispute resolution in chapter 3, "Enhancing the Response of the Justice System: Civil Remedies."

What Employers Can Do To Make a Difference

- ◆ **Establish sound workplace policies.** Lead efforts to develop and implement workplace policies. Take all disclosures of abuse—whether in or out of the workplace—or security concerns seriously. Respond promptly, and investigate allegations thoroughly.
- ◆ **Form partnerships.** Establish partnerships among management, unions, and community-based organizations to address violence against women in the workplace.
- ◆ **Communicate workplace policies.** Publicize workplace policies to management, supervisors, and all employees.
- ◆ **Train employees.** Train management, supervisors, and all employees in how to respond when a coworker is a victim or perpetrator of sexual harassment, sexual assault, dating or domestic violence, or stalking.
- ◆ **Develop safety plans.** Work with victims to develop personal safety plans for women while they are at work, including safety plans for coworkers as appropriate. Recognize the continuum of sexual violence, from sexual harassment to sexual assault.
- ◆ **Provide comprehensive health care coverage.** If possible, offer health care coverage that includes mental health care and does not discriminate against victims of sexual assault and domestic violence.
- ◆ **Mentor small businesses.** Help small businesses develop tools and resources to address violence against women.
- ◆ **Provide adequate security.** Ensure adequate security for all employees. Conduct background checks on employees of security firms.
- ◆ **Distribute resources proactively.** Use company conferences, Web sites, and publications to provide employees with information and resources on sexual harassment, sexual assault, dating and domestic violence, and stalking.
- ◆ **Develop intervention strategies.** Devise and implement effective strategies detailing how to intervene when employees harass, sexually assault, batter, or stalk.

Chapter 8

Promoting Safety and Nonviolence in the Workplace

Many victims of sexual harassment, sexual assault, dating or domestic violence, or stalking are working women, which makes the workplace a central point for intervention and prevention. For some women, work may be the only place in which they are away from their abuser. For other women, perpetrators (who may be coworkers or outsiders) sexually harass, physically or sexually assault, or stalk them in the workplace.

Data from the National Crime Victimization Surveys for 1992–96 indicate that during each of the study years, more than 42,400 American women reported they were sexually assaulted while working or on duty.¹ Regardless of whether sexual assault occurs in or out of the workplace, the experience can impair an employee’s work performance, require that she take time away from work, and undermine her professional life. Although not the focus of this discussion, sexual harassment—a serious form of sex discrimination that can include sexual assault—remains a significant issue in the workplace for both employees and companies. In 1999, more than 15,000 sexual harassment charges were filed with the U.S. Equal Employment Opportunity Commission and state and local fair employment practice agencies, up from 10,500 in 1992. Women are nine times more likely than men to quit their jobs because of sexual harassment, five times more likely to transfer, and three times more likely to lose their jobs.² A 1994 survey of federal workers estimated that incidents of sexual harassment cost the government \$327 million because of job turnover, sick leave, and individual and work group productivity losses.³

Statistics indicate that stalkers commit a significant number of violent acts against their victims in or around where victims work,⁴ creating greater incentives for employers to enhance security for such victims while the victims are at work. This is particularly true when stalkers are coworkers of the victims. More than 25 percent of stalking victims lost time from work because of the stalking, and 7 percent of these employees never returned to work.⁵

An increasing number of companies and unions are recognizing the adverse effect of domestic violence on the workplace. Specifically, costs to employers can be measured in lost productivity, absenteeism and turnover, increased health care costs, and other direct and indirect expenses. In recent surveys, more than three-fourths of human resource professionals agreed that domestic violence is a workplace issue,⁶ and two-thirds of senior corporate executives agreed that their company’s financial performance would benefit from addressing domestic violence among their employees.⁷

Although more employers and unions are addressing domestic violence as a workplace issue, less attention has been paid to sexual assault and stalking. Several major corporations paved the way to addressing domestic violence by developing comprehensive policies and sharing information with colleagues. These efforts can be broadened to address other forms of violence against women and include separate workplace education and intervention initiatives on sexual assault and stalking.⁸ Helping small businesses that employ 50 or

fewer people collect information, develop networks, and offer tools to implement cost-effective programs represents an additional challenge. Smaller workplaces—including fast food restaurants—may employ more young women, who are statistically at greatest risk for sexual assault, dating and domestic violence, and stalking.⁹

As companies and labor organizations continue to develop and expand initiatives to end workplace violence, community-based organizations working with survivors of sexual assault and domestic violence should be seen as collaborative partners. Sexual assault and domestic violence advocates can support and guide efforts to address violence against women in the workplace, including providing personnel training. In turn, businesses and unions can train community-based program staff to work effectively with the business community, labor organizations, and employed victims.

Outlined below are specific actions community-based organizations, businesses, employers, and labor organizations can take to create safe, nonviolent workplaces and play a role in ending violence against women.

What Businesses, Employers, and Labor Organizations Can Do

1. Develop and implement written policies that address sexual harassment, sexual assault, dating and domestic violence, and stalking. Ensure that these policies apply to all employees, including managers and supervisors.

- ◆ Use specific guidelines rather than vaguely worded “zero tolerance” statements when writing such policies.
- ◆ Demonstrate strong employer and union leadership support for such policies.
- ◆ Issue policies (including those that specifically target young employees) to all employees, interns, and contractors in a form that is accessible to those who do not speak English, are hard of hearing, have limited reading skills,

or have cognitive and physical disabilities. Publicize that such policies exist.

- ◆ Prohibit discrimination against employees who disclose their experiences with violence.
- ◆ Provide victims with avenues to confidentially disclose victimization and guide them on ways to seek assistance that safeguard privacy and confidentiality.
- ◆ Take all disclosures of abuse and security concerns seriously, whether in or out of the workplace. Respond promptly, and investigate allegations thoroughly.
- ◆ Offer victims paid and unpaid leave options to allow victims to obtain protective orders and seek counseling.
- ◆ Devise appropriate and feasible options for a victim whose perpetrator is a coworker.
- ◆ Extend policies and services to secondary survivors, such as the partner of a sexual assault survivor or children of a domestic violence victim, as possible.
- ◆ Apply all policies to same-sex sexual harassment, sexual assault, domestic violence, and stalking victims.

2. Teach all employees about intervention and prevention strategies for sexual harassment, sexual assault, dating and domestic violence, and stalking.

- ◆ Teach all employees how to respond to coworkers who are victims or perpetrators of sexual harassment, sexual assault, dating and domestic violence, and stalking.
- ◆ Ask employees to protect the confidentiality of victims whenever possible.
- ◆ Educate and train small businesses via local chambers of commerce, small business trade organizations, and professional associations.
- ◆ Ensure that information is accessible to employees who do not speak English, are hard of hearing, have limited reading skills, or have cognitive or physical disabilities.

3. Provide benefits that support victims of sexual assault, domestic violence, and stalking.

- ◆ Provide victims with flexible and paid administrative leave or sick days, permit them to use the Family and Medical Leave Act, and allow them to use flextime during the workday so that they may have time to address issues related to victimization.
 - ◆ Offer health care coverage that includes mental health care comparable to other health care benefits. Such benefits are particularly helpful to adult survivors of child sexual abuse.
 - ◆ Ensure that health care plans do not discriminate against victims of sexual assault or domestic violence.
 - ◆ Provide assistance to victims of sexual harassment, sexual assault, dating and domestic violence, and stalking through an employee assistance program.
 - ◆ Provide flexibility and support for employees with special childcare needs as a result of their victimization.
 - ◆ Provide victims with emergency financial and legal assistance. Offer them relocation options, when appropriate. Extend access to support programs to part-time employees.
 - ◆ Identify community resources that may offer the support and assistance needed by employees of small businesses that are unable to provide these benefits. Publicize that such resources exist.
- 4. Reduce the risk of workplace assaults.**
- ◆ Develop plans in collaboration with survivors of sexual assault, domestic violence, and stalking to address immediate safety issues if the perpetrator is also a coworker of the survivor.
 - ◆ Implement safety measures, such as escorts or emergency telephones, and provide adequate security at entrances and exits (e.g., denial of admission to perpetrators).
 - ◆ Supply sufficient lighting in areas used by employees.
 - ◆ Provide appropriate workplace safety training to employees, particularly security and reception personnel.

- ◆ Furnish at-risk employees who are in the field or located in isolated worksites with cellular phones or security alarms.

5. Work closely with employees threatened by an abuser or stalker to develop personal safety plans.

- ◆ Consult victims concerning their wants and needs.
- ◆ Offer to transfer victims to different offices or worksites whenever feasible. Ensure that victims are not unfairly transferred in lieu of the perpetrator when the abuser is also a coworker of the victim.
- ◆ Vary or revise a victim's work schedule, change her telephone extension or e-mail address, and offer to assist her in monitoring or documenting harassing telephone calls, faxes, and e-mails.
- ◆ Ensure that victims who take a reasonable period of leave will still have job security.
- ◆ Suspend disciplinary actions against employees whose productivity or attendance has deteriorated due to their victimization.
- ◆ Help victims obtain services provided by law enforcement, legal aid, domestic violence shelters, and rape crisis centers.
- ◆ Permit victims to exercise flexible work schedules and leave policies so they can participate in the criminal justice process and recover from trauma.
- ◆ Protect both clients and employees against assault, particularly in workplace settings dealing with vulnerable populations, such as health care facilities, mental health care institutions, nursing homes, schools, and prisons.

6. Encourage and reward behavior that contributes to a safe and supportive workplace.

- ◆ Reward supervisors and managers who support the well-being of employees. Do not tolerate the use of abusive or coercive tactics in management techniques.

7. Collaborate with community-based organizations to assist employees who have experienced sexual assault, domestic violence, and stalking.

- ◆ Offer company resources, skills, and volunteers to sexual assault and domestic violence service agencies in exchange for expertise and information about community resources.
- ◆ Establish relationships with community-based service providers to facilitate timely and appropriate referrals of victims to support networks.
- ◆ Collaborate with other businesses to encourage local, state, and national policymakers to support legislation that promotes victim safety and offender accountability.
- ◆ Develop partnerships with small businesses, trade associations, and local chambers of commerce to exchange information on workplace policies that address violence against women. Use conferences, newsletters, and Web sites to promote workplace policies and strategies. Conduct joint training and education programs that address violence against women.
- ◆ Work with researchers and victim advocates to develop appropriate tools for measuring the effectiveness of workplace programs, policies, and services.

8. Devise and implement effective intervention strategies in collaboration with relevant government agencies and community-based victim advocacy organizations.

- ◆ Initiate appropriate disciplinary and legal action if perpetrators use workplace communication vehicles such as e-mail, the Internet, a fax machine, or telephone to threaten, harass, or harm an employee.
- ◆ Hold perpetrators accountable by requiring that they fully participate in sex offender or batterer intervention programs and comply with any and all conditions of probation in conjunction with misdemeanor level offenses as a condition of continued employment.
- ◆ Adopt policies that make employees found guilty of acts of violence subject to disciplinary action. Notify all employees that such a policy has been implemented.

9. Encourage workplaces to develop policies and strategies that respond to violence against women in the workplace, particularly small and midsize businesses, and support them.

- ◆ Create structures within workplaces and labor unions that enable women to safely and confidentially report victimization and seek assistance and intervention.
- ◆ Publicize stories of employers and unions that have effectively addressed violence against women, using mainstream media and professional publications to support replication of such efforts.
- ◆ Develop brief user-friendly materials about violence against women, and share them with other workplaces.
- ◆ Provide specific assistance to businesses that employ young women, because young women are statistically at greatest risk for sexual assault, dating and domestic violence, and stalking.
- ◆ Encourage chambers of commerce, state and national labor organizations, and other professional associations to develop materials in conjunction with local violence programs and coalitions about responding to sexual assault and domestic violence. Distribute such materials to the membership of each organization and through other companies and unions.
- ◆ Support business magazines that recognize employers for their family-friendly workplace policies and programs. Ensure that a criterion for recognition be how employers address sexual assault, dating and domestic violence, and stalking.

What Sexual Assault and Domestic Violence Service Providers Can Do

- 10. Increase the staff's knowledge about and capability to address the effect that sexual assault and domestic violence have on women's economic security and professional life while ensuring survivor confidentiality.**

- ◆ Include questions in the intake processes that assess the effect of sexual harassment, sexual assault, and domestic violence on a victim’s current job, work history, and career to help advocates work more effectively with employers.
- ◆ Support research on the impact of sexual assault and domestic violence on a survivor’s job, work history, and education.

11. Teach employers and unions about ending violence against women.

- ◆ Use various points of contact, including union stewards and employees who handle equal employment opportunities, occupational safety and health, benefits and compensation, and short-term disability and insurance coverage.
- ◆ Display posters, brochures, and informational flyers about sexual harassment, sexual assault, dating and domestic violence, and stalking and local services.

12. Work with businesses, unions, and employment experts to teach sexual assault and domestic violence service providers about the employment rights of survivors.

- ◆ Include information on how to assist survivors in keeping jobs, accessing benefits, and taking advantage of legal rights regarding employment.

13. Develop training programs with local businesses, unions, and public and private funders that specifically assist employees whose job-seeking abilities have been affected because they are victims of sexual harassment, sexual assault, dating or domestic violence, or stalking.

For related recommendations, see Toolkit chapter “Promoting Women’s Economic Security.”

Resources

Commission on Domestic Violence

American Bar Association
740 15th Street NW.
Washington, DC 20005-1022
Phone: 202-662-1744
Fax: 202-662-1594
Web site: www.abanet.org/domviol

This American Bar Association Web page provides online links and resources for people who need counseling following a domestic violence incident and people who are searching for publications about violence against women.

Corporate Alliance To End Partner Violence

2416 East Washington, Suite E
Bloomington, IL 61704-4472
Phone: 309-664-0667
Fax: 309-664-0747
Web site: www.caepv.org

The Corporate Alliance To End Partner Violence promotes workplace awareness of and efforts to prevent partner violence. Resources include a quarterly newsletter, a toolkit to help businesses design awareness programs, a dating violence awareness program, and materials for coordinating Work To End Domestic Violence Day and Domestic Violence Awareness Month efforts in the workplace.

Employee Relations and Employee Health Services

U.S. Office of Personnel Management
1900 E Street NW.
Washington, DC 20415
Web site: www.opm.gov/er/index.html-ssi

The Employee Relations Branch of the U.S. Office of Personnel Management (OPM) provides information and assistance to federal agencies on employee discipline, misconduct, performance

problems, and dispute resolution. Under Employee Health Services, OPM provides information and assistance on employee health programs, counseling, preventive health services, and responding to domestic violence, workplace stress, and workplace violence. Services for federal agencies include management guidance, newsletters and other publications, seminars and workshops, inter-agency committees, and day-to-day consultations; the Web site provides online resource information that may be helpful to any employer.

National Sexual Violence Resource Center

123 North Enola Drive
Enola, PA 17025
Phone: 1-877-739-3895
TTY: 717-909-0715
Fax: 717-909-0714
Web site: www.nsvrc.org

The National Sexual Violence Resource Center (NSVRC) is a clearinghouse for resources and research about all forms of sexual violence. NSVRC works with its partner agency, the University of Pennsylvania, to provide new policies for establishing sexual violence interventions and prevention programs.

National Training Center on Domestic and Sexual Violence

2300 Pasadena Drive
Austin, TX 78757
Phone: 512-407-9020
Fax: 512-407-9022
Web site: www.ntcdsv.org

The National Training Center on Domestic and Sexual Violence provides consultation and training (including national and regional conferences), helps government decisionmakers develop and evaluate policies and programs, and promotes collaboration among government agency staff, victim advocates and service providers, university researchers, and related professionals in working to end domestic and sexual violence. The Web site includes a calendar of training sessions throughout the United States.

National Workplace Resource Center on Domestic Violence

Family Violence Prevention Fund
383 Rhode Island Street, Suite 304
San Francisco, CA 94103-5133
Phone: 415-252-8900
Fax: 415-252-8991
Web site: www.fvpf.org/workplace

The National Workplace Resource Center on Domestic Violence helps workplaces respond to and support employees who are facing domestic violence. The Web site offers materials for supervisors, tips for improving workplace security, program recommendations, legal guidelines, sample policies and best practices, and related resources.

Stalking Resource Center

National Center for Victims of Crime
2000 M Street NW., Suite 480
Washington, DC 20036
Phone: 202-467-8700
Fax: 202-467-8701
Web site: www.ncvc.org

The National Center for Victims of Crime's (NCVC's) mission is to help victims of crime and their families rebuild their lives. The Stalking Resource Center provides resources, training, and technical assistance to criminal justice professionals and victim service providers to support locally coordinated, multidisciplinary antistalking approaches and responses.

Women's Bureau

U.S. Department of Labor
200 Constitution Avenue NW.
Washington, DC 20210
Phone: 1-800-827-5335
Fax: 202-219-5529
Web site: www.dol.gov/dol/wb

The U.S. Department of Labor Women's Bureau is the only federal agency mandated to represent the needs of wage-earning women in the public policy process. The bureau champions fair wages and benefits, reasonable work hours, expanded training and job opportunities, and improved workplace conditions, as well as helping workers balance job

and family responsibilities. The Web site includes a library of press releases and publications, statistics, information on programs and services, and related materials.

Women's Rights Department

American Federation of State, County, and Municipal Employees
1625 L Street NW.
Washington, DC 20036
Phone: 202-429-5090
Fax: 202-429-5088
Web site: www.afscme.org

The Women's Rights Department of the American Federation of State, County, and Municipal Employees (AFSCME) works to ensure equity in the workplace by fighting for equal pay and promotional opportunities and against workplace discrimination and violence against women. AFSCME supports new workplace initiatives and changes in law and public policy, holds regional conferences, provides leadership training, and distributes booklets and other resource publications.

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What Communities Can Do To Make a Difference

- ◆ **Build communitywide collaborations.** Develop collaborative partnerships among schools, health and mental health centers, courts, social service agencies, and community-based advocacy groups to provide leadership for early intervention and prevention initiatives.
- ◆ **Develop a broader array of culturally competent early intervention programs for children exposed to community, youth, and family violence.** Address bullying and physical and sexual assault, and teach youth social skills that enable them to develop healthy, nonviolent relationships.
- ◆ **Integrate these programs into sites that serve children and young families.** Include day care centers, Head Start programs, schools, Boys & Girls Clubs, neighborhood family resource centers, home visitation programs, health clinics, faith-based institutions, and agencies serving immigrant and migrant populations.
- ◆ **Identify and remove disincentives to participation in intervention programs.** Work with at-risk parents to identify and remove current disincentives and barriers to help-seeking and participation in services for either abused children or parents.
- ◆ **Increase the ability of child protective services, courts, and domestic violence agencies to work collaboratively.** Develop and implement policies that enhance victim safety and offender accountability for cases in which domestic violence and child maltreatment coexist.
- ◆ **Design and expand programs specifically for children exposed to domestic violence.** Develop tools to assess the impact of violence. Tailor solutions to counter the short- and long-term negative impact of this exposure on children and to support parents' safety and stability.
- ◆ **Develop more programs for children and youth during afterschool hours.** Include recreational, athletic, mentoring, and other programs that provide positive alternatives to unsupervised time and opportunities to learn the skills needed to form nonviolent and healthy interpersonal relationships.
- ◆ **Define school policies related to all forms of violence.** Develop school policies or codes of conduct prohibiting sexual harassment, sexual and physical assault, and dating violence.
- ◆ **Design and implement core training for all school personnel.** Include information on the impact of violence on children and how to respond appropriately to disclosures of abuse. Provide training to school social workers, nurses, guidance and other counselors, security guards, coaches, bus drivers, and janitorial and cafeteria staff.
- ◆ **Make the safety and well-being of adult and child victims a priority for fatherhood programs.** Emphasize the use of nonviolent parenting techniques for participants who will have ongoing contact with their children or the mothers.

Chapter 9

Intervention and Prevention for Children and Youth

Violence against women affects millions of children each year and often combines with other forms of violence, such as child abuse and youth violence, to devastate lives, destroy families, and compromise community cohesiveness. A broader array of prevention and early intervention programs targeting boys, girls, and young families should be developed. Schools, health and mental health clinics, childcare homes and centers, Head Start programs, neighborhood family resource centers, home visitation programs, faith-based institutions, and other youth-serving agencies all have important roles to play.

The well-documented intersection between domestic violence and child abuse indicates an urgent need to increase collaboration among child welfare agencies, courts, domestic violence programs, and other service providers. Communities are urged to develop easily accessible interventions, especially those that focus on strengthening or, whenever possible, restoring the bond between the battered parent and her children. Placing nonabusing parents at the center of decisionmaking with respect to their children and empowering these parents to make choices that enhance their own and their children's safety will help restore healthy, nurturing environments in which children can thrive.

Overlap of Violence Against Women, Child Abuse, and Youth Violence

Child abuse and youth violence remain serious social problems in the United States and,

according to some research, have strong connections to domestic violence. Slightly more than one-half of female victims of intimate violence live in households with children under age 12.¹ An increasing number of studies document the concurrent incidence of domestic violence and child abuse within families. Most of this research indicates that 30 to 60 percent of families experiencing child maltreatment also experience domestic violence.² In a national survey of more than 6,000 families, researchers found that 50 percent of the men who frequently assaulted their wives also frequently assaulted their children.³ Studies also suggest the presence of domestic violence in approximately 40 percent of lethal child abuse cases.⁴ In fact, in 1995 the U.S. Advisory Board on Child Abuse and Neglect suggested that domestic violence might be the *single major precursor* to child abuse and neglect fatalities in this country.⁵

An estimated 34 percent of rapes occur in the victim's home where children are likely to see or hear the assault on their mothers or caregivers.⁶ When mothers are sexually assaulted or stalked, their children are also likely to be affected. However, to what degree and with what consequences to children has not been addressed by either researchers or practitioners.

Many children may not be direct victims of abuse but rather are exposed to violence in their homes. Data from a 1995 Gallup Poll of family violence suggest that 1.5 million to 3.3 million children witness or experience parental domestic violence each year.⁷ Another leading family violence researcher estimates that as many as 10 million children are exposed to parental violence each year.⁸

Domestic violence, child abuse, and youth violence often occur within the same families and have serious consequences for the safety of family members, as well as members of the larger community. First, where one form of violence exists, others are often present. Second, the impact on children who witness or experience parental domestic violence may be similar to the consequences of being abused by a parent, and both experiences may significantly contribute to youth violence. The linkages have important implications for intervention and prevention efforts.

Effects of Physical and Sexual Violence on Children and Families

Although most maltreated children do not engage in delinquent behavior, if a child is abused or neglected, the likelihood of arrest increases by 53 percent as a juvenile, by 38 percent as an adult, and by 38 percent for being involved in a violent crime.⁹ A significant risk factor for becoming a child abuser, domestic violence perpetrator, and violent juvenile offender is having been abused and/or witnessing violence at home.¹⁰ Close to 70 percent of girls involved in the juvenile justice system have histories of physical abuse.¹¹ Also, surveys of girls in the juvenile justice system and in shelters indicate rates of sexual abuse and assault of more than 70 percent. These girls often respond by running away from home, which too frequently leads to engaging in prostitution.¹² Girls now constitute 25 percent of juvenile arrests in the United States, an increase of 31 percent over the past decade.¹³

Exposure to parental domestic violence, although not to be considered automatically a form of child abuse, may be associated with a series of childhood problems, primarily behavioral and emotional. Child witnesses of domestic violence on average exhibit more aggressive and antisocial behaviors, fearful and inhibited behaviors, anxiety, depression, trauma-related symptoms, temperament

problems, and lowered social competence than children who do not witness such violence.¹⁴ Research also indicates that exposure to domestic violence can affect cognitive functioning.¹⁵ The harm that individual children experience as a result of exposure to domestic violence varies depending on many factors, including the level of violence in the family, the child's exposure to it, the child's ability to cope, and the protective factors in the child's environment. Problems associated with exposure to domestic violence vary with the age and gender of the child, the length of time since the last exposure to violence, and the child's connections to the nonabusive parent and other significant individuals and social supports in his or her life.¹⁶

The impact of a child's exposure to domestic violence and child abuse can continue through adolescence if safety and other interventions are not provided. Many adolescents who have grown up in violent homes are at risk for recreating the abusive relationships they have observed.¹⁷ They are more likely to attempt suicide, abuse drugs and alcohol, run away from home, and commit other delinquent behavior; engage in teenage prostitution; and commit sexual assault crimes.¹⁸ Research has found that violent adolescents suffered serious physical abuse by a parent and witnessed the use of weapons in their homes significantly more often than nonviolent adolescents. These variables, both independently and combined, have been significantly associated with adolescents' use of violence.¹⁹

Witnessing violence as a child is also associated with adult reports of depression, trauma-related symptoms and low self-esteem among women, and trauma-related symptoms among men.²⁰ Research has found that men who as children witnessed their parents' domestic violence are twice as likely to abuse their own wives than sons of nonviolent parents.²¹ Domestic violence and child abuse put the next generation at greater risk of becoming abusers and violent juveniles, as well as contribute to other antisocial behavior that continues to affect our communities.

Exposure to physical or sexual abuse or domestic violence as a child is not the only risk factor for juvenile violence. Living in a crime-infested community; frequent exposure to drugs, guns, and crime; having parents that use harsh or erratic discipline; and being isolated from the community, family, or school are all circumstances that put children at higher risk.²²

Although little is known about protective factors that mitigate the effects on children who witness domestic violence, research has identified protective factors for child abuse and youth violence. These factors include economic opportunity, mentors and role models who provide a strong sense of moral development, organized community programs for youth and families, involvement in a faith community, a school environment that promotes prevention, and nurturing adult family members who provide consistent, structured supervision.²³ Research suggests that a successful family and youth violence prevention program targets children's shared risk factors of poverty, social isolation, and the witnessing of violence in the home or on the street. Prevention should also focus on strengthening protective factors, reaching parents with young children, providing services over several years, and conducting rigorous longitudinal evaluations of these measures.

Expand Prevention Efforts

Violence prevention simply means stopping children's experience with and exposure to violence before it happens. It requires the following actions:

- ◆ Reaching at-risk families early and helping new parents develop the skills to become capable and nurturing caregivers.
- ◆ Providing support and respite care for families under stress.
- ◆ Implementing antibullying programs and dating violence prevention programs to reinforce social norms that support healthy relationships and nonviolent conflict resolution.
- ◆ Keeping violent images away from children.

- ◆ Ensuring that communities have the resources and capacity to support these efforts.

Prevention efforts related to violence against women and child abuse are relatively new. Child abuse prevention programs have included public education aimed at changing the social norms that minimize or provide excuses for child abuse and mobilizing individuals to take actions that protect children. More recent prevention efforts have provided support to new parents through community-based family support programs.

Parenting programs can offer new parents, particularly teen parents, the confidence, support, and resources needed to promote their children's healthy development and provide a vital link for parents to their community. These programs, particularly when expanded to address violence against women issues, are important for families that face multiple stressors, such as poverty, social isolation, depression, high levels of marital conflict, and deficient housing. Parent- and family-based programs that have had long-term positive effects combine training in parenting skills with other educational and therapeutic components.²⁴

Parents, teachers, and other adults must take seriously the prevalence and severity of violence among teens, including harassment, bullying, and assault, as well as violence and sexual coercion in teen dating and intimate relationships. Creating a violence-free school climate is an important step in preventing harassment and violence based on gender, race, ethnicity, sexual orientation, and disability.²⁵ A schoolwide approach can build an environment in which teachers and children feel respected and valued and where physical and verbal violence against women and girls are not tolerated.

Enhance Early Intervention Efforts

Effective early intervention requires improving our current response system to provide both formal and informal supports to parents and children.

Interventions should be seamless, flexible, and collaborative across professional disciplines; long term; age appropriate; and linguistically and culturally competent. Sites for these early intervention initiatives can include schools, childcare programs, health clinics serving teens, afterschool programs, community-based and grassroots groups, and juvenile courts. Policies and procedures must be developed to ensure the safety of children in these settings and the appropriate response to disclosures of violence and abuse.

Successful early childhood violence intervention programs have common characteristics. First, they attempt to ameliorate a variety of factors associated with youth violence. Second, they focus on families with young children. Third, they are long-term efforts—more than a few months, often as long as several years.²⁶ Appropriately designed early intervention can prevent young children from becoming perpetrators as they grow up, thereby reducing child abuse, domestic violence, and youth violence in following generations.

Many adults who work with children and youth do not receive training and education on the signs of teen dating violence or on the impact of physical and sexual violence against women on their children. School psychologists, counselors, teachers, social workers, nurses, and child protection workers can be trained to respond to disclosures of physical and sexual assaults, teen dating violence, and exposure to domestic violence and provide appropriate referrals to services, protections, and supports.

Studies of pregnant teens show consistently higher rates of victimization in intimate relationships.²⁷ Also, girls who have a history of abuse, including sexual abuse, incest, and physical abuse, are at greater risk of becoming pregnant. Pregnancy can occur directly from a sexual assault or indirectly when the girl engages in risky behavior as a result of abuse.²⁸ Practitioners who serve pregnant teens or teens who have been victimized should use various approaches to support the teens' educational and vocational achievement and the health of their infants.²⁹

The movement to develop interventions for children who witness domestic violence is in its infancy. Although many communities do not have services for child witnesses, a few communities offer services for child residents of battered women's shelters. However, most children whose mothers are battered never reside in emergency shelters.³⁰ Other than shelter-based services, few other specific interventions exist except in the context of child protective services.³¹ Research shows that the younger the child, the more effective the intervention.³²

There is a growing interest in enabling more fathers to share responsibility for the well-being of their children, specifically those fathers who live outside the home. This reflects society's interest in enabling more fathers to share responsibility for the well-being of their children. Fatherhood programs may reinforce the importance of safety for both children and the children's mothers through their contact with fathers, particularly young fathers. By integrating an understanding of the issues related to violence against women into fatherhood program curriculums and services (including procedures to hold program participants accountable for any violent and abusive behavior against either their children or their children's mother), responsible fatherhood programs can become important allies in community efforts to end violence against women and children.

Similarly, as batterer intervention programs teach abusive men to take responsibility for their violence and its effects, they can also challenge fathers to understand the harm their violence does to their children and use their attachment to their children as an incentive to change abusive behavior.

Coordinate Response to Child Maltreatment and Domestic Violence

As indicated above, both child maltreatment and domestic violence often occur in the same family.³³ Some battered women abuse and/or neglect their

children or have additional problems, such as alcohol or drug addictions, that affect their ability to care for their children. In these cases, the risks to children must be carefully assessed, and appropriate protection and services should be provided to both the children and their mothers. In other situations, a battered mother may refuse help or, after help is offered, decide to stay in a relationship that poses serious risks to both her and her children. Again, after a careful risk assessment, children may need to be removed from the family, although domestic violence services should continue to be offered to both the mothers and the children.

Battered women seeking to protect their children from physical assaults or threats of a batterer and other harms that might result from leaving or reporting a batterer need independent advocacy and support services to develop strategies that will reduce or eliminate the particular risks they and their children face. Safety planning services should be available for women who are leaving, returning to, or staying in these relationships. Only then can child protective service agencies and the courts determine whether these plans will protect children adequately.³⁴

In many communities and states, current systems designed to protect children often are laden with disincentives and unintended consequences to battered women who want to access services for their children. For example, a battered woman might take her child to a hospital to get the child treatment for injuries caused by the woman's batterer. The hospital worker is required by law to report that abuse to child protective services; therefore, this woman, who voluntarily sought services for her child, now involuntarily enters the child protective services system. Although the larger child welfare system can offer the woman alternatives to her current situation, she may fear losing her child. She might also face charges based on her failure to protect the child, as well as increased danger from her abuser for seeking help and calling attention to his violence. How can we ensure that this woman's help-seeking serves her and her children?

Despite the fact that a high percentage of families within the child protective services caseload experience domestic violence, neither child protective service agencies nor the courts have traditionally recognized or responded to the needs of victims and their families. In addition to facing a complex set of policy and practice dilemmas with these cases, they have had few, if any, resources. As a result, too many battered mothers are left to fend for themselves against the perpetrator when their children are first removed from their custody and, in some instances, permanently removed from their parental care and control. Other mothers attempting to reestablish or retain custody receive little or no services for help in dealing with alcohol or drug abuse or other problems that place their children at risk for maltreatment or neglect.

Recently, child protection agencies, battered women's service providers, and courts have begun to recognize the often problematic nature of traditional responses. The development of collaborative new policies and programs is under way.³⁵ Battered women and their children will be served best by interventions that are more plentiful, more helpful, more varied, and offered earlier than those currently available. The range of options developed must be informed by strategies battered women use to protect their children and should focus on enhancing the safety and agency of the battered parent as a key to enhancing the safety and well-being of her children.

Effective services and supports in many cases negate the need for coercive actions on the part of government institutions unless such action is needed to protect the children. Outlined below are specific actions that youth service providers; community-based sexual assault and domestic violence programs; medical, nursing, social work, and other professional training programs; national and state health professional associations; teachers; school administrators; law enforcement and criminal justice professionals; health and mental health practitioners; batterer intervention programs; local leaders; parent-teacher associations; and student groups can take to end violence against women.

Build an Expanded Network of Intervention and Prevention Responses

1. Develop and expand early intervention and prevention programs for parents.

- ◆ Expand the availability of programs that support parents (particularly young parents) in building healthy relationships with each other and their children; resolving conflicts respectfully and nonviolently; accessing social, legal, health, and mental health services and economic supports as necessary; and ensuring the ongoing safety and well-being of their children.
- ◆ Ensure that such programs attach no stigma to program participation, are linguistically and culturally competent, and offer immediate protection and support to children or parents in danger.
- ◆ Develop programs at sites that serve young families, such as health clinics, day care centers, Head Start program locations, schools, community centers, home visitation programs, Boys & Girls Clubs, and agencies serving immigrant and migrant populations.

2. Expand and enhance quality, affordable, and accessible programs for children and youth, including those after school, on weekends, and on school vacations.

- ◆ Fully involve child development and child welfare experts, sexual assault and domestic violence advocates, parents, and researchers in the design, implementation, and evaluation of programs.
- ◆ Ensure that such programs attach no stigma to program participation, are linguistically and culturally competent, are developmentally and age appropriate, and offer immediate protection and support to children or parents in danger.
- ◆ Provide opportunities for children and youth to learn and practice nonviolent conflict resolution, explore and form healthy attitudes toward relationships, and develop positive, appropriate interpersonal relationships.
- ◆ Help program participants talk about the issues of relationship violence, sexual assault, stalking, and bullying; train youth to appropriately

support and constructively confront their peers on issues related to violence.

- ◆ Develop specialized mentoring initiatives for children and youth who have experienced or witnessed sexual and physical violence, and integrate promising components into existing mentoring programs.
- ◆ Involve youth and parents in creating and disseminating written and multimedia materials on safety and healthy relationships.
- ◆ Develop programs at sites that serve children and youth, such as schools, health clinics, day care centers, Head Start program locations, community centers, home visitation programs, Boys & Girls Clubs, and agencies serving immigrant and migrant populations. Encourage schools to be used as sites for such programs even during nonschool hours. Use religious, spiritual, or faith-based activities targeting youth for such programming. Encourage parental participation in programs whenever appropriate.
- ◆ Develop policies and mechanisms to carefully screen staff and volunteers working with children and youth, including potential mentors, for evidence of prior acts of abuse or sexual assault.

3. Prepare all professionals working with children, youth, and families to respond appropriately to children's disclosures of abuse against themselves or a parent, and refer them to intervention and prevention services.

- ◆ Target professionals working at all sites that serve children, youth, and young families, including schools, health clinics, day care centers, Head Start program locations, neighborhood family resource centers, home visitation programs, faith-based institutions, Boys & Girls Clubs, and agencies serving immigrant and migrant populations.
- ◆ Provide training on different forms of violence and their impact on children and adults, securing immediate protection and referrals for family members at risk of harm and working collaboratively with other professionals.

- ◆ Develop and provide training on the impact of violence on children—including violence against women—to all health care providers working with children and youth. Include the protective factors and interventions that help ameliorate the impact of that violence.
- ◆ Develop and enhance linguistically and culturally competent screening and assessment tools, and implement policies and procedures to support their consistent and effective use throughout health care settings serving children and youth.

4. Design and expand programs specifically for children exposed to domestic violence and other traumatic situations.

- ◆ Increase the availability and accessibility of affordable intervention services for children who have been abused or have witnessed domestic violence.
- ◆ Develop and ensure the consistent use of tools to assess individually the impact of violence on the children involved. Tailor services to counter the short- and long-term negative impact of exposure to domestic violence.
- ◆ Develop parallel services for the children’s abused parents that support their safety and stability.

5. Establish more programs that identify, respond to, and prevent violence against teen mothers.

- ◆ Train staff working with teen parents in schools, health and social service agencies, and community-based organizations to routinely screen and assess for physical and sexual abuse.
- ◆ Provide training to teen mothers and fathers that supports the development of nonviolent relationships and parenting skills and provides information on community resources to support them as parents.
- ◆ Provide a full range of affordable social and mental health services to keep teen parents in school and reduce the isolation of teen mothers and their children.
- ◆ Include information on sexual assault, domestic violence, stalking, and coercion in safe-sex

education programs at all family planning and sexually transmitted disease clinics, including programs that teach abstinence.

- ◆ Target violence prevention messages to male teens as part of teen pregnancy prevention initiatives.
- ◆ Include information on the benefits of delaying sexual intimacy for male and female teens.

6. Increase the availability of safe visitation centers and exchange sites for children and mothers at ongoing risk of sexual or domestic violence or stalking.

- ◆ Form a communitywide collaborative to design, implement, and evaluate safe and accessible visitation options that maximize safety for abused children and adults.
- ◆ Publicize the availability of safe visitation centers and exchange sites through community-based sexual assault and domestic violence programs, parent organizations, the courts, and other community groups.

7. Identify and address disincentives for abused parents and parents of abused children to participate in intervention and prevention services.

- ◆ Work with at-risk parents to identify current disincentives and barriers to help-seeking and program participation.
- ◆ Identify ways to more actively support participation in services for abused children and parents. Consider separating such services from child protective services system involvement unless there is imminent risk of harm. Consider providing earlier intervention services to avoid the necessity of child protective services.
- ◆ Coordinate civil and criminal court information on cases involving domestic violence, child support, custody, and visitation.

8. Work with fatherhood programs to fully integrate a commitment to the safety and well-being of all family members into educational, counseling, and advocacy services.

- ◆ Emphasize the use of nonviolent parenting techniques for participants who will have ongoing contact with either their children or their children’s mothers.

- ◆ Develop responses for program participants who engage in abusive behavior against either their children or their children’s mothers to ensure victim safety and perpetrator accountability.
- ◆ Integrate linguistically and culturally competent information on nonviolent parenting techniques and responsible fatherhood into program curriculums.
- ◆ Build collaborative relationships among batterer intervention programs, fatherhood programs, community-based domestic violence programs, and other children and youth programs, including programs for children exposed to domestic violence.

Enhance School System Response

9. Develop policies, applicable to all employees and students, that define a school’s response to violence and policies or codes of conduct prohibiting sexual harassment, assault, and dating violence.

- ◆ Ensure that policies are consistent with existing laws. Provide training for teachers, administrators, and other school personnel on policies and their implementation.
- ◆ Widely disseminate information on these policies throughout the school system, including distribution to school administrators, teachers, and other personnel; students; and parents.

10. Design and implement core training for all school personnel on effective prevention strategies, the impact of violence against women and other forms of violence, and how to respond appropriately to disclosures of abuse.

- ◆ Provide this training throughout the school system, and include principals, school superintendents, school boards, teachers, school social workers, guidance counselors, school nurses, school resource officers, administrative and office personnel, security personnel, coaches, bus drivers, and janitorial and cafeteria staff.

11. Implement intervention and prevention programs that address bullying and physical and sexual assault, and teach youth social skills that enable students to develop healthy, nonviolent relationships.

- ◆ Provide age-appropriate information on the prevalence of acquaintance rape and other forms of community and family violence, including the warning signs that may signal risks to a student’s safety, situations and circumstances that foster nonconsensual sexual conduct, the kinds of behaviors that constitute stalking, and appropriate response strategies.
- ◆ Provide information to students about how to ask for help from parents (or when necessary, teachers and other adults) and how to respond appropriately to physical, emotional, or sexual violence among their peers.
- ◆ Include information on the role of bystanders, including age-appropriate strategies students can use to assist victims of physical, sexual, or emotional abuse or bullying and safely challenge perpetrator behavior, as well as how to report incidents.
- ◆ Destigmatize mental health services, and offer a wide variety of services with parental notification and consent, such as support groups, peer mediation and counseling, 12-step models, and individual counseling.

12. Develop a comprehensive school safety plan that incorporates strategies to prevent violence against women and girls and includes personal safety planning for staff and students.

- ◆ Include students and parents, mental health providers, police and juvenile justice authorities, and local sexual assault and domestic violence advocacy groups in the development and implementation of the safety plan.
- ◆ Widely disseminate information on the plan to students, parents, all school personnel, and community leaders.
- ◆ Develop a school plan to address students who sexually assault and/or batter that responsibly balances the requirement to educate all students with the need to ensure that school is a safe place.

Build Communitywide Collaborations

13. Create and provide ongoing support to collaborative partnerships among schools, mental health centers, and the courts to provide families with education, services, and protection for children exposed to violence and adolescents who are victims or perpetrators of or at risk for family and dating violence.

- ◆ Develop opportunities for coordination between youth violence prevention programs and programs addressing violence against women.

14. Fully engage residents in the development and implementation of prevention campaigns that include specific strategies, activities, materials, and messages responsive to the needs of the community.

- ◆ Involve young parents, community leaders, formal and informal supports,³⁶ and other community members in the planning, development, and implementation of prevention strategies to establish credibility, inspire community ownership and commitment, and facilitate broad community participation.
- ◆ Incorporate information provided by survivors of sexual assault, dating and domestic violence, or stalking into program development and implementation.
- ◆ Provide practical tools for men and boys to prepare them to be responsible bystanders committed to intervening appropriately and safely in incidents of sexual and physical assault involving children and youth. In appeals to men and boys, acknowledge that they themselves may have been victims of child sexual assault.
- ◆ Develop strategies to hold the media accountable for playing both positive and negative roles in children's exposure to violence. Involve local news media in community efforts to stop violence within families and the community.

Coordinate Child Protection Agencies, Courts, and Domestic Violence Program Response

15. When investigating allegations of child maltreatment at child protection agencies, screen for domestic violence, and respond appropriately when domestic violence is disclosed.

- ◆ Assess and consider the impact of the parents' abuse, as well as issues such as substance abuse, homelessness, and unemployment, on the children and on the parents' ability to care for them.
- ◆ Assist the battered parents in making safety and self-sufficiency plans for themselves and their children.
- ◆ Incorporate the needs and suggestions of the nonoffending parent in case plans as appropriate, and provide comprehensive advocacy services.
- ◆ Provide services designed to allow the children to remain at home with the nonoffending parent whenever it is safe to do so. Coordinate with police and courts to ensure their safety, including prosecuting the batterer, helping to find alternative housing, and ensuring the confidentiality of address.
- ◆ Develop a separate case plan for the abusive parent or adult to hold that person accountable for his violence and its effects, and work with police and courts to enforce that accountability.
- ◆ Encourage "reasonable efforts," which can effectively provide family preservation services (keeping a nonabusing parent with her children) such as housing, economic assistance, and job training to abused mothers.
- ◆ Recommend good cause exceptions to the Adoption and Safe Families Act³⁷ timelines when it would likely result in the nonabusing parent and children remaining safely together, with child safety and permanency being primary concerns.

- ◆ Consider eliminating “failure to protect” as a reason for removing children, unless support has been provided to the mother in her efforts to protect or she has made no effort.

16. When overlapping domestic violence and child maltreatment cases come before the court, implement a coordinated court and community response that creates safety for abused or neglected children and their abused parents, enhances the stability and well-being of the children, and holds the perpetrator of the violence accountable.

- ◆ Provide battered parents with comprehensive advocacy to assist them in negotiating the child protection and dependency court systems and securing the necessary services.
- ◆ Provide case advocates to children in these cases, and ensure that advocates receive ongoing training on domestic violence issues and children’s legal rights.
- ◆ Develop separate service plans for each parent or adult, and hold parties accountable for compliance with their individual plan.
- ◆ Name the abusive party (family or nonfamily member) in the petition, and document in the petition any domestic violence that has caused harm to the child.
- ◆ Ensure that any petitions alleging “failure to protect” on the part of the battered parent identify the perpetrator from whom she failed to protect, and document the parent’s efforts to protect as well as her failures to protect.

17. Promote policies that enhance the ability of child protective services, the criminal and civil justice system, and domestic violence agencies to work together to improve safety and accountability in cases where domestic violence and child maltreatment coexist.

- ◆ Expand domestic violence councils or create new task forces at the state and community levels to begin the dialog on how these three systems can agree on common goals and work toward them together, including how best to provide advocacy for battered women in each of the three systems.

- ◆ Develop policies and protocols and/or memorandums of agreement to outline the means of coordination and collaboration.
- ◆ Design and institute cross training for personnel within the three systems, including all counsel representing victims, perpetrators, and children.
- ◆ Collaboratively develop information-sharing protocols that preserve the confidentiality and privileged communication critical to providing advocacy services and that properly balance the need for information on the alleged child maltreatment and the need of a battered parent to keep information confidential as part of safety planning efforts.
- ◆ Develop specialized expertise within the three systems that enhances workers’ ability to respond adequately to cases that require additional time or expertise.
- ◆ Include batterer intervention programs in cross training and multidisciplinary case planning to provide monitoring and social service interventions for abusive men, as well as appropriate followup on arrests and prosecutions.
- ◆ Increase the juvenile or family court’s ability to communicate and coordinate with other civil and criminal courts about concurrent cases involving family members.
- ◆ Screen all proposed caretakers and child advocates for child maltreatment, criminal history, domestic violence, and substance abuse.

Resources

Alliance for Children and Families

Communications Department
 11700 West Lake Park Drive
 Milwaukee, WI 53224
 Phone: 414-359-1040 or 1-800-221-3726
 Fax: 414-359-1074
 Web site: www.alliance1.org

Membership in the Alliance for Children and Families includes nonprofit child- and family-serving organizations across the country. The Alliance aims to strengthen members’ capacity to serve and advocate for children, families, and

communities by providing public policy and advocacy efforts, research and resource development, library services, media information, and community programs.

Big Brothers Big Sisters of America

230 North 13th Street
Philadelphia, PA 19107
Phone: 215-567-7000
Fax: 215-567-0394
Web site: www.bbbsa.org

Big Brothers Big Sisters of America is the nation's largest and oldest youth mentoring program. Volunteers provide one-on-one mentoring to children who primarily are from single-parent households in more than 500 communities throughout the United States.

Center on Children and the Law

American Bar Association
740 15th Street NW
Washington, DC 20005-1022
Phone: 202-662-1720
Fax: 202-662-755
E-mail: ctrchildren@abanet.org
Web site: www.abanet.org/child

The American Bar Association (ABA) Center on Children and the Law focuses on improving children's lives through advances in law, justice, knowledge, practice, and public policy. ABA publications that deal with issues of child abuse and neglect include *ABA Child Law Practice*, *ABA Child CourtWorks*, and *Children's Legal Rights Journal*. The Web site features ABA publications and materials, child welfare law tips, bulletin boards and an e-mail center, and other resources.

Dependency Court Intervention Program for Family Violence

2700 NW. 36th Street, Suite 114
Miami, FL 33142
Phone: 305-638-5619
E-mail: jjgrants@jud11.flcourts.org

The Dependency Court Intervention Program for Family Violence is a pilot project developed to review justice system procedures for women and children who have been abused. The program

offers voluntary free counseling to women and their children in cases in which the court has intervened and removed youth from the home.

Family Violence and Sexual Assault Institute

7120 Herman Jared Drive
Forth Worth, TX 76180
Phone: 817-569-8882
Fax: 817-485-0600
Web site: www.fvsai.org

The Family Violence and Sexual Assault Institute (FVSAI) publishes the *Quarterly International Family Violence and Sexual Assault Bulletin*, a resource for grants, workshops, and prevention and intervention programs. FVSAI also hosts conferences on child abuse and neglect throughout the year.

Family Violence Prevention Fund

383 Rhode Island Street, Suite 304
San Francisco, CA 94103-5133
Phone: 415-252-8900
Fax: 415-252-8991
Web site: www.fvpf.org

The Family Violence Prevention Fund works to end domestic violence and help women and children whose lives are affected by abuse. The Web site offers free online catalogs, articles and information on abuse and violence, press releases and story archives, information on public policy efforts, and other resource materials.

Keep Schools Safe: A Collection of Resources To Help Make Schools Safer

Web site: www.keepschoolsafe.org

A project of the National Association of Attorneys General and the National School Boards Association, this Web site provides information and resources for concerned parents, teachers and school administrators, and law enforcement officers.

National Children's Advocacy Center

106 Lincoln Street
Huntsville, AL 35801
Phone: 256-533-5437
Fax: 256-534-9616
Web site: www.ncac-hsv.org

The National Children's Advocacy Center provides prevention, intervention, and treatment services to physically and sexually abused children and their families and training on intervention and techniques for conducting a successful investigative interview.

National Children's Alliance (formerly the National Network of Children's Advocacy Centers)

1612 K Street NW., Suite 500
Washington, DC 20006
Phone: 202-452-6001 or 1-800-239-9950
Web site: www.nncac.org

The National Children's Alliance (NCA) provides training, technical assistance, and networking opportunities to help communities plan, establish, and improve children's advocacy centers. NCA's approach to combating child abuse is to work with the children and their families in a child-focused environment.

National Clearinghouse on Child Abuse and Neglect Information

300 C Street SW.
Washington, DC 20447
Phone: 1-800-FYI-3366
Web site: www.calib.com/nccanch

The National Clearinghouse on Child Abuse and Neglect Information (NCCANI) offers resources on the prevention, identification, and treatment of child abuse and neglect and related child welfare issues. NCCANI provides free statistics, databases, fact sheets and other publications, information on funding opportunities, and related resources on child abuse and neglect.

National Council on Child Abuse and Family Violence

1155 Connecticut Avenue NW., Suite 400
Washington, DC 20036
Phone: 202-429-6695 or 1-800-222-2000
Web site: www.nccafv.org

The National Council on Child Abuse and Family Violence offers information and resources on issues related to abuse of children, spouses, and the elderly. The Web site includes relevant statistics and lists of warning signs to help readers recognize when someone they know is being abused.

Resource Center on Domestic Violence: Child Protection and Custody

National Council of Juvenile and Family Court Judges
P.O. Box 8970
Reno, NV 89507
Phone: 1-800-527-3223
Fax: 775-784-6160
Web site: www.dvlawsearch.com/res_center

The Resource Center on Domestic Violence: Child Protection and Custody provides access to information and assistance to professionals in the field of domestic violence and child protection and custody. The Web site includes an online video library that contains material on dating and domestic violence, child abuse, and related topics.

Violence Against Women Online Resources

Web site: www.vaw.umn.edu
This Web site provides up-to-date information on interventions to stop violence against women for professionals in the fields of law, criminal justice, advocacy, and social service.

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What Communities Can Do To Make A Difference

- ◆ **Engage the media, community members, and educators.** Focus on building community awareness of available services so that victims know where to turn to for help. At the same time, communicate prevention messages that help create social sanctions against violent and abusive behavior.
- ◆ **Ensure that services are available to those who seek help.** Equip service providers to handle the increase in requests for help generated by community education campaigns. Create new programs in communities that lack needed services.
- ◆ **Form community partnerships.** Enlist sexual assault, dating and domestic violence, and stalking advocates; educators; faith leaders; and other community leaders to work together to raise awareness about all forms of violence against women.
- ◆ **Create campaigns with a grassroots-organizing component.** Work to develop the leadership skills of community members so that leaders of community groups can become powerful messengers.
- ◆ **Target education and awareness campaigns to young people and men.** Develop public education campaigns that educate young adults about relationship violence, sexual assault, and stalking. Develop campaigns that target men, and urge men to lead efforts to end violence against women.
- ◆ **Complement community service campaigns with aggressive free media campaigns.** Use the free media (newspapers, wire services, television, radio, magazines, and the Internet and other nontraditional media outlets) to reach broader audiences.
- ◆ **Create partnerships with the media so that antiviolenace campaigns continue through changes in media ownership and leadership.** Work with the media to dispel myths about sexual assault, dating and domestic violence, and stalking.
- ◆ **Seek corporate support for media campaigns.** Encourage corporations to become partners in addressing sexual assault and domestic violence by developing workplace policies that address these issues.
- ◆ **Target education and awareness campaigns to populations that might not be reached via a general outreach.** Move beyond traditional media outlets such as newspapers, television, radio, and the Internet to reach these audiences.
- ◆ **Evaluate public education efforts rigorously.** Conduct research to determine the impact and effectiveness of public service and public education campaigns, then refine messages and campaigns to increase their impact.

Chapter 10

Educating and Mobilizing the Public About Violence Against Women

Community education campaigns can be powerful tools in building awareness and changing public attitudes about violence against women. Recent campaigns have encouraged drivers to wear seatbelts and avoid driving while intoxicated and have successfully promoted the need for mammograms, AIDS education and prevention, and colorectal cancer screening.

Women who have been victims of violent crimes can benefit tremendously when television stations and networks, radio stations, newspapers, magazines, Web sites, and other media promote the phone numbers of local, state, and national sexual assault and domestic violence hotlines. After public service announcements appear, directors of these hotlines regularly report increases in the number of telephone calls.

Today, local, state, and national campaigns inform victims of sexual assault, dating and domestic violence, and stalking about available services, communicate that violence against women is wrong, and promote behavioral change among the general public and in specific communities. These public education campaigns have the power to help the general public support family, friends, neighbors, and coworkers who are victimized and to create a more educated population from which to choose jurors when crimes are prosecuted.

The media can do much more to change public attitudes about violence against women. Members of the media can donate more time and space to campaigns that educate and mobilize the public about violence against women. For example, the

media can carry more public service announcements about services available to victims.

Corporations can help leverage coverage by asking the media outlets in and on which they advertise to donate time or space to select public service announcements. Some corporations have either convinced public service directors to run spots on violence against women or have developed and placed their own spots.

Engaging the Free Media To Build Awareness

The news media—newspapers, wire services, television, radio, magazines, newsletters, and the Internet—are the primary sources of information for the vast majority of adults. If news stories carry messages that are neutral about or imply acceptance of physical and sexual violence and stalking or messages that blame the victim, community members may be disinclined to take action against such abuse. Stories that explore the causes of violence against women can give the public insight and direction and motivate people to take constructive action to help victims, challenge perpetrators, and do what they can to stop every type of abuse.

Victim advocates can plan innovative activities to generate news coverage that delivers positive messages. For example, community leaders in a small midland city began organizing awareness activities in the early 1990s and generated news coverage of their public hearings on domestic

violence. A South Asian community in a large American city has generated stories for South Asian television stations and newspapers and in mainstream newspapers about marches against domestic violence in their neighborhood, speeches by survivors, and protests at a batterer's home. The sexual assault coalition of one midwestern state generated newspaper stories because of its unique public awareness campaign targeting boys between ages 14 and 16. Local radio and television stations also reacted positively to the award-winning campaign and offered hours of free airtime for public service announcements. These are but a few examples of successful strategies used by advocates to increase attention to violence against women.

Advocates also can engage the media directly to generate coverage that educates Americans about sexual assault, dating and domestic violence, and stalking; encourages people to take action to prevent violence against women; and rallies support for local service providers. To do this, advocates should establish relationships with journalists, propose news stories, provide documented background information, and recommend qualified experts and spokespersons for interviews. Educating the media about the complex issues surrounding sexual assault, dating and domestic violence, and stalking will result in better news stories because educated journalists will cover the issues more comprehensively and effectively. Advocates should keep in mind that media outlets have frequent personnel changes; therefore, media education has to be an ongoing process.

Partnering with the free media can be important when planning for public service activities. An ongoing relationship with a local radio station, for example, can make it easier to place public service announcements, as well-known DJs can make effective spokespersons for awareness campaigns.

Reaching Out to Diverse Audiences

Media campaigns, messages advocating prevention, and spokespersons may be ineffective in reaching communities with different languages, cultures, and interests. Advocates should develop public awareness campaigns that target populations that might not be reached via a general outreach. The most effective culturally specific campaigns use messengers who come from that community and tailor language, concepts, images, and messages to which the target audience can relate. Campaigns should use a range of delivery mediums such as foreign language radio stations and other nontraditional media outlets to reach the widest audience.

In several instances, advocates have worked with diverse communities to reach broader audiences. For example, a large urban Arab community in the United States developed culturally specific materials on domestic violence in response to the “honor killing” of a young woman. Several locally based programs have developed successful campaigns that reach out to men. Finally, a state sexual assault coalition recently completed evaluating its award-winning public awareness campaign, which included separate messages for boys and girls. The evaluation showed that the messages specifically developed to reach boys—who traditionally have not been targeted in awareness campaigns about sexual assault—were especially successful at changing social norms among young men.

Targeting Teens

Ideas and opinions about violence against girls and women are formed at a young age. Communities can focus some outreach efforts on young girls and boys to influence the development of attitudes and behaviors that may last a lifetime. Parents should be involved in the development of any campaigns directed at children under the age of 18.

Many good examples of successful campaigns targeting teens exist. A state sexual assault coalition has reached out effectively to students ages 11–15 via its comprehensive annual awareness campaign (funded by a federal Violence Against Women Act grant). The campaign includes posters, partnership with a local radio station, a CD with songs by local artists, and a magazine about sexual assault that is targeted to girls. The coalition also has developed a curriculum on statutory rape for schools and arranged for prevention educators to visit local schools.

Other programs also have reached out to diverse teen audiences. One program meets with Native American girls ages 13–15 at local schools to teach the girls about teen dating violence. Another program in an African-American community runs a “Sister to Sister” project to help promote self-esteem and prevent violence against young women. The program also runs a “Brother to Brother” campaign and has developed a play about violence entitled “Enough Is Enough.”

Advocates also can partner with programs in the community that already target teens. Many organizations already work with teens on issues such as AIDS and HIV prevention, substance abuse prevention, violence prevention, conflict resolution, and sexuality education. Where effective programs exist, advocates should partner with these organizations to add information about sexual assault, dating and domestic violence, and stalking.

School-based projects serve to train the next generation of college leaders on the issues of sexual assault, dating and domestic violence, and stalking. Many types of creative peer counseling groups and some of the most effective public education campaigns, including *Take Back the Night* marches, take place on college campuses. These programs will be even more effective when the incoming college students who lead these programs have already been taught about issues related to violence against women.

Reacting to Negative Media Messages

Advocates for battered women and victims of sexual assault and stalking are increasingly accused of exaggerating the prevalence of violence and of being unfair to men. The news media often report on challenges to studies that demonstrate the pervasiveness of violence against women. Advocates can capitalize on the attention media give such challenges by countering with accurate information about violence against women. They can effectively respond to challenges by remaining vigilant, monitoring the media, accurately citing data in publications, developing strong proactive and reactive messages, coordinating with allies, and engaging the media.

Outlined below are specific actions that community allies and advocates for victims of sexual assault, dating and domestic violence, and stalking can take to educate and mobilize the public.

Conduct Aggressive Community Education Campaigns

1. Focus community education on building awareness of available services so that victims of sexual assault, dating and domestic violence, and stalking know where to turn for help.

- ◆ Coordinate with service providers where the campaign will be targeted to develop messages and visual images that are both powerful and sensitive to that community.
- ◆ Carefully select the appropriate spokespeople to be sure the target audiences can relate to their messages.
- ◆ Involve survivors and a diverse representation of community members in campaign development.

2. Develop campaigns that challenge victim blaming, and engage men in holding other men accountable for violence.

- ◆ Work with schools, community members, and survivors to develop a campaign that changes

the belief that victims of violence are to blame for their victimization.

- ◆ Develop simple actions that people can take to send the message that violence against women is wrong.
- ◆ Develop messages targeted to perpetrators of violence against women and girls that encourage accountability and behavior change.
- ◆ Focus on the role of bystanders—including strategies men can use to prevent violence against women—to address or challenge perpetrator behavior, identify and assist victims, and make appropriate referrals.
- ◆ Integrate messages that communicate how racism, sexism, and homophobia can nurture and support sexual assault and domestic violence.
- ◆ Test campaign messages with the target audience before finalizing the messages.

3. Seek support from corporations, and enlist media outlets as partners in the campaign.

- ◆ Ask for support from local corporations while developing the campaign, and ask them to use their leverage as advertisers to win media support for the campaign.
- ◆ Ask supportive corporations to use their own communication tools, such as Web sites, store banners, office bulletin boards, and paycheck stuffers, to reinforce campaign messages.
- ◆ Test your announcements with local newspapers and television and radio stations to be sure that the content and quality are appropriate to be run or aired.
- ◆ Enlist a media outlet to become a partner in the campaign and to commit to running its announcements regularly over a 6-month or 1-year period.

4. Secure funding to rigorously evaluate public education efforts.

- ◆ Partner with a local college, university, or public opinion research firm to conduct research to determine the impact and effectiveness of public service and public education campaigns.

- ◆ Refine messages and campaigns as needed to increase their impact and expand their reach.

Engage the Free Media in Building Awareness

5. Use the free media to reach broader audiences.

- ◆ Develop creative and newsworthy events with visual appeal to launch and promote the campaign.
- ◆ Develop a set of messages that spokespeople will use when discussing the issue and campaign.
- ◆ Establish a group of spokespeople who are as diverse as the targeted community, have various types of experience and expertise, and will make themselves available for interviews.
- ◆ Book spokespeople on radio and television news and public affairs programs.
- ◆ Write opinion columns for local newspapers about the issues behind the campaign.
- ◆ Seek editorial and columnist support for the issue and for the campaign.
- ◆ Hold a news conference to announce the campaign.
- ◆ Encourage allies of the effort to end violence against women to use their Web sites to promote campaign messages and information.
- ◆ Provide Internet resources to organizations and agencies to further their efforts to help victims of sexual assault, dating and domestic violence, and stalking.
- ◆ Identify stories about the long-term effects of violence against women and how it affects public health and every type of crime to gain media exposure.

6. Teach journalists about the complex issues that surround sexual assault, dating and domestic violence, and stalking.

- ◆ Provide background materials to local journalists who cover news, women's issues, crime and violence, health, education, and social issues.

- ◆ Send information about available services and prevention campaigns to local journalists on a regular basis.
- ◆ Have members of the media hold forums to teach fellow members how to report on cases that involve sexual assault, dating and domestic violence, and stalking.

Reach Out to Diverse Audiences

7. Create public awareness and education campaigns that appeal to young people.

- ◆ Hold focus group meetings to determine teen attitudes and behaviors, and use this information to develop materials that teenagers can relate to.
- ◆ Enlist the support of media outlets that target teen audiences when launching free media campaigns.
- ◆ Work with school administrators, teachers, parents, and students to conduct public education campaigns at schools. Include education about sexual harassment.
- ◆ Partner with school- or community-based organizations that already work successfully with youth on issues such as AIDS and HIV prevention, substance abuse prevention, conflict resolution, and other issues.
- ◆ Develop age-appropriate and culturally sensitive curriculums on sexual assault, dating and domestic violence, and stalking. Include prevention messages, conflict resolution and communication skills building, and information about who to ask for help and how to ask. Test curriculums and the breadth of their use and evaluate them for effectiveness, as resources allow. Include parents in the development of curriculums.
- ◆ Promote positive communication and respect in relationships. Conduct separate campaigns for boys and girls, whenever possible.
- ◆ Work with school administrators to establish peer support groups and other opportunities for teens to discuss dating and domestic violence.
- ◆ Work with teens and parents to develop messages and materials. Develop programs that

teach teens to work with their school newspaper and local television and radio stations to include news stories on sexual assault, dating and domestic violence, and stalking.

- ◆ Meet with school administrators and school board members to educate them about the long-term societal impact of sexual assault, the state's sexual assault laws, and definitions of sexual assault.
- ◆ Engage celebrities and luminaries (including teenage victims of sexual assault, dating or domestic violence, or stalking) who appeal to teenagers to talk to students about violence against women and girls and feature these spokespeople in public service announcements.

8. Develop specific education and awareness campaigns for populations that might not be reached via general outreach.

- ◆ Develop culturally appropriate materials for special populations, and ensure that these materials reach everyone who might need them.
- ◆ Target neighborhood minority and alternative newspapers, diverse radio and television stations or programs, and other nontraditional media outlets in any media campaign.
- ◆ Create separate campaigns for sexual assault alone, especially for community members who have mental and physical disabilities or are elderly.
- ◆ Engage celebrities and luminaries from the above-mentioned communities to be spokespeople for the campaign.

9. Integrate messages about violence against women into other health education campaigns.

- ◆ Look for opportunities to include information about sexual assault in other health education campaigns that target behaviors or symptoms often associated with the aftereffects of sexual assault, including but not limited to teen pregnancy; unsafe sex; sexually transmitted diseases, including HIV and AIDS; alcohol and other drug use; eating disorders; posttraumatic stress disorder; and dissociative disorder.

- ◆ Look for opportunities to include information about sexual assault and domestic violence in other health education campaigns that target behavior often associated with the aftereffects of abuse, including but not limited to abuse during pregnancy; chronic pain; sexually transmitted diseases, including HIV and AIDS; and alcohol and other drug use.
- ◆ Develop awareness campaigns that direct victims of stalking to the police and mental health services.

React to Negative Media Messages

10. Monitor the media for false or misleading information related to causes or excuses for sexual assault and domestic violence.

- ◆ Clip local and regional newspapers.
- ◆ Monitor broadcast media and Web sites.

11. Publish only current statistics and studies.

- ◆ Include sources for statistics in campaign materials.
- ◆ Become familiar with the overall methodology of the research.

12. Develop a plan to respond quickly to false or misleading information.

- ◆ Write general talking points about remedies to sexual assault, dating and domestic violence, and stalking.
- ◆ Identify spokespeople with diverse backgrounds to respond to challenges to studies that demonstrate the pervasiveness of violence against women.
- ◆ Identify spokespeople who are willing to share their personal experiences with violence in response to false or misleading information.
- ◆ Develop an e-mail, telephone, or fax network to communicate with spokespeople about opportunities to respond to false or misleading information.

13. Write letters to the editor and opinion columns in response to false or misleading information about sexual assault, dating and domestic violence, and stalking.

- ◆ Ask spokespeople to sign letters to the editor and opinion columns.
- ◆ Identify spokespeople who are willing to appear on talk shows or debate opponents.

For more media recommendations, see Toolkit chapter “Engaging the Media, Advertising, and Entertainment Industries.”

Resources

The Advertising Council

261 Madison Avenue, 11th Floor
New York, NY 10016
Phone: 212-922-1500
Fax: 212-922-1676
Web site: www.adcouncil.org

Each year the Advertising Council coordinates approximately 40 public education and advocacy campaigns that focus on preventive health, education, community well-being, environmental preservation, strengthening families, and enriching children’s lives. Advertising Council slogans (“Take a Bite Out of Crime,” “Friends Don’t Let Friends Drive Drunk”) and characters (Smokey the Bear, McGruff the Crime Dog) raise awareness, promote individual action, and save lives.

Benton Foundation

950 18th Street NW.
Washington, DC 20006
Phone: 202-638-5770
Fax: 202-638-5771
Web site: www.benton.org

Supporting the public interest use of communications media, the Benton Foundation provides leadership in the emerging communications environment and promotes the value of communications for solving social problems.

Family Violence Prevention Fund

383 Rhode Island Street, Suite 304
San Francisco, CA 94103-5133
Phone: 415-252-8900
Fax: 415-252-8991
Web site: www.fvpf.org

The Family Violence Prevention Fund works to end domestic violence and help women and children whose lives are affected by abuse. The Web site offers free online catalogs, articles and information on abuse and violence, press releases and story archives, information on public policy efforts, and other resource materials.

National Criminal Justice Reference Service

P.O. Box 6000
Rockville, MD 20849-6000
Phone: 301-519-5500 or 1-800-851-3420
Fax: 301-519-5212
Web site: www.ncjrs.org

The National Criminal Justice Reference Service (NCJRS) is a federally sponsored information clearinghouse for people around the country and the world involved with research, policy, and practice related to criminal and juvenile justice and drug control. NCJRS disseminates publications, grant information, and other resources for the Bureau of Justice Assistance, Bureau of Justice Statistics, Office for Victims of Crime, Office of Juvenile Justice and Delinquency Prevention, National Institute of Justice, and other partner agencies. Publications can be accessed from the Web site or copies can be requested by phone, fax, or e-mail.

National Resource Center on Domestic Violence

Pennsylvania Coalition Against Domestic Violence
6400 Flank Drive, Suite 1300
Harrisburg, PA 17112
Phone: 1-800-537-2238
TTY: 1-800-533-2508
Fax: 717-545-9456
Web site: www.pcadv.org

The National Resource Center on Domestic Violence (NRC) is a valuable source for information, training, and technical assistance regarding domestic violence issues. NRC is also a clearinghouse for domestic violence resources and statistics that may be used to enhance policies and publications.

National Sexual Violence Resource Center

123 North Enola Drive
Enola, PA 17025
Phone: 1-877-739-3895
TTY: 717-909-0715
Fax: 717-909-0714
Web site: www.nsvrc.org

The National Sexual Violence Resource Center (NSVRC) is a clearinghouse for resources and research about all forms of sexual violence. NSVRC works with its partner agency, the University of Pennsylvania, to provide new policies for establishing sexual violence interventions and prevention programs.

Stalking Resource Center

National Center for Victims of Crime
2000 M Street NW., Suite 480
Washington, DC 20036
Phone: 202-467-8700
Fax: 202-467-8701
Web site: www.ncvc.org

The National Center for Victims of Crime's (NCVC's) mission is to help victims of crime and their families rebuild their lives. The Stalking Resource Center provides resources, training, and technical assistance to criminal justice professionals and victim service providers to support locally coordinated, multidisciplinary antistalking approaches and responses.

What the Media Can Do To Make a Difference

- ◆ **Report consequences.** Use news programming, music videos, children's shows, and other entertainment to report the negative impact that violence against women has on victims and the community.
- ◆ **Refuse to promote violence.** Adopt industry standards that curtail justifying, glamorizing, sanitizing, or normalizing violence, specifically violence against women.
- ◆ **Focus on nonviolent images.** Incorporate nonaggressive images and messages when developing products or advertisements.
- ◆ **Embrace positive programming.** Develop story lines and characters that promote positive attitudes toward women, masculinity, relationships, and nonviolence.
- ◆ **Inform parents, caregivers, and communities.** Provide easily understood information about managing children's media consumption and teaching media literacy.
- ◆ **Include victim advocates.** Invite victim advocates to participate in developing consumer education materials and policies against violence.
- ◆ **Establish partnerships to foster antiviolence education.** Broker partnerships between public education campaign developers and media companies to maximize the reach of violence prevention efforts.
- ◆ **Support school-based media education programs.** Encourage schools to provide age-appropriate media education and media literacy that target school-aged children.
- ◆ **Work with the community to promote violence prevention.** Cultivate partnerships with community groups to develop violence prevention initiatives.
- ◆ **Encourage interdisciplinary collaboration to prevent "new" media crimes.** Work with state and local law enforcement agencies to monitor the Internet for child sexual exploitation, the distribution of child pornography, and stalking.

Chapter 11

Engaging the Media, Advertising, and Entertainment Industries

The media, advertising, and entertainment industries, collectively known as “mass media,” are powerful because they penetrate every segment of modern-day society and effectively influence how consumers view themselves, their neighbors, their communities, and the world. Because of daily technological advances, “mass media” denotes outlets beyond newspaper, radio, and television. The scope of media influence now extends to digital spectrum, cable, and satellite technology and the Internet.

For decades, advocates who work to stop sexual assault, dating and domestic violence, and stalking have struggled to promote responsible news coverage and win media support. Movies and entertainment television have long exploited these crimes to “entertain.” News coverage of violence against women has often been sensational, exploitative, and lacking in serious analysis of the prevalence, costs, and underlying causes of such violence. In fact, until recently, it was not uncommon to see and hear news stories that referred to domestic homicides as “lovers’ quarrels” that escalated to murder or that accepted men’s aggressive and obsessive pursuit of women. In other cases, the media have used language that perpetuates myths about sexual assault, dating and domestic violence, and stalking.

In recent years, however, media coverage and depictions of sexual assault and domestic violence have begun to change. Although problems remain, today’s media carry more responsible messages about violence against women and conduct more serious analyses of the causes of these crimes and the impact on and cost to communities as a result

of these crimes. Public service initiatives that promote community-based programs such as hotlines and shelters are winning broader support. Advocates also have developed campaigns with ambitious new messages that encourage people to speak out against violence and challenge men to cease violent and sexually coercive behaviors.

The media, advertising, and entertainment industries are uniquely positioned to wield their influence to inspire action that will end violence against women. The media can do a tremendous amount to direct victims of violence to services and to affect public attitudes about violence against women in all its forms. These industries also have a duty to report accurately on acts of violence against women. By establishing partnerships with advocacy groups, policymakers, researchers, and other community leaders, the media industry can serve as the catalyst for new and more effective violence prevention messages. Further, under the industry’s leadership, current media practices that are harmful to women and girls can be identified and altered.

Although some in the media industry are to be commended for their ongoing efforts to reflect sensitive, diverse, and egalitarian images, others in the media still incorporate images that convey destructive messages. Women’s bodies are used as objects to sell products, men and boys are portrayed in aggressive and stereotypical ways, and depictions of physical and sexual violence are glorified. Even implied acts of violence may support the “normalization” or sense of inevitability of violence against women. Clearly, not all

images of violence have the same impact on the attitudes and behavior of society. Programs that convey the negative consequences of violence against women send a much different message than those that objectify women or use violence as a form of entertainment.

The responsible voice of the mass media is critical to communicating that violent behavior is unacceptable. Violence against women, in any of its forms, should never be condoned or romanticized under any circumstances. Although reducing violence in the media is a central goal, messages that promote violence prevention are equally important. Specifically, the media, advertising, and entertainment industries are encouraged to actively support three interconnected strategies:

- ◆ Demonstrate that portraying violence in the news, advertisements, entertainment and sports programs, children’s programming, and other areas has a negative impact.
- ◆ Refuse to justify, glamorize, sanitize, or normalize violence.
- ◆ Employ the power of the media, entertainment, and advertising industries to support efforts to end violence against women.

Mass Media

Mass media have the power to help create healthy communities in part by portraying healthy, constructive communities. Nonviolent communities are built on respect, empathy, and shared interests. The reach and scope of the mass media are critical to altering societal norms regarding violence against women. The diverse outlets under the mass-media umbrella allow direct and relevant communication with a range of audiences. Harnessing this significant influence and directing it toward violence prevention is a critical first step toward ending violence against women and girls.

New Media

The Internet and digital spectrum technology have altered communication norms in our culture and offer the exposure necessary to discourage violence against women and girls. By increasing access to confidential resources and information about sexual assault, dating and domestic violence, and stalking and by improving law enforcement communication between jurisdictions, these new media are critical to ending violence against women and girls. As with most positive technological developments, potential negative impacts are inherent and should be addressed.

Media Education and Advocacy

Media education and media advocacy alter the relationship between consumers and the media by informing consumers without censoring media. Specifically, media education is designed to inform consumers about how the media operate, including production, distribution, and consumption. Media advocacy uses the media to advance a particular cause or policy initiative.

Media literacy alters how consumers “read” media images and messages, thus affecting the impact that those images and messages have on consumers. Specifically, media literacy reflects the consumer’s ability to analyze and evaluate media messages accurately. Media literacy gives consumers the critical information needed to engage in simple interventions such as watching and discussing programs with family and friends, to directly influence the understanding of media violence, and to limit its negative impact.

Outlined below are specific actions that the mass media and related organizations can take to initiate the end of violence against women and girls. The private sector, criminal justice policymakers, Internet service providers, children’s advocacy groups, domestic violence and sexual assault advocates, and community stakeholders also can benefit from the actions listed below.

What the Mass Media Can Do

1. Support efforts to reduce children’s exposure to media violence.

- ◆ Provide parents and other caregivers with clear information about the V-Chip—a device programmable by parents that blocks the display of television programs based on assigned ratings—and other tools designed to manage children’s media intake.
- ◆ Select nonviolent male and female role models to endorse products and present nonviolent, nonaggressive images and messages when targeting children in programming or advertising.
- ◆ Develop story lines, images, characters, programs, and products that promote healthy attitudes toward women, masculinity, relationships, and sexuality.
- ◆ Work with advocates, parents, and researchers in the fields of sexual assault and domestic violence to promote music, music videos, and music Web sites that reflect values consistent with ending violence against women and girls.
- ◆ Donate air time to organizations that oppose violence, specifically violence against women.
- ◆ Establish industry task forces to respond to concerns raised about children and media violence. For example, these task forces can monitor advertising that targets children or explore the consequences of portraying violence against women and girls in music and music videos.

2. Diversify images of women on television and radio to counter traditional stereotypes that perpetuate violence against women.

- ◆ Provide fair and full coverage of women in politics, sports, business, health, and education.
- ◆ Enhance programming and news coverage of efforts to end violence against women.
- ◆ Reflect diversity by continuing to hire women of color as producers, directors, writers, reporters, and expert commentators.

3. Teach media professionals about violence against women and prevention efforts.

- ◆ Develop or enhance courses offered at educational institutions to include the media’s role in ending violence against women.
- ◆ Inform media professionals by integrating training about violence against women into trade conferences, continuing education courses, newsletters, and other educational outlets.

4. Develop culturally relevant public awareness campaigns on violence against women.

- ◆ Target populations not typically reached through general outreach, including culturally specific programs, by using tailored language and messengers and a range of delivery mediums. Ensure that media campaigns, messages advocating prevention, and spokespeople resonate in communities with different languages, cultures, and interests.
- ◆ Focus prevention messages on girls and boys in high school, middle school, and earlier to influence attitudes and behaviors that may last a lifetime.
- ◆ Increase the number of public education and creative peer education programs on college campuses.

For related recommendations, see Toolkit chapter “Educating and Mobilizing the Public About Violence Against Women.”

5. Provide media coverage about the incidence, prevalence, and impact of violence against women and the need for comprehensive, coordinated systems and community response.

- ◆ Provide the full context of violence-related news events such as crimes of self-defense by women to inform the public about the relationship between crimes and violence against women.

- ◆ Seek commentary from experts who deal with violence against women when reporting on sexual assault, dating or domestic violence, or stalking.
- ◆ Provide community resource information as supplements to news stories about incidents of violence against women.

What New Media Can Do

6. Improve, implement, and evaluate safeguards that protect children from images of violence and other potentially harmful material found on the Internet and other interactive media.

- ◆ Ensure that safeguards reflect the cognitive and emotional development of children while protecting public and commercial interests and constitutional freedoms.
- ◆ Encourage parents and other caregivers to monitor children's use of the Internet and other interactive media.

7. Continue to develop and publicize filtering, blocking, labeling, and other mechanisms to allow consumers to voluntarily control access to violent or offensive content.

- ◆ Collaborate with victim advocates to develop effective tools and consumer education materials that support violence prevention initiatives.
- ◆ Expand public education campaigns about the availability of such mechanisms.

8. Encourage interdisciplinary collaboration to prevent new media crimes, including child sexual exploitation, the distribution of child pornography, and cyberstalking.

- ◆ Increase the capacity of state and local law enforcement and criminal justice systems to investigate and prosecute Internet crimes more effectively.

How To Use the Media

9. Develop comprehensive media literacy and media advocacy strategies to encourage prevention-oriented coverage of violence against women and girls in news and entertainment programs.

- ◆ Work with media advocacy organizations to provide youth-serving organizations with assistance in integrating media education about violence against women into classrooms and other settings.
- ◆ Encourage local broadcasters and Internet service providers to participate in community projects focused on media literacy.
- ◆ Work with community action groups to respond to media portrayals of violence against women by offering sponsorship, training, and endorsements.
- ◆ Organize community members to educate policymakers, state and federal regulators, and telecommunications companies.
- ◆ Cultivate relationships with local media and encourage coverage of violence prevention.
- ◆ Write letters to the editor and opinion pieces to communicate antiviolence messages relevant to local communities.
- ◆ Identify and support survivors of violence who are willing to speak to the media.
- ◆ Use public-access cable channels to promote the prevention of violence against women.
- ◆ Enlist college communications programs to engage local community groups and help evaluate the effectiveness of community action activities.

Resources

The Advertising Council

261 Madison Avenue, 11th Floor
 New York, NY 10016
 Phone: 212-922-1500
 Fax: 212-922-1676
 Web site: www.adcouncil.org

Each year the Advertising Council coordinates approximately 40 public education and advocacy campaigns that focus on preventive health, education, community well-being, environmental preservation, strengthening families, and enriching children's lives. Advertising Council slogans ("Take a Bite Out of Crime," "Friends Don't Let Friends Drive Drunk") and characters (Smokey the

Bear, McGruff the Crime Dog) raise awareness, promote individual action, and save lives.

Benton Foundation

950 18th Street NW.
Washington DC 20006
Phone: 202-638-5770
Fax: 202-638-5771
Web site: www.benton.org

Supporting the public interest use of communications media, the Benton Foundation provides leadership in the emerging communications environment and promotes the value of communications for solving social problems.

Center for Media Education

2120 L Street NW., Suite 200
Washington, DC 20037
Phone: 202-331-7833
Fax: 202-331-7841
Web site: www.cme.org

The Center for Media Education (CME) fosters a quality electronic media culture for children, families, and communities. CME encourages a responsible vision of the digital future, and has been a leader in expanding educational television programming and promoting television and Internet safeguards for youth.

Media Research Center

325 South Patrick Street
Alexandria, VA 22314
Phone: 703-683-9733
Fax: 703-683-9736
Web site: www.mediaresearch.org

The Media Research Center is a media watchdog organization that investigates the prevalence of, reports on, and educates the public about media bias. The Web site provides links to Media Research Center newsletters, special reports, and opinion pieces and information about the Free Market Project (which works to educate the media about the principles of free enterprise) and the Montgomery Internship Program (which teaches youth about balanced journalism).

Mediascope

12711 Ventura Boulevard, Suite 440
Studio City, CA 91604
Phone: 818-508-2080
Fax: 818-508-2088
Web site: www.igc.apc.org/mediascope

Mediascope encourages responsible portrayals in film, television, video games, music, advertising, and on the Internet, providing the creative community, legislators, educators, and parents research tools and information on media ratings, teen sexuality, media violence, substance abuse, and related issues to facilitate social responsibility.

National Advertising Division and Children's Advertising Review Unit

Council of Better Business Bureaus
4200 Wilson Boulevard, Suite 800
Arlington, VA 22203-1838
Phone: 703-276-0100
Fax: 703-525-8277
Web site: www.bbb.org/advertising

The Council of Better Business Bureaus is the umbrella organization for the Better Business Bureau system, which offers business reliability reports, consumer-business dispute resolution, industry guidelines for truth in advertising, and consumer and business education. The National Advertising Division and Children's Advertising Review Unit promote truthful advertising and monitor media for adherence to truth-in-advertising principles and compliance with local, state, and federal regulations.

National Institute on Media and the Family

606 24th Avenue South, Suite 606
Minneapolis, MN 55454
Phone: 1-888-672-KIDS
Fax: 612-672-4113
Web site: www.mediafamily.org

The National Institute on Media and the Family studies the influence of electronic media on early childhood education, child development, academic performance, culture, and violence. Resources for teachers, parents, and community leaders include media awareness programs; movie, television, and video game content ratings; and tips to help parents and families evaluate their media use.

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Stevens, J. (1997). *Reporting on Violence: A Handbook for Journalists*. Dorfman, L. and Wallack, L. (Eds.) Berkeley, CA: Berkeley Media Studies Group.

What Communities of Faith Can Do To Make a Difference

- ◆ **Become a safe place.** Make the church, temple, mosque, or synagogue a safe place for victims of violence against women. Display materials that include local, state, and national hotlines for these victims.
- ◆ **Educate the congregation.** Routinely include instructional information in monthly newsletters, on bulletin boards, and in marriage preparation classes, and sponsor educational seminars on violence against women.
- ◆ **Speak out.** Speak out about sexual assault and domestic violence from the pulpit. A faith leader can have a powerful impact on people's attitudes and beliefs, and his or her leadership is important, particularly on public policy issues such as funding and changes in criminal laws.
- ◆ **Lead by example.** Volunteer to serve on the board of directors at the local sexual assault or domestic violence program or train to become a crisis volunteer.
- ◆ **Offer space.** Offer meeting space for educational seminars and weekly support groups or to serve as a supervised visitation site when parents need a safe place to visit their children.
- ◆ **Partner with existing resources.** Include local sexual assault or domestic violence programs in donations and community service projects. Adopt a shelter for which the church, temple, mosque, or synagogue provides material support or provide similar support to families as they rebuild their lives following a shelter stay.
- ◆ **Prepare to be a resource.** Seek out training from professionals in the fields of sexual assault, dating and domestic violence, and stalking. Do the theological and scriptural homework necessary to better understand and respond to sexual assault and dating and domestic violence.
- ◆ **Intervene.** If suspicions that violence is occurring in a relationship or in a family exist, speak to each person separately. If an individual is being or has been victimized, speak to her privately. Help the victim plan for safety, and refer her to the community resources available to assist her.
- ◆ **Support professional training.** Encourage and support training and education for clergy and lay leaders, chaplains, and seminary students to increase their awareness about sexual assault, dating and domestic violence, and stalking.
- ◆ **Address internal issues.** Encourage continued efforts by religious institutions to address allegations of abuse by religious leaders to ensure that religious leaders are a safe resource for victims and their children.

Chapter 12

Engaging Religious, Spiritual, and Faith-Based Groups and Organizations

Two out of every three Americans are affiliated with a religious, spiritual, or faith-based group or organization, and approximately one out of every four Americans is an active member of such a community.¹ Based on the breadth and reach of these organizations, it is not surprising that many women and girls turn to religious leaders for guidance in dealing with violence. Some religious, spiritual, and faith-based organizations provide victims with well-informed, practical, and spiritual guidance, including referrals to other organizations.

Religious organizations are essential to the culture and sustenance of communities and are uniquely positioned to champion efforts to end violence against women. Although philosophical differences have created tension between some religious, spiritual, and faith organizations and victim advocates, common ground can be found in shared interests to end violence against women.

Faith-based groups and organizations often have strong relationships with communities of color, older women, women with disabilities, and immigrant communities. Religious organizations can reach the large numbers of people often underserved by other groups with messages of safety and support for victims and with information about offender accountability. Establishing training for and by members of religious communities and building the capacity to address the issue will strengthen the role of religious communities in ending violence against women and girls.

Outlined below are specific actions religious, spiritual, and faith-based organizations,

community-based sexual assault and domestic violence programs, secular victim services, advocacy programs, and public and private funders can take to end violence against women.

What Religious Communities Can Do

1. Commit to making the problem of violence against women and girls a critical concern.

- ◆ Emphasize the teachings, practices, and organizational structures that promote a woman's right to be free from violence, such as teachings that support equality and respect for women and girls.
- ◆ Develop theologically based materials that emphasize a woman's right to safety and support and a perpetrator's personal responsibility for ending the violence.
- ◆ Adopt policies developed by religious leaders that outline appropriate responses to victims and perpetrators of violence, and educate leaders about child abuse reporting requirements, the importance of confidentiality, misconduct by clergy or spiritual leaders, and other safety issues.
- ◆ Support local advocacy programs that provide services to victims and survivors by encouraging congregants to donate time, money, and other material resources.

2. Ensure that religious, spiritual, and faith-based communities are safe environments to allow victims of violence to discuss their experiences and seek healing.

- ◆ Encourage members and leaders of churches, synagogues, mosques, and other spiritual or

faith-based groups to seek training on victim and survivor experiences and on support that will restore and heal the victim.

- ◆ Create opportunities for survivors to discuss their experiences and needs. Form support groups in collaboration with local sexual assault and domestic violence programs for women who desire faith- or spirituality-based healing.
- ◆ Encourage members to discuss sexual assault, dating and domestic violence, and stalking within their faith communities in a manner that is sensitive to their cultures and backgrounds.
- ◆ Create or provide materials that address victims' concerns, and offer informed referrals to various advocacy organizations.
- ◆ Encourage men, particularly leaders in the community, to speak out and use their influence to communicate intolerance for violence against women and girls in all forms.
- ◆ Integrate information on sexual assault, dating and domestic violence, and stalking into existing activities.

3. Develop strategies to address the needs of all women and girls exposed to violence.

- ◆ Include members of specific ethnic and cultural groups in discussions of community efforts addressing violence.
- ◆ Seek advice from various age groups within communities on ways to address violence.
- ◆ Organize youth ministry and leadership groups to educate young people about the dynamics, impact, and prevention of sexual assault, dating and domestic violence, and stalking.
- ◆ Inform leaders about the particular vulnerabilities of older people and people with disabilities who may be dependent on abusive partners or caregivers.
- ◆ Seek appropriate training and legal assistance before advising immigrant victims so as to avoid potentially compromising their citizenship status.

4. Develop and refine guidelines and protocols for responding to disclosures of sexual assault, dating or domestic violence, or stalking of a member of the congregation or community.

- ◆ Encourage support for a victim's continued inclusion in the community of her choice if the perpetrator is from the same community, including respecting emotional and physical safety considerations and no-contact orders.
- ◆ Consider the emotional and physical safety of victims and any dependents affected by victimization, including elderly relatives and children.
- ◆ Encourage youth workers to receive training on child abuse reporting requirements and local child welfare practices.
- ◆ Encourage congregations, religious community centers, and other religious institutions to adopt policies for employees, members, and participants who may be victims or perpetrators of violence.
- ◆ Develop consistent policies for responding to misconduct or abuse by spiritual leaders or clergy to ensure that action is taken to protect congregants and that appropriate cases of clergy misconduct are referred to law enforcement agencies.

5. Create opportunities for youth to develop healthy and appropriate interpersonal relationships in the context of their religious, spiritual, or faith-based traditions.

- ◆ Consider conducting background checks of volunteers and staff who work with youth to try to ensure that they have not been perpetrators of physical or sexual violence.
- ◆ Invite youth to participate in the design and evaluation of programs that address their needs, such as writing and designing multimedia materials on safety and healthy relationships.
- ◆ Train youth to support victims and to constructively confront peers about violence against women and girls.

6. Institutionalize efforts to address violence against women and girls by educating, training, and supporting community leaders.

- ◆ Develop or expand core curriculums on violence against women in the basic education for religious leaders, including theory- and practice-oriented course work such as counseling or pastoral care.
- ◆ Create and support continuing education programs on violence against women.
- ◆ Develop and disseminate educational materials, regionally and nationally, about religious programming that address sexual assault, dating and domestic violence, and stalking.
- ◆ Work with religious educational institutions to teach ordained and lay leaders how to develop programs that address sexual assault, dating and domestic violence, and stalking in religious communities.
- ◆ Partner with secular advocacy and direct service programs for consultation, support, or joint programming.

7. Draw on the resources of secular victim service, advocacy, and perpetrator treatment programs to enhance community responses to violence against women and girls.

- ◆ Network with victim service and advocacy programs to locate religious and secular allies on the local, regional, state, and national levels.
- ◆ Use the resources of other religious groups and existing sexual assault and domestic violence victim advocacy organizations to develop policies, protocols, and educational materials appropriate to specific traditions.
- ◆ Learn about local secular community protocols for handling sexual assault and dating and domestic violence.
- ◆ Make appropriate and informed referrals to local secular programs that have the expertise to help victims or perpetrators, including the legal community, health care system, and child welfare system.
- ◆ Collaborate with perpetrator treatment programs to hold perpetrators accountable for their violence.

What Secular Victim Advocates Can Do

8. Develop and expand relationships with religious organizations.

- ◆ Establish referral networks with religious leaders who understand the spiritual and practical issues facing survivors and perpetrators of violence.
- ◆ Establish ongoing opportunities for collaboration, cross training, technical assistance, and joint programming with religious organizations.
- ◆ Attend conventions and conferences organized by religious, faith-based, and spiritual organizations as participants, exhibitors, and presenters to raise awareness about the issue and available community resources.
- ◆ Collaborate with religious, spiritual, and faith-based groups and organizations to develop or adapt factual, germane materials for survivors and perpetrators of violence within those groups or organizations.
- ◆ Develop alliances with formal and informal women’s groups both within and outside religious institutional boundaries, including inter-religious groups, ecumenical groups, or women-centered groups, to encourage and support their work on issues relating to violence against women.
- ◆ Develop alliances with formal and informal men’s groups both within and outside religious institutions to support their role in eliminating sexual assault, dating and domestic violence, and stalking.
- ◆ Identify ways to institutionalize religious organizations’ participation in local, regional, or statewide decisionmaking bodies, such as creating a vacancy on a board or commission for a “religious community representative” or establishing an interfaith task force as part of an existing commission.
- ◆ Work with religious organizations to secure appropriate funding for their participation in projects relating to violence against women and girls.

9. Help secure financial support for religious, spiritual, or faith-based groups and organizations developing responses to violence against women and girls.

- ◆ Encourage federal, state, and local governments to award grants within current legal restrictions to religious, spiritual, or faith-based organizations working in tandem with secular service providers to address violence against women and girls.
- ◆ Reach out to religious, spiritual, or faith-based organizations not familiar with grant seeking to facilitate active participation in program development.

10. Direct resources to community-based sexual assault, domestic violence, and stalking victim advocacy programs to help them better serve women with special religious and spiritual needs.

- ◆ Provide transportation to the victim's temple, church, or mosque, and provide religious or kosher foods, among other resources, to help her heal, recover, and obtain safety.

11. Develop and refine guidelines and protocols for dealing with victims and perpetrators who come from a religious background or present spiritual concerns.

- ◆ Enlist religious leaders to train advocates in addressing religious or spiritual questions with sensitivity and support.
- ◆ Refer victims, survivors, or perpetrators to trusted religious or spiritual resources.
- ◆ Collaborate with religious leaders and faith-based groups where appropriate.

Resources

Center for the Prevention of Sexual and Domestic Violence

National Clearinghouse on Religion and Abuse
936 North 34th Street, Suite 200
Seattle, WA 98103
Phone: 206-634-1903
Fax: 206-634-0115
Web site: www.cpsdv.org

The Center for the Prevention of Sexual and Domestic Violence addresses issues related to sexual and domestic violence and child abuse from an interreligious standpoint, with emphasis on education and prevention. The center provides religious leaders and victim service professionals with information, training, and resource materials to help them address religious questions and issues that may arise in their work with women and children in crisis.

Jewish Women International

1828 L Street NW., Suite 250
Washington, DC 20036
Phone: 202-857-1300
Fax: 202-857-1380
Web site: www.jewishwomen.org

Jewish Women International (JWI) advocates around the world to help women who are victims of violence and strengthen the lives of women, children, and families. JWI resources include a magazine (*Jewish Woman*) and other publications, public education and advocacy efforts, and the JWI Residential Treatment Center in Jerusalem.

Mending the Sacred Hoop

STOP Violence Against Indian Women Technical Assistance Project
202 East Superior Street
Duluth, MN 55802
Phone: 218-722-2781 or 1-888-305-1650
Fax: 218-722-5775
Web site: www.msh-ta.org

Mending the Sacred Hoop (MSH) is a Native American Women's organization that helps tribal governments and agencies improve their response to Native American victims of violence against women by crafting strategies at local levels that reflect available resources and cultural perspectives. MSH publishes a newsletter, provides assistance and advocacy, coordinates public education events and conferences, and hosts an online discussion forum.

Spiritual Dimensions in Victim Services

P.O. Box 821
Charleston, SC 29402
Phone: 843-722-0082
E-mail: SBearDPARC@aol.com

Spiritual Dimensions in Victim Services works with the religious community to prepare religious leaders and counselors to better serve victims of crime. The training provided covers responses in cases involving child abuse, domestic violence, elder abuse, robbery, assault, burglary, and survivors of victims of violent deaths.

National Hotlines

Victim Services Helpline (assistance and referral)

National Center for Victims of Crime
2000 M Street NW., Suite 480
Washington, DC 20036
Phone: 202-467-8700 or 1-800-FYI-CALL
TTY: 1-800-211-7996
Fax: 202-467-8701
E-mail: gethelp@ncvc.org
Web site: www.ncvc.org/infolink/main.htm

The National Center for Victims of Crime's (NCVC's) mission is to help victims of crime and their families rebuild their lives. NCVC works with local, state, and federal agencies to enact legislation and provide resources, training, and technical assistance. The NCVC Web site provides relevant statistics, links to publications, and referrals to participating attorneys. The Infolink Helpline (1-800-FYI-CALL) refers callers to services including crisis intervention and counseling, research and publication information, assistance with the criminal justice process, and support groups.

National Domestic Violence Hotline

P.O. Box 161810
Austin, TX 78716
Hotline: 1-800-799-SAFE
TTY: 1-800-787-3224
Phone: 512-453-8117
Fax: 512-453-8541
Web site: www.ndvh.org

The National Domestic Violence Hotline uses a nationwide database to provide crisis intervention, referrals, information, and support in many languages for victims of violence against women.

Rape, Abuse, and Incest National Network

635-B Pennsylvania Avenue SE.
Washington, DC 20003
Hotline: 1-800-656-HOPE
Fax: 202-544-3556
Web site: www.rainn.org

The Rape, Abuse, and Incest National Network (RAINN) offers a toll-free hotline for free, confidential counseling and support 24 hours a day for victims of rape, abuse, and incest.

Endnote

1. U.S. Census Bureau (1998). *Statistical Abstract of the United States, 118th Edition*. Washington, DC: Government Printing Office.

What the Sports Community Can Do To Make a Difference

- ◆ **Create peer mentoring programs.** Develop leadership roles for athletes committed to speaking out about violence against women and girls, and teach other athletes about the importance of ending violence against women and girls.
- ◆ **Promote healthy relationships.** Teach all athletes about healthy dating relationships and nonviolent conflict resolution.
- ◆ **Hire coaches committed to nonviolence.** Conduct background checks and obtain character references for coaches and trainers.
- ◆ **Strengthen the policies of school and recreational sports programs.** Develop or enhance policies that address the use of physical violence, sexual violence, and other abusive behaviors by coaches, athletes, parents, and spectators.
- ◆ **Train coaches in violence prevention.** Offer coaches the tools necessary to prevent and respond to violent behavior by both male and female athletes.
- ◆ **Schedule speaking engagements.** Invite amateur and professional athletes to speak to the public about preventing violence against women.
- ◆ **Conduct media campaigns.** Urge local media to air public service announcements during sporting events that stress the importance of ending violence against women.
- ◆ **Recognize nonviolent athletes.** Reinforce the importance of positive, nonviolent behavior on and off the field.
- ◆ **Expand girls' and women's sports programs.** Provide girls and women with equal access to the benefits afforded by participating in sports.
- ◆ **Promote good sports etiquette.** Teach athletes to respect others, have self-respect, and recognize the benefits of sports.

Chapter 13

Promoting Healthy, Nonviolent Attitudes and Behaviors Through Sports

This nation's sports industry is a mixture of athletics and entertainment, with countless opportunities for participants and spectators to get involved. A young person's participation in athletics is a key formative experience because it teaches him or her about teamwork, practice, commitment, and competition. Ideally, boys and girls also are taught the value of sports etiquette, respect for one's own and others' bodies, and that winning is only one of many goals. Some sports experiences, however, leave young athletes with the impression that their athletic abilities make them superior and entitle them to overpower and mistreat others. The popularity of athletics among young people and the impact that sports can have on the development of values make it an ideal venue for promoting healthy relationships and for underscoring the importance of ending violence against women and girls.

The high visibility and popularity of sports in American culture is both an asset and a burden. Top athletes are increasingly likely to be viewed as role models; therefore, they must recognize that their behavior might influence youth. Although many high-profile athletes do not want to be role models, American society invests a significant amount of time and interest in their actions, both on and off the field. This level of attention makes it necessary for athletes to be aware that abusive or violent behavior against women and girls makes a powerful societal statement.

Those who take part in professional and amateur sports can help end violence against women.

Indeed, many in the industry have taken a strong public stand against violence. Individual athletes, coaches, and the sports industry have the capacity to communicate messages about nonviolence that will reach millions via positive, nonviolent behavior modeling or television air time.

Engage the Sports Community

Professional and amateur sports communities can significantly contribute to ending violence against women and girls. School administrators not only hire athletic directors, coaches, and trainers but also bear responsibility for student discipline and have the power to set the tone for athletes and athletics within their communities. Similarly, professional team owners, team managers, coaches, and player unions can create workplaces that communicate an intolerance for violence against women in all its forms.

Involve the Media

Public education efforts can also help eliminate violence against women and children. Individual athletes who want to lend their names and personal resources to local, regional, and national efforts to end violence against women should be sought and their efforts applauded. Each component of the media industry can help communicate that being a strong, competent male athlete worthy of admiration and emulation requires him to take a clear and visible stand against violence against women.

Include Women and Girls

An increasing number of women and girls are athletes and spectators at athletic events. This trend is especially positive for girl athletes, who stand to gain from the physical activity, discipline, and other benefits offered by sports. In 1997, the President's Council on Physical Fitness and Sports released a report on physical activity and sports in the lives of girls that indicated that girls' involvement in sports can increase their self-esteem, leadership proficiency, ability to set goals, and strategy-building skills.¹ However, girls' involvement in athletics often depends on the attitudes of family, friends, and the community toward girls' sports and athletic achievement, the visibility of professional women's sports, and the degree to which opportunities exist for participation and skill development.

Outlined below are specific actions that members of the sports community can take to help end violence against women. Members of the sports community include professional and amateur athletes and coaches, school systems and campuses, athletic directors, trainers, team owners and managers, managers of athletic leagues, sports associations, player unions, parents, television and radio station owners and managers, network executives, editors and producers, sports reporters, advertising executives, marketing directors, victim advocates, and community leaders.

Role of the Sports Community in Ending Violence Against Women

1. Develop and support models of leadership in athletics that reflect a clear and visible stand against violence against women and girls.

- ◆ Create peer mentoring programs to develop leadership roles for male and female athletes committed to ending violence against women and girls. Develop these leaders at all levels, including college mentors for high school

athletes and middle school mentors for elementary school players.

- ◆ Recognize positive, nonviolent athlete behavior on and off the field that supports the values and beliefs necessary to end violence against women.
- ◆ Schedule events that allow students and coaches to talk to amateur and professional athletes about ending violence against women and girls.
- ◆ Provide coaches with tools to teach male and female athletes about healthy dating relationships, nonviolent conflict resolution, substance abuse prevention, and the existing sanctions for acts of violence and abuse against women and girls.
- ◆ Prohibit athletes from using language that demeans women and girls or that equates manliness with violence.
- ◆ Comply with the Campus Security Act to ensure that data on violent acts are collected and reported and that all school personnel and students, including coaches and team members, receive mandatory violence education and training.²

2. Monitor and enforce hiring practices, training requirements, and standards of conduct throughout the sports community that are consistent with efforts to end violence against women.

- ◆ Conduct background checks and obtain character references as part of a school's hiring process. Check sex offender lists and other criminal records that would indicate whether a coach has a record of assault or abuse against women or children.
- ◆ Require that all coaches who work with youth in school or community settings be trained in responding to and preventing violence against women and girls. Design statewide or national coaching certification training courses.
- ◆ Create a code of conduct for all student athletes that directly and clearly penalizes those who commit abusive acts, including acts of violence against women and girls.
- ◆ Develop or expand policies and training programs that teach professional coaches, managers, league owners, player unions,

commissioners, and all other sports entities responsible for the discipline of players how to respond to and prevent violence against women.

- ◆ Design and follow protocols for responding to incidents of sexual assault, dating and domestic violence, and stalking that involve athletes.
- ◆ Develop, enhance, and implement policies and contracts that require male and female athletes to take classes on the dynamics and impact of violence against women. Include specific information on sanctions for criminal or inappropriate behavior related to sexual assault, dating and domestic violence, and stalking.
- ◆ Adopt a zero-tolerance policy for violence against women in both contractual agreements and codes of conduct for professional and amateur athletes. Notify athletes that any violations will be met with sanctions commensurate with the seriousness of the offense, such as fines, suspension, or termination of an athlete's contract or athletic scholarship.

Involve the Media

3. Use the media, sporting events, and promotions to communicate public education messages about the importance of ending violence against women and girls.

- ◆ Sponsor public education campaigns on sexual assault, dating and domestic violence, and stalking, and broadcast related public service announcements during halftime shows.
- ◆ Eliminate sports advertisements that denigrate women or use violent images to sell products.
- ◆ Educate the media about the prevalence, impact, and dynamics of sexual assault, dating and domestic violence, and stalking in the sports community, and encourage them to seek commentary from experts on violence against women when reporting on incidents involving athletes.
- ◆ Separate the athlete's public persona from his real-life behavior when reporting on an athlete's use of violence against women.

- ◆ Use media coverage to highlight athletes who demonstrate respectful and nonviolent attitudes and behavior toward women and girls.
- ◆ Promote equality for female athletes by highlighting their value and skills. Increase the visibility of female athletes in product and event endorsements that promote and reinforce images of women and girls as strong, resourceful, and independent individuals.

Include Women and Girls

4. Enlist schools, recreational programs, and community organizations to promote and support participation of women and girls in sports.

- ◆ Design, coordinate, and secure funding for afterschool, intramural, and coeducational sports programs for young girls.
- ◆ Implement public education activities that highlight the benefits sports can offer girls and women in their academic, professional, and personal lives.
- ◆ Recruit women to serve as players, coaches, and managers of youth and school athletics to increase the visibility of strong, confident, and athletic female role models for both girls and boys.
- ◆ Diversify athletic staff, and partner with groups that represent women of color to provide athlete role models for all girls.
- ◆ Encourage professional female athletes to discuss their childhood athletic experiences and the positive impact sports has had on their lives and to promote girls' involvement in athletics.

Resources

Athletes Helping Athletes, Inc.

Adelphi University
Levermore Hall, 3d Floor
Garden City, NY 11050
Phone: 516-877-4248
Fax: 516-877-4473

Athletes Helping Athletes is a nonprofit organization that trains high school athletes in motivational speaking and group work dynamics. The purpose of such an effort is to mobilize these student athletes within their school districts and communities to address self-esteem, substance abuse, violence prevention, and academic success issues that young people face. Approximately 1,400 students in New York, New Jersey, Connecticut, and parts of Canada enter the program each year, attending periodic training sessions conducted at Adelphi University by professional and high-profile athletes.

National Association for Girls and Women in Sport

1900 Association Drive
Reston, VA 20191-1599
Phone: 703-476-3452

Web site: www.aahperd.org/nagws/nagws_main.html

The National Association for Girls and Women in Sport (NAGWS) promotes equal funding, quality, and respect for women's sports programs. NAGWS coordinates leadership conferences, mentoring and coaching enhancement programs, and the annual National Girls and Women in Sports Day.

National Collegiate Athletic Association

Education Outreach
P.O. Box 6222
Indianapolis, IN 46206-6222
Phone: 317-917-6222
Fax: 317-917-6336
Web site: www.ncaa.org

National Collegiate Athletic Association (NCAA) members include institutions, conferences, organizations, and individuals who work together to maintain intercollegiate athletics as an integral part of the educational program and the athlete as an integral part of the student body. NCAA works to promote female athletes and keep athletic programs available for all students. Education and outreach efforts include life skills, diversity, and leadership programs; scholarships and internships; a sports library; and a biweekly newspaper available online.

National Coalition Against Violent Athletes

P.O. Box 620453
Littleton, CO 80162
Phone: 720-963-0373
Web site: www.ncava.org

The National Coalition Against Violent Athletes (NCAVA) educates the public on issues related to athletes and violent behavior and promotes positive athlete development through education, support, and accountability. The Web site includes statistics related to the violence committed by and against athletes, articles and other information resources, and information on prevention programs and NCAVA efforts.

Mentors in Violence Prevention Program

Center for the Study of Sport in Society
Northeastern University
716 Columbus Avenue, Suite 161 CP
Boston, MA 02120
Phone: 617-373-4025
Fax: 617-373-4566
Web site: www.sportinsociety.org

The Mentors in Violence Prevention (MVP) Program is a violence prevention and outreach program that enlists high school, collegiate, and professional athletes in efforts to prevent violence against women. MVP participants develop leadership skills and learn to mentor and educate youth on these issues.

Tucker Center for Research on Girls & Women in Sport

College of Education & Human Development
University of Minnesota
203 Cooke Hall
1900 University Avenue SE.
Minneapolis, MN 55455
Phone: 612-625-7327
Fax: 612-626-7700
Web site: www.kls.umn.edu/crgws

The Tucker Center for Research on Girls & Women in Sport leads research, mentoring, and public education efforts that focus on how sports and physical activity affect the lives of women and

girls. The center produces a biannual newsletter (available online at the Web site) that discusses research projects, community outreach programs, and related news.

Women's Sports Foundation

Eisenhower Park
East Meadow, NY 11554
Phone: 516-542-4700
Information line: 1-800-227-3988
Fax: 516-542-4716
Web site: www.WomenSportsFoundation.org

The Women's Sports Foundation promotes female participation in sports and fitness activities and educates the public on gender equity in sport. The Web site offers online information about issues and research, education and leadership programs, careers and scholarships, and women's sports events.

Endnotes

1. The Center on Girls & Women in Sport (1997). *The President's Council on Physical Fitness and Sports Report: Physical Activity and Sport in*

the Lives of Girls: Physical and Mental Health Dimensions From an Interdisciplinary Approach. Washington, DC: U.S. Department of Health and Human Services.

2. In 1990, the U.S. Congress passed the Campus Security Act in response to concerns about crime and security at institutions of higher education. This federal law requires institutions of higher education to disclose information about campus safety policies and procedures to all students and employees annually, and to provide statistics concerning certain crimes that occur on campus and on property contiguous to the campus (Crime Prevention and Campus Security Act of 1990, Pub. L. No. 101-542, title II, 104 Stat. 2384 (*codified as 20 U.S.C. §§ 1092, 1092 note, 1094, 1232g*)).

Reference

Bell, C.C. (1997). "Promotion of Mental Health Through Coaching of Competitive Sports." *Journal of the National Medical Association* 89(8): pp. 517-520.

What Native Communities Can Do To Make A Difference

- ◆ **Recognize and respect the sovereign status of Indian tribes.** In federal and state interactions with tribal governments, adhere to principles of government-to-government relations and respect the history, customs, and governments of individual tribes.
- ◆ **Support the development of culturally appropriate strategies to end violence against Indian women.** Increase tribal, state, and federal funding and grant flexibility to encourage the design of culturally specific services for adult and child victims of violence, as well as interventions for the perpetrators of that violence.
- ◆ **Enhance the development and continued operations of tribal courts.** Develop, strengthen, and fully implement tribal codes that better protect Indian women, including the enforcement of full faith and credit laws.
- ◆ **Strengthen investigation and prosecution of crimes of violence against Indian women.** Expand domestic violence and sexual assault training for tribal and federal law enforcement officials and prosecutors, and encourage coordination among tribal, federal, and state law enforcement offices.
- ◆ **Expand specialized health and mental health care services for Indian women and children who have been sexually assaulted.** Increase training for Indian Health Services and other health care providers on violence against women issues, and expand and strengthen Sexual Assault Nurse Examiner (SANE) programs in Indian Country.
- ◆ **Enhance health care response to domestic violence services for Indian women and children.** Increase training for health care providers on culturally appropriate screening, assessment, and response to domestic violence.
- ◆ **Increase affordable and safe housing options in Indian communities.** Provide resources to build safe and affordable emergency, transitional, and long-term housing for Indian women who have been victims of violence.
- ◆ **Foster parallel development of violence against women programs in Indian Country.** Provide government funding and technical support to develop programs about violence against women in Indian Country concurrently with programs being developed in non-Indian communities.
- ◆ **Expand intervention resources for children.** Increase the availability of culturally appropriate mental health services for Indian children who have experienced or witnessed sexual assault or domestic violence.
- ◆ **Invest in prevention.** Integrate culturally appropriate information on sexual assault, dating and domestic violence, and stalking into Indian school curriculums.

Chapter 14

Nation to Nation: Promoting the Safety of Native Women

Under tribal tradition and law, many American Indian and Alaska Native communities viewed women as sacred and accorded women important political and social status. The traditional tribal response to violence against Indian women was swift. However, some U.S. federal policies have undermined traditional tribal leadership, law enforcement response, and the economic stability of many tribes. Violence against indigenous women must be viewed within the context of the history of assimilation policies and practices implemented by the United States.

Today, much of Indian Country is faced with severe economic deprivation, high unemployment, and related social problems such as alcohol and substance abuse. Both male and female American Indians experience violent crime at higher rates than people of other races and are more likely to experience interracial violence.¹ The rate of sexual assault is higher among American Indian women, including Alaska Native and Aleut women, than other women in the United States. In 1999, the Bureau of Justice Statistics reported that American Indian women suffered 7 rapes or sexual assaults per 1,000 women, compared to 3 per 1,000 African-American women, 2 per 1,000 white women, and 1 per 1,000 Asian women.² Other studies report that Native women also face high rates of domestic violence and stalking.³

The United States has a unique legal relationship with Indian tribal governments as set forth in the Constitution and supporting legal trusts, statutes, orders, and decisions. Specifically, the United States is responsible for preserving the public safety of residents of Indian communities. Tribal

governments and the Federal Government have concurrent jurisdiction over certain classes of crimes and exclusive jurisdiction over other classes. Often, tribal police and federal law enforcement agencies are the first responders to Indian women who have been stalked, sexually assaulted, or battered, and they assist the Federal Bureau of Investigation (FBI) and the Bureau of Indian Affairs (BIA) in investigations. Thus, the safety of American Indian and Alaska Native women in Indian Country hinges on an effective tribal justice system working in partnership with federal law enforcement. Enhancing tribal and federal partnerships and reducing violence against American Indian women can be achieved, in part, by disregarding the race of perpetrators and affirming tribal court authority to safeguard American Indian women within tribal territories, whether they have been attacked by Indians or non-Indians.

The shortage of appropriate resources in most Indian communities adversely affects the availability of advocacy and support services for women and children who have experienced sexual assault, dating or domestic violence, or stalking. The concerns of American Indian and Alaska Native women and their communities are often not reflected in the policies and decisions of local or state councils addressing violence against women. American Indian and Alaska Native women living outside reservation communities often have no access to culturally specific services. The scarcity of jobs and affordable housing on reservations not only puts tremendous pressure on the limited resources of many Native communities but also limits the options of women and their

children who have been victimized or are at increased risk for sexual assault, dating or domestic violence, or stalking.

Despite hardships endured by American Indians and Alaska Natives, traditional cultures remain a source of strength. The centrality of religious ceremonies and other communal events, a greater balance of power between men and women, and the respected role of women are cultural resources that can be used to reduce and prevent violence against women in these communities.

Reducing violence against women in these communities requires that tribal governments prioritize the safety of Native women, develop policies and programs responsive to the unique needs of their communities, and be granted the authority and resources to fully implement these programs and policies. Allowing organizations directed by American Indian and Alaska Native people to apply for federal grants directly can ensure that more programs are culturally appropriate in their design and implementation. Monitoring, evaluation, and technical assistance associated with such federal grants should be developed collaboratively with the tribal governments and Indian organizations and advocates.

Outlined below are specific actions the U.S. Government, tribal governments, American Indian and Alaska Native communities, and Indian and non-Indian advocacy organizations can take to reduce and eliminate violence against women and girls in Native American communities.

Improve Response to Violence Against Indian Women

1. Understand and respect tribal sovereignty and the federal trust responsibility that arises from the U.S. Government's legal relationship with Indian tribal governments.

- ◆ Train all federal employees who work in Indian Country on issues of tribal sovereignty and the policymaking discretion of tribal governments. Avoid limiting the policymaking authority of tribes.

- ◆ Train all federal employees who work in Indian Country on issues of violence against women, including incidence, prevalence, and culturally specific responses.
- ◆ Conduct ongoing meaningful and timely consultations with American Indian and Alaska Native women's advocates and representatives of tribal governments to develop policies and programs that address violence against women. Build in accountability measures that allow Indian communities to monitor the impact of such consultation.
- ◆ Require any non-Indian grantee working with Indian people on issues of violence against women to demonstrate a working relationship with the sovereign nation representing those people being served by the agency.
- ◆ Award grants for programs addressing violence against Indian women directly to tribal governments.
- ◆ Through federal regulation, allow community-based organizations operated by indigenous people to apply to federal agencies directly for grants addressing violence against Indian women.

2. Encourage the development of indigenous strategies that address violence against Indian women and reflect the unique history, customs, and circumstances of individual tribes.

- ◆ Increase funding for violence against women initiatives within Indian communities, including culturally appropriate intervention programs for Indian perpetrators of sexual assault, dating and domestic violence, and stalking.
- ◆ Allow tribal grantees the flexibility necessary to use federal grants and other funds to implement linguistically and culturally competent programs for reducing violence against Indian women.
- ◆ Support capacity building for Indian communities through technical assistance initiatives designed and provided by organizations with demonstrated expertise in issues regarding violence against Indian women.

3. Support the development, enhancement, and continued operation of tribal courts.

- ◆ Help tribes establish and enhance tribal courts, and offer technical assistance in drafting and implementing tribal codes addressing violence against Indian women.
- ◆ Help tribal courts, U.S. Attorneys' Offices, and states coordinate efforts to implement full faith and credit laws effectively.⁴

4. Increase funding for training federal and tribal law enforcement agencies on effective investigation and prosecution of violence against Indian women.

- ◆ Train all tribal law enforcement, FBI, and BIA officers to enhance their responses to sexual assault, dating and domestic violence, and stalking, including cases of battered women who act in self-defense and those involving alcohol or drug use.
- ◆ Support collaborative efforts among tribal law enforcement, advocates for American Indian and Alaska Native women, tribal elders, and other community representatives to build coordinated community responses to violence against Indian women.

5. Continue to prosecute cases involving sexual assault, dating and domestic violence, and stalking among American Indian and Alaska Native women.

- ◆ Share information on cases involving violence against women among U.S. Attorneys' Offices, tribal law enforcement, and tribal prosecutors.

Expand Services for Native Women and Early Intervention With Indian Children

6. Increase tribal, federal, and state funding to develop and expand advocacy services—designed and directed by American Indian and Alaska Native women from the communities to be served—for victims of sexual assault, dating and domestic violence, and stalking.

- ◆ Offer culturally specific tribal-based programs on reservations and culturally specific programs for urban Indians, indigenous women living

off-reservation in rural communities, and Indian women who lack strong tribal ties.

- ◆ Promote parallel development of programs regarding violence against women by funding the design and implementation of programs responsive to Indian communities concurrently with programs being developed in non-Indian communities.
- ◆ Provide ongoing training in sovereignty, cultural sensitivity, and issues of violence against women to staff and board members of multi-service non-Indian organizations who offer services to Indian communities.
- ◆ Support the development of strategies that ensure the personal safety of advocates threatened by the abusers of women they are assisting.

7. Support the development and expansion of specialized health and mental health care services for American Indian and Alaska Native survivors of sexual assault, and expand SANE programs in Indian Country.

- ◆ Provide training on sexual assault issues, including the use of forensic medical exams, to enhance the expertise and capacity of Indian Health Services and other tribal health care providers to Indian women who are sexually assaulted.
- ◆ Train health care providers on the health and mental health consequences of sexual assault for children who have been sexually assaulted.

8. Support the development and expansion of specialized health and mental health care services for American Indian and Alaska Native survivors of domestic violence.

- ◆ Train Indian Health Services and other tribal health care professionals in screening for and assessment of domestic violence and in providing appropriate referrals and services for patients who are experiencing domestic violence.
- ◆ Train health care providers on the health and mental health consequences of domestic violence on children who witness that violence.

9. Target tribal, federal, and state resources to build safe and affordable emergency, transitional, and long-term housing in Indian Country.

- ◆ Increase federal and state funds for developing a full range of housing for victims of sexual assault and domestic violence.

10. Foster the parallel development of American Indian- and Alaska Native-based projects.

- ◆ Include American Indian and Alaska Native organizations that address violence against women as members of state sexual assault and domestic violence coalitions, and provide opportunities for them to participate in establishing funding, policy, and program priorities.
- ◆ Provide opportunities for American Indians and Alaska Natives to assume leadership positions in state and local sexual assault and domestic violence programs, and use their expertise to guide policy and program development.
- ◆ Promote parallel development by supporting the design and implementation of American Indian- and Alaska Native-developed programs responsive to Indian communities concurrently with programs being developed in non-Indian communities.
- ◆ Ensure that non-Indian advocates are trained in cultural and sovereignty issues by Indian people.

11. Expand intervention and prevention resources for American Indian and Alaska Native children regarding sexual and physical violence.

- ◆ Increase resources for the development of culturally appropriate information on sexual assault and dating violence and its integration into curriculums used to teach Indian children.
- ◆ Increase availability of mental health counselors for Indian children who have experienced or witnessed sexual assault or domestic violence.
- ◆ Continue addressing the effects of violence against women on the children enrolled in or served by American Indian Head Start programs.

- ◆ Train and support educators to identify and respond to aggression and sexual harassment by students.

Resources

Mending the Sacred Hoop

STOP Violence Against Indian Women Technical Assistance Project
202 East Superior Street
Duluth, MN 55802
Phone: 218-722-2781 or 1-888-305-1650
Fax: 218-722-5775
Web site: www.msh-ta.org

Mending the Sacred Hoop (MSH) is a Native American Women's organization that helps tribal governments and agencies improve their response to Native American victims of violence against women by crafting strategies at local levels that reflect available resources and cultural perspectives. MSH publishes a newsletter, provides assistance and advocacy, coordinates public education events and conferences, and hosts an online discussion forum.

Stalking Resource Center

National Center for Victims of Crime
2000 M Street NW., Suite 480
Washington, DC 20036
Phone: 202-467-8700
Fax: 202-467-8701
Web site: www.ncvc.org

The National Center for Victims of Crime's (NCVC's) mission is to help victims of crime and their families rebuild their lives. The Stalking Resource Center provides resources, training, and technical assistance to criminal justice professionals and victim service providers to support locally coordinated, multidisciplinary antistalking approaches and responses.

Endnotes

This section focuses on indigenous people in federally recognized tribes (American Indians and Alaska Natives); however, many of these

recommendations can also be applied to indigenous communities and individuals not belonging to federally recognized tribes (e.g., Hawaii Natives).

1. Greenfeld, L.A., and Smith, S.K. (1999). *American Indians and Crime*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics. NCJ 173386

2. Ibid.

3. Bachman, R. (1992). *Death and Violence on the Reservation: Homicide, Family Violence, and Suicide in American Indian Populations*. Westport, CT: Auburn House; Tjaden, P., and Thoennes, N. (1998). *Stalking in America: Findings From the National Violence Against Women Survey*. Washington, DC: U.S. Department of Justice, National Institute of Justice, and Centers for Disease Control and Prevention. NCJ 169592

4. For further information on full faith and credit laws, see *Toolkit* chapter “Enhancing the Response of the Justice System: Civil Remedies.”

What the U.S. Military Can Do To Make a Difference

- ◆ **Use the Defense Task Force on Domestic Violence.** Review, evaluate, support, and enhance the efforts of the U.S. Department of Defense (DOD) to end domestic violence.
- ◆ **Establish a task force to address acts of sexual assault.** Create a complementary body to the Defense Task Force on Domestic Violence to address acts of sexual assault that occur within the military or are committed by service personnel.
- ◆ **Assess the incidence of sexual assault, dating and domestic violence, and stalking among unmarried military members and their intimate partners.** Continue to identify and evaluate any policies or practices within units that directly or indirectly encourage activities that compromise women's safety.
- ◆ **Improve coordination between the military and civilian communities.** Implement a coordinated community response to crimes that involve sexual assault, including forced prostitution, dating and domestic violence, and stalking committed on and off the military base.
- ◆ **Enhance and continue to use military intervention to address and eliminate domestic violence at its early stages.** Work collaboratively with military and civilian communities to improve intervention and prevention efforts.
- ◆ **Continue to teach command and service members how to prevent unauthorized use of violence throughout their active duty service.** Stress that strong leadership is needed at every level to strengthen the training and management of personnel.
- ◆ **Ensure that trained victim advocates are available on every installation and that women on military bases also have access to victim advocates from the local civilian community.** Publicize the availability of civilian and military sexual assault and domestic violence hotlines and crisis intervention services throughout every installation.
- ◆ **Continue to offer victims and offenders multidisciplinary interventions.** Recommend additional resources and funding or the redirection of existing resources.
- ◆ **Record all reported cases of sexual assault, dating and domestic violence, stalking, and military personnel involvement with women in forced prostitution in an appropriate DOD database.** Review recordkeeping efforts and recommend ways to improve how cases involving violence against women are tracked.

Chapter 15

The Role of the U.S. Military in Preventing and Responding to Violence Against Women

The U.S. Department of Defense (DOD) has the unique responsibility of preserving national security. Civilians or women within the military who are victimized by military personnel are seriously affected. Such incidents of victimization are also detrimental to unit morale, unit cohesion, and military readiness. DOD's role in preventing violence against women and responding to general concerns for the safety, health, and justice of its service members contributes to securing the national defense.

The ever-changing arena of national defense has increased the United States' participation in peace-keeping missions and community-building initiatives abroad. As a result, military personnel have more diverse responsibilities. This means that the military's attitudes, policies, and procedures and the actions of service personnel often are highly visible to the foreign communities in which personnel work and live. Military commanders, the Family Advocacy Program staff, military police, and other military personnel should continue to seek opportunities to collaborate with their civilian counterparts in the United States and abroad to increase the safety and well-being of women.

The military has undertaken significant initiatives to end violence against women. For example, DOD has led efforts to ensure that disparaging and derogatory comments related to race and gender are not tolerated. In addition, DOD has created the Family Advocacy Program (FAP) and family centers. FAP conducts an annual public awareness campaign at every installation in October (during National Domestic Violence Awareness Month) and a range of year-round efforts to prevent

domestic violence. FAP, which includes clinically licensed professionals trained in family violence, is responsible for ensuring victim safety and access to support and advocacy services and that abusers receive appropriate intervention services. DOD policies and FAP standards require coordination between FAP, law enforcement, and commanders to ensure program effectiveness.

Two of the challenges DOD policymakers face include dealing with 1) the fears that military spouses and female service personnel have about reporting incidents of sexual assault, dating and domestic violence, and stalking and 2) important definitional issues.

Many spouses fear reporting violent incidents because they feel the report will affect their husbands' chance for promotions and pay increases or will result in their husbands' discharge. To help reduce the economic disincentive that discourages victims from reporting abuse by a service member, Congress authorized DOD in 1993 to provide financial support and other benefits to spousal abuse victims. DOD provides transitional compensation for up to 36 months to family members when a service member is discharged from the military or has been court-martialed for abusing a family member. The monthly compensation is based on the service member's salary, medical and dental benefits, and commissary and exchange benefits. If the discharged or court-martialed service member was eligible for retirement pay at the time of separation, the spouse retains eligibility for a share of the former service member's benefits. DOD also can pay the spouse the portion for which the spouse is eligible in a

divorce, separation, or annulment proceeding in lieu of transitional compensation, at the spouse's option.

Definitional issues that exist also need to be resolved. DOD's FAP uses the term "spousal abuse" to refer to assault, battery, threat to injure or kill, other acts of force or violence, and emotional maltreatment committed by one spouse against another. FAP's definition—created as a framework for providing services to family members within the military—does not refer to violence between unmarried intimate partners and therefore significantly limits the FAP's response. The term "domestic violence" is used throughout this section to describe violence between married and unmarried intimate partners.

FAP offers services and interventions to victims of violence and to abusers and sex offenders.¹ In addition, FAP engages in various research, prevention, data collection, and training activities and brings commanders, medical corps members, Staff Judge Advocates, investigators, and others together to coordinate their efforts. The military can and does intervene and assist victims at earlier stages of violence than might be possible for victims in civilian settings. The commanding officer may be privy to information about service members' personal affairs because of the social climate of the military. As a result, the commanding officer can be an integral part of the military's efforts to identify and respond to incidents of violence against women. This reality, however, also raises concern about the scope of confidentiality as it relates to incidents of violence against women in military settings.

If military and civilian communities work collaboratively, they can significantly improve intervention and prevention efforts, especially in cases that involve both civilians and service members. Unit commanders, military police, and local judges, prosecutors, law enforcement, and the victim advocacy community bear the responsibility of creating protocols for communication and cooperation. Comprehensive, multilevel training is an essential component of this process.

Strong leadership also is needed at every level—from senior public officials at the Pentagon to senior nonenlisted officers and other command—to strengthen the training and management of personnel (including command) on issues of sexual assault, domestic violence, and stalking. An additional challenge is to develop and implement appropriate responses to situations of trafficking in persons and forced prostitution that military personnel—especially those stationed abroad—may encounter.

In its intervention and prevention efforts, DOD has called on civilian experts and participated in training programs to adapt civilian concepts to the military context. However, state and local civilian policies, procedures, and programs that relate to violence against women are not always directly applicable in the military. The constitutional allocation of powers between the Federal Government and states, the requirements of treaties (Status of Forces Agreements), the Uniform Code of Military Justice, federal laws, the role of the commander, and the culture of the military all have an impact on the way the military responds to violence against women. In addition, each of the armed services has different structures and methods of response that reflect their different missions. These factors create both opportunities and challenges to efforts to respond to sexual assault, dating and domestic violence, and stalking.

The Defense Task Force on Domestic Violence

The Defense Authorization Act for fiscal year 2000, signed into law in October 1999, established a task force on domestic violence in the military. The Defense Task Force on Domestic Violence (Task Force) submitted to the Secretary of Defense in February 2001 a strategic plan detailing how to address matters relating to domestic violence in the military more effectively. The plan includes an assessment of and recommendations for measures to improve the following:

- ◆ Ongoing victims' safety programs.
- ◆ Offender accountability.
- ◆ The climate for effective prevention of domestic violence.
- ◆ Coordination and collaboration among all military organizations with responsibility or jurisdiction with respect to domestic violence.
- ◆ Coordination between military and civilian communities with respect to domestic violence.
- ◆ Research priorities.
- ◆ Data collection.
- ◆ Curriculums and training for military commanders.
- ◆ Prevention of and response to domestic violence at overseas military installations.
- ◆ Other issues related to domestic violence within the military that are identified by the Task Force.

Outlined below are specific actions that DOD and the Task Force can take to reduce and eliminate violence against women in the military. Each action can be adapted to address unique issues that each department and its respective organizations may face.

The Role of the Defense Task Force on Domestic Violence

1. Review, evaluate, support, and enhance the efforts of DOD to provide programs and services to women who are victims of violence.

- ◆ Evaluate current definitions of spousal abuse, and recommend modifications so that unmarried couples (one or both of whom are active members of the military) experiencing violence can receive more effective services and interventions.
- ◆ Assist the existing DOD working group to clarify and modify, as necessary, DOD's policy regarding the scope of confidentiality in domestic violence cases.
- ◆ Review the current approaches to domestic violence (including sexual assault and stalking that occur within the context of domestic violence)

that branches of the armed services use to determine which programs are effective, need further evaluation, or could benefit from improvement.

- ◆ Review and evaluate the adequacy of resources and funding allocated to develop, evaluate, implement, and monitor military programs to improve and standardize the response to domestic violence throughout the armed services. Recommend additional resources and funding, as necessary.
- ◆ Recommend methods for improving collaboration and coordination between the military and civilian communities on issues related to sexual assault, dating and domestic violence, and stalking. Include social workers, mental health professionals, emergency room personnel, other health care providers, law enforcement officers, victim/witness assistance liaisons, and off-base service providers such as victim safety programs and batterer intervention programs.
- ◆ Explore how commanders address and balance the needs of service members undergoing or in need of intervention services for domestic violence.
- ◆ Identify strategies to make all military personnel aware of the National Domestic Violence Hotline and strengthen collaboration between military communities and national, state, and local hotlines. Determine whether a hotline needs to be established specifically for service members.
- ◆ Review recordkeeping efforts and the tracking of cases of domestic violence throughout the armed services, and recommend new or improved solutions.

Improve the Military's Response to Sexual Assault

2. Establish a complementary body to the Task Force to address acts of sexual assault that occur within the military or are committed by service personnel.

- ◆ Appoint experts in sexual assault to this body.
- ◆ Ask this sexual assault task force to review procedures for reporting, investigating, and

prosecuting sexual assault cases involving service personnel (as victims or perpetrators); examine the availability of specialized counseling and advocacy services for victims and survivors of sexual assault; identify research priorities; assess the effectiveness of current prevention and risk-reduction programs; and perform related tasks.

Strengthen Policies and Procedures Related to Violence Against Women

3. Enhance policy development and implementation related to violence against women.

- ◆ Expand efforts to ensure that trainers and commanders respond to disparaging and derogatory comments, chants, and cadences related to race, gender, or sexuality in a way that reinforces that such behavior is unacceptable.
- ◆ Take appropriate measures to protect victims and hold offenders accountable even if offenders receive a permanent change of station.
- ◆ Consider policies that provide transitional compensation for spouses of military personnel who are victims of domestic violence.

4. In cases involving military personnel and civilians residing off base or committing offenses off base, develop policies and procedures to coordinate the efforts of civilian authorities and community-based service providers.

- ◆ Develop procedures to ensure that copies of protection orders issued in civilian courts involving a service member are provided to military law enforcement and the member's commander.
- ◆ Before recommending appropriate military action in such cases, ensure that Staff Judge Advocates consult with civilian authorities to determine the most effective means for holding the offender accountable (whether civilian sanctions, military sanctions, or a combination of both).
- ◆ In cases that involve protection orders against service members, consider issuing a written protection order parallel in content to the civilian protection order, including no-contact

provisions. Consider including language in the order that limits the service member to the base during the pendency of the no-contact order or until a civilian protective order can be processed.

5. Strengthen recordkeeping systems to ensure that commanders are aware of military personnel who have committed acts of violence against women.

- ◆ Record reported cases of sexual assault, domestic violence, stalking, and military involvement with women in forced prostitution in an appropriate DOD database. Develop and implement procedures to ensure that databases contain accurate and complete information and prohibit unauthorized access or disclosure of information.
- ◆ Ensure that those involved in the investigation and prosecution of incidents of violence against women have access to accurate and complete databases, such as the FAP Central Registry and civilian and military law enforcement agency records, to ascertain whether any previous incidents occurred and to notify unit commanders of these prior incidents, as appropriate.
- ◆ Reflect all disciplinary actions taken on forwarded personnel records of a transferring service member, in accordance with military department regulations. Forward FAP records or the report of the complete investigation to the gaining installation when a service member is reassigned while under investigation or while receiving interventions through FAP.

Expand and Improve Training on Violence Against Women

6. Continue to train service members to prevent unauthorized use of violence throughout their active duty service, including training designed to prevent sexual assault, domestic violence, and stalking.

- ◆ Continue to conduct training on violence against women in consultation with experts from the military and civilian communities for all levels of military personnel.
- ◆ Design training programs to increase service members' understanding of the incidence, prevalence, and impact of violence against

women. Include information about services and advocacy available to victims, intervention programs available to perpetrators, and all policies and procedures that ensure victim safety and well-being and offender accountability, including procedures for reporting incidents and sanctions for violations.

7. Continue to provide ongoing training to all personnel involved in the investigation and prosecution of cases that involve violence against women.

- ◆ Provide joint training to unit commanders, military police, prosecutors and military attorneys, and investigators on the impact of sexual assault, domestic violence, and stalking on women and their children. Supply methods for building and presenting evidence-based cases and working with victims in ways that are sensitive to their fears and concerns. Demonstrate how their efforts on base and in coordination with civilian law enforcement officers, attorneys, and courts can increase victim safety in their communities.
- ◆ When possible, provide such training in joint sessions with local civilian criminal and civil court judges, local prosecutors, and senior civilian law enforcement officials.
- ◆ Continue to train all military treatment facility (MTF) staff on the use of rape kits to examine the victim and collect evidence in sexual assault cases and to collect other physical evidence in cases involving violence against women.

8. Prepare all commanders in each branch of the armed services to work effectively with FAP and Judge Advocate General (JAG) attorneys, make decisions that are responsive to the safety and well-being of victims, and ensure offender accountability.

- ◆ Ensure that all commanders work closely with FAP, mental health programs, and civilian and military criminal investigative agencies to inform their decisionmaking processes when determining service member responsibility and actions needed.
- ◆ Teach commanders, MTF personnel, and senior noncommissioned officers how to use current or innovative materials to identify and intervene

(in the military context) in cases of violence against women and respond to reported cases of violence against women.

- ◆ Educate all base chaplains about the unique dynamics of sexual assault and domestic violence, best practices in helping victims to reduce their fear and anxiety and to plan for their physical safety, and the importance of maintaining victim confidentiality.
- ◆ Incorporate presentations or materials, as appropriate, from community-based sexual assault and domestic violence advocates, mental health providers, batterer intervention program leaders, and child protective services representatives.

9. Train relevant military personnel, particularly those stationed overseas, on the violence and coercion used in the global trafficking in women and girls, how to avoid engaging in activities with sex workers who are victims of these illegal activities, and procedures for identifying and reporting trafficking in persons and forced prostitution.

- ◆ Involve experts in trafficking in the design and implementation of this training.

Enhance Coordination of Intervention Efforts on Military Installations

10. Continue to offer multidisciplinary interventions to victims and offenders via FAP, health and mental health professionals, and other relevant service providers.

- ◆ Use current mechanisms for program evaluation such as the Inspector General and the General Accounting Offices to examine FAP and related programs every 1–5 years.

11. Develop culturally competent interventions for victims and perpetrators of violence against women within the military system, paying careful attention to the victim and offender relationship.

- ◆ Develop clear definitions and program guidelines when designing interventions to protect women from sex offenders, batterers, and stalkers.
- ◆ Continue efforts to ensure that trained victim advocates are available on every installation.

Provide victims with a comprehensive list of confidential counseling, advocacy, and support services and confidential assistance in accessing health and safety resources.

- ◆ Widely disseminate information to service members about the availability of national, state, and local crisis hotlines and community-based and military crisis intervention services.
- ◆ Teach the personnel of national hotlines and community-based programs about the military's policies and programs that relate to violence against women.
- ◆ Integrate assessment of domestic violence by trained staff into military home visitation programs (such as family support programs) for at-risk parents.

Military and Civilian Collaboration and a Coordinated Community Response

12. Implement a coordinated community response for responding to sexual assault, domestic violence, and stalking.

- ◆ Include military and civilian service members, health care providers, and others to whom service members or their families turn for support, such as base- and community-based religious leaders. Ensure that issues of confidentiality are adequately addressed in coordinated community response policies and protocols.
- ◆ Establish a memorandum of understanding between MTFs and local hospitals to handle military cases of sexual assault if services cannot be provided on base. Include protocols to ensure that medical and mental health records are kept confidential.

Expand Research on Violence Against Women in the Military

13. Evaluate the feasibility of collaborative military and civilian research teams to study violence against women in the military.

- ◆ Develop mechanisms to evaluate and coordinate the efforts of government, military, and private sector researchers in joint projects to evaluate

the military's responses to violence against women.

- ◆ Conduct additional analyses on central registry data, which are rich sources of historical information about abuse cases, to support program planning and targeting of services.
- ◆ Conduct additional prevalence studies to determine the extent of unreported cases of sexual assault, domestic violence, and stalking.
- ◆ Determine and address the incidence of sexual assault, domestic violence, and stalking among unmarried military members and their intimate partners.
- ◆ Review domestic violence fatalities in the military to identify what procedures could have reduced the possibility of a homicide.
- ◆ Increase analysis of interventions used to reduce violence against women.
- ◆ Continue to evaluate efforts to educate service members about policies regarding violence against women.
- ◆ Conduct studies to help DOD make modifications to policies that relate to confidentiality and the reporting of sexual assault, domestic violence, and stalking incidents.

Resources

Center for Women Veterans

Department of Veterans Affairs

810 Vermont Avenue NW.

Washington, DC 20420

Phone: 202-273-6193

Fax: 202-273-7092

Web site: www.va.gov/womenvet

The Center for Women Veterans works to ensure that women veterans receive benefits and services equal to those received by male veterans, encounter no discrimination in their attempts to access these services, and are treated with respect and dignity by Department of Veterans Affairs (VA) service providers. Services include outreach to women veterans, health care, sexual trauma counseling, readjustment counseling, and information about and assistance with VA services and

benefits. Women Veterans Coordinators at each VA medical center and regional office are available to help women veterans access their benefit entitlements and counsel women veterans seeking treatment and benefits.

Criminal Justice Center

Battered Women's Justice Project
4032 Chicago Avenue South
Minneapolis, MN 55407
Phone: 612-824-8768
Fax: 612-824-8965

The Criminal Justice Center of the Battered Women's Justice Project promotes interagency coordination and policy development to enhance justice for battered women and their children. In addition to guidance on arrest, prosecution, sentencing, victim safeguards, and batterer's intervention programs, the center also handles information on advocacy for victims of military personnel.

Defense Task Force on Domestic Violence

1401 Wilson Boulevard, Suite 500
Arlington, VA 22209
Phone: 703-696-9395
Fax: 703-696-9437
Web site: www.dtic.mil/domesticviolence

The Defense Task Force on Domestic Violence was established in 2000 and is congressionally mandated to evaluate domestic violence programs and policies in DOD and the military. Its overall goal is to link the military and civilian communities to improve, strengthen, or coordinate prevention and response efforts for domestic violence involving service members. Membership includes military and civilian personnel.

The Miles Foundation

P.O. Box 423
Newtown, CT 06470-0423
Phone: 203-270-0688
Hotline: 1-877-570-0688
Fax: 203-270-0688
Web site: hometown.aol.com/milesfdn/myhomepage/index.html

The Miles Foundation is a nonprofit organization serving military personnel, civilian and former spouses, intimate partners, and children, providing support services to victims of violence perpetrated by or upon military personnel. Services include advocacy, referrals, financial support, protective order documentation and service, development of victim safety plans and impact statements, engagement of witness protection programs, and professional education, including a training that describes the best way to support victims of violent acts. Its recent publication, *Intimate Partner Violence and the Military: A Victim's Handbook*, can be obtained by contacting the foundation.

Military Family Resource Center

4040 North Fairfax Drive
Arlington, VA 22203-1635
Phone: 703-696-9053
Fax: 703-696-9062
E-mail: mfrc@hq.odedodea.edu
Web site: www.mfrc.calib.com

The Military Family Resource Center (MFRC) provides information to policymakers and program staff on DOD military family policies and programs. MFRC includes the National Clearinghouse for the Military Child Development Program. The MFRC Web site lists new publications, policies, and events; provides up-to-date information on military family issues; and includes online publications and resources.

The Minerva Center

20 Granada Road
Pasadena, MD 21122
Phone: 410-437-5379
Web site: www.minervacenter.com

The Minerva Center is a research and education facility that teaches people about women in war and women in the military. The center publishes two periodicals a year—the only ones in the world that specifically deal with women who serve in the military. The Minerva Center also provides Internet support groups and a listserv that supports women's military studies and prepares seminars

and support materials on such topics as the history of women in combat, women in international terrorism and low-intensity conflict, and archival preservation and collection of oral histories and autobiographies.

National Military Family Association

6000 Stevenson Avenue, Suite 304
Alexandria, VA 22304-3526
Phone: 703-823-NMFA
Fax: 703-751-4857
Web site: www.nmfa.org

The National Military Family Association (NMFA) was created by wives and widows of military personnel who were seeking financial security; their efforts led to creation of the Survivor Benefit Plan. In recent years, NMFA membership has expanded to include families of military personnel. NMFA efforts focus on improvements in the quality of military family life. NMFA programs educate military families, the public, and Congress on the rights and benefits of military families.

National Organization for Victim Assistance

1757 Park Road NW.
Washington, DC 20010
Phone: 202-232-6682
Fax: 202-462-2255
Web site: www.try-nova.org

The National Organization for Victim Assistance (NOVA) provides victim and witness assistance for criminal justice and mental health professionals, advocates, researchers, victims and survivors,

and related professionals. NOVA works to promote rights and services for victims of crime worldwide through national advocacy and influence on public policy, direct services to victims, assistance to professional colleagues, and membership benefits including an annual conference, a monthly newsletter, informational bulletins, and opportunities for networking and collaboration.

National Training Center on Domestic and Sexual Violence

2300 Pasadena Drive
Austin, TX 78757
Phone: 512-407-9020
Fax: 512-407-9022
Web site: www.ntcdsv.org

The National Training Center on Domestic and Sexual Violence provides consultation and training (including national and regional conferences), helps government decisionmakers develop and evaluate policies and programs, and promotes collaboration among government agency staff, victim advocates and service providers, university researchers, and related professionals in working to end domestic and sexual violence. The Web site includes a calendar of training sessions throughout the United States.

Endnote

1. FAP is designed to prevent and treat child and spousal abuse in accordance with DOD Directive 6400.1.

What the United States Can Do To Make a Difference

- ◆ **Ratify the United Nations (UN) Trafficking in Persons Protocol.** Encourage participation in this protocol, the first international instrument that requires countries that are parties to the protocol to criminalize trafficking in persons and provide a framework for enhanced protection of and assistance to victims.
- ◆ **Increase funding for technical assistance, training, and aid to U.S. Government agencies working to combat trafficking, sexual assault, and domestic violence.** Help other countries build the capacity to prevent trafficking, protect and reintegrate victims, and investigate and prosecute traffickers.
- ◆ **Continue international bilateral and regional efforts to combat trafficking in persons.** Encourage source, transit, and destination countries to collaboratively conduct public awareness campaigns, investigate trafficking cases, and assist with victim repatriation.
- ◆ **Encourage increased cooperation between nongovernmental organizations and governments in combating trafficking, sexual assault, and domestic violence.** Provide victims, law enforcement, and Immigration and Naturalization Service personnel with training on trafficking in persons. Provide victims with information about victim advocacy and protection, legal assistance, health care, and reintegration.
- ◆ **Conduct training for U.S. Government employees.** Offer federal employees stationed abroad and Peace Corps workers training on how to eliminate violence against women and prevent trafficking in persons.
- ◆ **Implement and educate the American public about the recently enacted Victims of Trafficking and Violence Protection Act of 2000, which created “T” and “U” visas.** Explain that nonimmigrant “T” visas aid victims of severe forms of trafficking and nonimmigrant “U” visas help victims of certain serious crimes, including sexual assault, domestic violence, stalking, and trafficking.
- ◆ **Improve interagency cooperation within the United States.** Encourage continued interagency collaboration on trafficking in women and children at the local, state, and federal levels by developing task forces and working groups to ensure that trafficking cases are prosecuted and victims are helped.
- ◆ **Create shelters for victims of trafficking.** Provide victims with medical care, counseling, and legal and immigration assistance in a safe, nondetention environment.

Chapter 16

The United States Within the International Community—Responding to Trafficking in Persons

Although trafficking in women is a long-standing issue globally, it is a relatively new one for U.S. policymakers. The Victims of Trafficking and Violence Protection Act of 2000¹ has defined “severe forms of trafficking” as

A) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion or in which the person induced to perform such an act has not attained 18 years of age; or

B) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Trafficking of women and children for forced labor and the sex industry unfortunately is prevalent in many regions of the United States. An estimated 45,000–50,000 women and children are trafficked annually to the United States, primarily by loosely connected criminal networks. Worldwide, an estimated 700,000–2 million women and girls are trafficked annually.²

Although trafficked persons traditionally have come from Southeast Asia and Latin America, they are coming increasingly from the newly independent states of the former Soviet Union and Central and Eastern Europe. Victims of trafficking often suffer imprisonment and extreme physical and mental abuse, including rape, torture, starvation, other general physical brutality, and death

threats. It is likely that trafficking to the United States and other countries will continue, given weak economies and few job opportunities in the countries of origin, enormous profit potential for the traffickers, and improved international transportation infrastructures.

Worldwide, the industry of trafficking in persons is also closely linked to other related criminal activities such as extortion, racketeering, money laundering, bribery, drug use, gambling, conspiracy, document forgery, and visa, mail, and wire fraud. The consequences of trafficking in persons are enormous, with severe political, economic, criminal, and health implications. Most important, trafficking is a violation of basic human rights.

The global nature of trafficking in persons demands a coordinated international effort. The transnational character of trafficking requires countries of origin, transit, and destination to collaborate to prevent trafficking, protect victims, and prosecute traffickers. To diminish trafficking requires multiple strategies that target prevention, implement economic strategies (such as micro-credit lending to the women in the countries of origin), support the education of girls and the elimination of gender discrimination in the countries of origin, strengthen the penalties and laws against traffickers worldwide, and enhance assistance and protections for the victims. An effective strategy to combat trafficking further focuses on improving coordination and cooperation between government agencies and nongovernmental organizations at the local, state, and federal levels.

Ratifying the Trafficking in Persons Protocol

In January 1999, the United States and Argentina introduced a draft protocol on trafficking in women and children at the first negotiating session of the United Nations (UN) Convention on Transnational Organized Crime. The Trafficking in Persons Protocol, signed in December 2000, offers a historic opportunity for countries of origin, transit, and destination to work together to investigate and prosecute traffickers and protect trafficking victims. The Trafficking in Persons Protocol requires countries that are parties to the protocol to criminalize trafficking, encourage industrialized countries to provide technical assistance and training to developing countries, promote international law enforcement cooperation, and create a framework for enhanced protections for victims.

Increasing U.S. Trafficking Assistance Budgets

U.S. agencies working to combat the prevalence of trafficking, sexual assault, dating and domestic violence, and stalking, such as the U.S. Departments of State, Justice, and Labor and the U.S. Agency for International Development, will require larger budgets to assist other countries in building the capacity to combat violence against women.

Larger budgets within U.S. Government agencies will allow for the expansion of existing technical assistance programs to source and transit countries to develop model legislation outlawing trafficking in persons and provide prosecutor and police sensitivity training, exchange programs, anticorruption programs, forensic investigative techniques, public awareness campaigns, shelter creation, microcredit and job training programs, and safe reintegration of victims. Increasing assistance will harbor the added benefit of increasing cooperative efforts between nongovernmental organizations

and government agencies to assist victims of trafficking.

Implementing U.S. Trafficking Legislation

In October 2000, the United States enacted a comprehensive trafficking law: the Victims of Trafficking and Violence Protection Act of 2000 (Pub. L. No. 106–386). The purpose of the trafficking law is to combat trafficking of persons—especially into the sex trade, slavery, and slavery-like conditions—through prevention, prosecution and enforcement against traffickers, and protection and assistance for victims. Passage of such an effective and comprehensive trafficking law is intended to streamline the prosecution of traffickers, increase penalties for traffickers, improve the tracking of cases, and improve interagency coordination. Trafficking provisions in the Act do the following:

- ◆ Require the President of the United States to establish the Interagency Task Force To Monitor and Combat Trafficking, chaired by the Secretary of State, and authorize the establishment of the Office To Monitor and Combat Trafficking.
- ◆ Charge the President of the United States with establishing prevention initiatives to enhance economic opportunities for trafficking victims, such as microcredit lending and education programs, and with establishing public awareness programs on the dangers of trafficking and the protections available to victims.
- ◆ Require the U.S. Department of State and the U.S. Agency for International Development to establish programs and initiatives in foreign countries to assist in the safe integration, reintegration, or resettlement of victims of trafficking.
- ◆ Direct the U.S. Attorney General, the Secretaries of Labor and Health and Human Services, the Board of Directors of the Legal Services Corporation, and the heads of other federal agencies to expand their benefits and services to victims of severe forms of trafficking

in the United States, regardless of the victims' immigration status.

- ◆ Authorize the U.S. Attorney General to make grants to state, tribal, and local governments and nonprofit organizations to develop, expand, or strengthen services for victims of trafficking.
- ◆ Create a new, nonimmigrant “T” visa for certain victims of severe forms of trafficking who either have complied with any reasonable request for assistance in the investigation or prosecution of trafficking or have not yet turned 15 years old. The U.S. Attorney General may adjust “T” visa holders to lawful permanent resident status under certain circumstances.
- ◆ Increase the penalties for slavery and trafficking crimes, and create a new crime of forced labor that captures slavery-like practices that do not meet the elements of the involuntary servitude statute as interpreted by the U.S. Supreme Court.
- ◆ Criminalize trafficking for the purpose of involuntary servitude or forced labor and sex trafficking of children by force, fraud, or coercion.
- ◆ Punish the withholding or destruction of immigration or identification documents for the purpose of preventing a trafficking victim from escaping.

Improving Protection and Services to Trafficking Victims in the United States

Providing protection and services to trafficking victims can be difficult because agencies may focus on the victims' unlawful immigration or labor status rather than on the fact that their basic human rights have been violated. Many trafficking cases are incorrectly labeled as alien smuggling or prostitution cases. To remedy this, local, state, and federal law enforcement should be specially trained to identify and respond to trafficking cases. The lack of a consistent and streamlined procedure for housing and handling trafficking victims further complicates service delivery. Trafficking victims are either placed in the only available shelters, often domestic violence shelters, or

placed in Immigration and Naturalization Service (INS) detention facilities and then deported often without access to justice. The new trafficking law seeks to remedy these practices.

Clearly, trafficking victims should receive medical, counseling, and legal services in a language they understand. It is clear that local, state, and federal governments should advocate strongly for trafficking victims and provide facilities for housing adult and minor trafficking victims. Protection and services for trafficking victims, the allocation of funds for shelters and long-term housing, and supporting nongovernmental service providers and advocates are desperately needed. The new trafficking law also seeks to meet some of these needs.

Under the Victims of Trafficking and Violence Protection Act of 2000, local, state, and federal government agencies must partner with nongovernmental organizations. This is a critical first step toward creating an effective federal interagency working group, mandated by the new trafficking law, whose mission it will be to assist with community or state responses to trafficking in persons. The interagency working group's short- and long-term goals will be to improve prevention of trafficking, protect the rights of trafficked persons, and streamline prosecution.

Outlined below are specific actions that U.S. Government agencies; the UN; Congress; U.S. embassies; the Peace Corps; U.S. companies and their subcontractors; local and state governments; housing, shelter, and detention facilities; private foundations; and nongovernmental and community-based organizations can take to help stop the trafficking in persons.

Work Internationally To End Trafficking and Related Forms of Violence Against Women and Children

1. Support the Trafficking in Persons Protocol.

- ◆ Encourage source, transit, and destination countries to sign, ratify, and implement fully the Trafficking in Persons Protocol.

2. Increase funding for technical assistance, training, and aid to U.S. agencies working to combat trafficking and related forms of violence against women internationally.

- ◆ Encourage industrialized countries to provide assistance and training to developing countries to improve efforts to combat trafficking, as outlined in the Trafficking in Persons Protocol.
- ◆ Increase budgets for the U.S. Departments of State, Justice, and Labor, the U.S. Agency for International Development, and other government agencies to better assist other countries' and improve our own efforts to combat trafficking and other violent crimes against women.
- ◆ Expand technical assistance programs that identify and end trafficking, such as those that provide model legislation; seminars on corruption; training for police, prosecutors, border patrol, and customs personnel, among others, on how to identify and respond to trafficking and victim sensitivity issues; and equipment to developing countries.
- ◆ Increase support of widespread public awareness campaigns that warn potential victims of tactics used by traffickers, explain victims' rights, and explain what victims should do if they are or someone they know is victimized.
- ◆ Provide continued financial and technical assistance to nongovernmental organizations involved in protecting, rehabilitating, and repatriating trafficked persons.

3. Dedicate a portion of U.S. foreign aid to women's and human rights organizations abroad that provide services and advocacy to survivors of trafficking and related forms of violence against women.

- ◆ Work closely with local women's and human rights groups and other nongovernmental organizations to design, develop, and expand these programs.
- ◆ Increase job training, funding for education, and the number of microcredit lending programs available to survivors of trafficking and related forms of violence against women.

4. Continue to work with local women's organizations to ensure that women and girls are informed about issues related to trafficking, sexual assault, and dating and domestic violence.

- ◆ Increase U.S. Government International Visitor program participation of representatives from nongovernmental organizations working to combat trafficking, sexual assault, and domestic violence.
- ◆ Invite various nongovernmental organizations, international donors, and government and law enforcement officials to roundtables at U.S. embassies to discuss trafficking and other forms of violence against women.

5. Conduct trafficking, sexual assault, and domestic violence awareness training for U.S. workers stationed abroad.

- ◆ Provide trafficking, sexual assault, and domestic violence awareness training to all employees at the U.S. Department of State and employees from other agencies who are stationed abroad, including military service personnel—particularly those seconded to UN peacekeeping missions—and consular officers who review visa applications.

6. Take an active role in preventing and responding to violence against female employees and against women in the communities in which U.S. companies operate.

- ◆ Ensure that employees of U.S. companies abroad are not victims of trafficking. Facilitate employee access to information on trafficking, including providing instructions on what to do if an employee encounters a trafficking situation. Facilitate access to services for trafficked persons.
- ◆ Contact the appropriate authorities if there is reason to believe that an employee is being subjected to physical or psychological coercion or debt bondage-like situations (i.e., requiring a person to “work off” a debt if the debt is unreasonable, is not decreased by a reasonable value for the services rendered, or is “worked off” over an unlimited period of time).

- ◆ Adopt or improve on and enforce companywide safety policies on sexual harassment, discrimination, sexual assault, dating and domestic violence, and stalking.

For related recommendations, see Toolkit chapters “Promoting Safety and Nonviolence in the Workplace” and “Promoting Women’s Economic Security.”

Work Domestically To End Trafficking and Related Forms of Violence Against Women and Children

7. Enact and enforce state and federal laws and policies regarding trafficking in persons throughout the United States.

- ◆ Implement the comprehensive legislation that criminalizes trafficking in the United States and protects the rights of trafficked persons.

8. Collaborate with nongovernmental organizations, advocates, and other experts to provide culturally sensitive training on trafficking, sexual assault, dating and domestic violence, and stalking to all relevant personnel.

- ◆ Provide training to personnel from the U.S. Departments of State, Justice, Defense, Health and Human Services, and Labor, the Social Security Administration, and all agencies connected with immigrant, refugee, and trafficked populations.
- ◆ Provide specialized training to local, state, and federal law enforcement so they can learn how to identify and respond to trafficking situations with questioning and investigation techniques that are appropriate to this type of crime. Ensure that law enforcement personnel understand the rights of and services available to trafficked persons. In addition, train attorneys who represent trafficking victims to assist victims in seeking restitution.

9. Hold the persons and organizations involved in trafficking in women and children accountable for their crimes.

- ◆ Allow trafficking victims the legal right to seek restitution, damages, and back pay from

traffickers and employers and the right to pursue civil lawsuits against their traffickers and employers.

- ◆ Ensure that criminal processes do not impede the victim’s right to file a civil suit, and extend the statute of limitations to file such a suit.
- ◆ Take reasonable measures to expedite trafficking cases to reduce the time survivors must wait.

10. Provide appropriate housing alternatives to traditional detention facilities for victims of trafficking.

- ◆ Provide safe long-term shelter and access to medical and legal services to women and children who have been trafficked. Avoid the use of detention centers, jails, or prisons as a substitute for housing.
- ◆ Develop effective strategies at the local, state, and federal level to deal with the housing needs of large groups of trafficked people. (For example, when a sweatshop is discovered, dozens of trafficking victims may need immediate shelter and other services.)
- ◆ Examine policies of existing shelters for homeless people, victims of domestic violence, or children or youth that require documentation to receive services, and remove barriers that prevent trafficking survivors who lack documentation access to these services.

11. Identify dedicated funding to support the development of services for trafficking victims.

- ◆ Provide funding through the Victims of Trafficking and Violence Protection Act or other funding vehicles to local and state authorities to operate hotlines, provide training programs for employees, create antitrafficking awareness materials, and fund shelters for trafficking victims.

12. Increase funding and access to legal services for victims of trafficking.

- ◆ Develop pro bono, low-cost, and sliding-scale legal representation and independent counsel for victims of trafficking. Provide legal services

to help survivors apply for immigration relief and seek restitution from traffickers and employers.

- ◆ Designate Legal Services Corporation funding specifically to provide services for victims of trafficking.

13. Work to improve interagency cooperation and develop comprehensive services to respond to the needs of victims of trafficking and related forms of violence against women.

- ◆ Develop interagency task forces and working groups at the local, state, and federal level to share information, resources, and best practices for combating trafficking and related forms of violence against women.
- ◆ Increase public awareness through education campaigns. Train federal law enforcement, prosecutors, INS personnel, and victim advocates to streamline the prosecution of traffickers and to improve services and protection for victims.

14. Provide funding to expand the efforts of the Trafficking in Persons and Worker Exploitation Task Force.

- ◆ Expand the public awareness campaigns of the Trafficking in Persons and Worker Exploitation Task Force, focusing on immigrant communities and non-English speakers.
- ◆ Increase the language capacity of the Trafficking in Persons and Worker Exploitation Task Force complaint line and expand its services to operate on a 24-hour per day basis.

Resources

Anti-Slavery International

Thomas Clarkson House
The Stableyard Broomgrove Road
London SW9 9TL England
E-mail: info@antislavery.org
Web site: www.antislavery.org

Anti-Slavery International works to end slavery throughout the world, offering educational materials and publications; fundraising and lobbying

efforts; and resources including a reference library and archive.

Center for Gender and Refugee Studies

University of California Hastings College of the Law
200 McAllister Street
San Francisco, CA 94102
Fax: 415-565-4865
Web site: www.uchastings.edu/cgrs

The Center for Gender and Refugee Studies (CGRS) provides legal assistance and resources to attorneys representing asylum-seekers who are victims of violence against women. CGRS also educates policymakers and the general public to drive and develop new laws and public policies on issues of gender-related violence.

Coalition to Abolish Slavery and Trafficking

Little Tokyo Service Center
231 East Third Street, Suite G104
Los Angeles, CA 90013
Phone: 213-473-1611
Fax: 213-473-1601
Web site: www.trafficked-women.org

The Coalition to Abolish Slavery and Trafficking (CAST) works to end trafficking and forced labor and assist victims. The CAST Web site provides publications and resource information, news of campaigns and advocacy efforts, and links to related organizations and materials.

General Trafficking Information, U.S. Department of State

Web site: usinfo.state.gov/topical/global/traffic
The U.S. Department of State's International Information Programs Department distributes general information on this subject, including official texts, fact sheets, and reports on U.S. Government initiatives, international initiatives, and organizations.

International Human Rights Law Group

The Initiative Against Trafficking in Persons
1200 18th Street NW., Suite 602
Washington, DC 20036
Phone: 202-822-4600
Fax: 202-822-4606
Web site: www.hrlawgroup.org

The International Human Rights Law Group provides support and training to local advocates who are working to expand human rights laws and build human rights standards. Online resource materials pertain to trafficking, racism, and human rights.

**National Worker Exploitation Complaint Line
National Worker Exploitation Task Force**

U.S. Departments of Justice and Labor
Phone: 1-888-428-7581

The National Worker Exploitation Task Force Complaint Line handles calls from trafficking victims to provide them with assistance and lead to the prosecution of traffickers.

Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice

Web site: www.ojp.usdoj.gov/ovc

The Office for Victims of Crime (OVC) was established by the 1984 Victims of Crime Act (VOCA) to oversee diverse programs that benefit victims of crime. OVC provides substantial funding to state victim assistance and compensation programs—the lifeline services that help victims heal. OVC also supports trainings designed to educate criminal justice and allied professionals on the rights and needs of crime victims.

Violence Against Women Office, Office of Justice Programs, U.S. Department of Justice

Web site: www.ojp.usdoj.gov/vawo

The Violence Against Women Office implements the Violence Against Women Act (VAWA) of 1994 and 2000 and leads national efforts to stop violent crimes against women, including sexual assault, dating and domestic violence, and stalking.

Endnotes

1. The definition of trafficking in persons is from section 103 of the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106–386, October 28, 2000.

2. Richard, A. (1999). International Trafficking in Women in the United States: A Contemporary Manifestation of Slavery and Organized Crime. DCI CI Exceptional Intelligence Analyst Program, An Intelligence Monograph. Washington, DC: Center for the Study of Intelligence. p. 3. www.cia.gov/csi