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Sub-Category A-viii: Policy and Legislation

COMPENDIUM OF RESEARCH ON VIOLENCE AGAINST WOMEN

1993-2016

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Category A: JUSTICE & RELATED SYSTEMS

viii. Policy and Legislation

1995-IJ-CX-0009:	Public Access to Information Concerning the Whereabouts of Abuse Victims
Amount:	\$50,000
PI:	Gwen Holden
Program Officer:	Bernard Auchter
Status:	Completed

The National Criminal Justice Association (NCJA) conducted a study of the means by which abusive spouses may obtain information concerning the addresses or locations of their former or estranged spouses. The purpose of the NCJA study was to formulate recommendations on potentially effective and enforceable regulation of access to domestic violence victims' address information. Section 40508 of the Violence Against Women Act instructs the Attorney General to conduct a study on the means by which address information on victims of domestic violence may be retrieved, and to submit to the Congress a report on the findings of the study, which would include an analysis of the practicability of regulating access to such information.

Product: NCJ# 164064

Confidentiality of Domestic Violence Victims' Addresses (1995) – National Criminal Justice Association

The report reveals that information on the location of victims of violence is readily available through a variety of legitimate means. Postal service, voter registration records, motor vehicle records, school records, credit bureaus, computerized databases, and caller ID are all sources of critical information that might, in the wrong hands, lead to further abuse and criminal actions. This report highlights the importance of balancing the confidentiality of personal information of victims against the importance of providing public access to address information for legitimate purposes and in compliance with constitutional constraints. It recommends education as the primary tool to accommodate that balance. Employees who handle personal information need a greater understanding of privacy rights. Victims of violence must be made aware both of the technology that compromises their security and the services and options that may help guard confidential information about themselves. The report also recommends that States re-evaluate their privacy and confidentiality statutes to determine their effectiveness. Public agencies should adopt or improve internal protocols that govern the dissemination of personal information. Private companies should examine their procedures associated with the confidentiality and possible disclosure of information that may place victims and their families at risk.

1997-WT-VX-0007:	Study of the Effectiveness of State Anti-Stalking Efforts and Legislation
Amount:	\$200,779
PI:	Tom McEwen
Program Officer:	Bernard Auchter
Status:	Completed

This project is designed to provide both a national assessment of the status of state anti-stalking laws and a more focused assessment of how those laws are being implemented in two sites. It will provide information on the status of state anti-stalking efforts and legislation; and it will provide policymakers and practitioners with detailed examples of successful anti-stalking programs. The study objectives are to: (1) assess the status of implementation efforts for state anti-stalking legislation; (2) collate available case statistics information; (3) report subjective opinions of legislative strengths and weaknesses; (4) identify problems and strengths of agency practices and procedures developed in response to anti-stalking laws; (5) identify model implementation efforts; (6) better define the scope of the need for anti-stalking laws and their content; and (7) identify ways in which the effectiveness of anti-stalking efforts and laws can be strengthened. The national assessment will entail the collection of all available published materials on state anti-stalking laws; surveys of state and local agencies; and synthesis and analysis of data collected. A follow-up telephone survey of selected agencies will focus on special law implementation initiatives. State stalking offense statistics will be collated, reviewed, and integrated to determine estimates of the incidence of reported stalking offenses.

Product: NCJ# 197066

Stalking Laws and Implementation Practices: A National Review for Policy Makers and Practitioners (2001) – N. Miller

This study analyzed stalking and related legislation in the 50 States, reviewed leading court decisions interpreting those laws, and conducted a survey of police and prosecutor agencies across the country to determine how the laws were being implemented. Field reviews were done in jurisdictions with innovative, special anti-stalking efforts, and study findings were integrated with the existing research literature on stalkers and their behavior. Study results found that misperceptions of what constitutes stalking are widespread. Public awareness that stalking is a crime is lacking, and many criminal justice personnel also lack an understanding of their States’ anti-stalking laws. The likely number of stalking cases is over two million felony cases and four million misdemeanor cases annually -- far greater than previously estimated. Although every State recognizes that stalking is a crime distinct from other offenses, many State laws lack adequate penalties. Shortcomings include the lack of warrantless arrest for misdemeanor stalking in most States, and the absence of required training on stalking for law enforcement and prosecution. Stalking laws have been the focus of considerable litigation. Current special anti-stalking programs demonstrate the usefulness of developing staff expertise with stalking cases and provide models for other jurisdictions.

1998-IJ-CX-0015:	Impact Assessment of Sex Offenders Notification in Wisconsin Communities
Amount:	\$49,972
PI:	Richard Zevitz
Program Officer:	Voncile Gowdy
Status:	Completed

Using Wisconsin as a case study, the proposed work examines the effects that various approaches used by local criminal justice officials to notify a community that a sex offender is living in their neighborhood has on the community and its member. Specifically, the proposed work seeks to assess Wisconsin's recently enacted Sex Offender Registration and Community Notification law. Data will be gathered through several methods: (1) field research and statewide surveys of law enforcement officers, parole/probation agents, and community residents where sex offenders are or will be located; (2) observations of communication notifications meetings; and (3) in-depth interviews with sex offenders under supervision in the community. This small grant will require 12 months to complete. Project findings will be of value to policymakers and federal, state, and local correctional administrators seeking techniques and model correctional interventions for tracking sex offenders and assessing its impact on the criminal justice system and the local community.

Product: NCJ# 179992

Sex Offender Community Notification: Assessing the Impact in Wisconsin (2000) – R. Zewitz, M. Farkas

Information came from surveys of 704 neighborhood residents at 22 community notification meetings, observations of these meetings, and a statewide survey of police and sheriffs’ agencies, field observations and a statewide survey of probation and parole agents, and personal interviews of 30 convicted sex offenders who were the topics of community notification, news media reports, or both. Results indicated that the public needs additional information about the purpose of notification meetings and the limits of notification laws. The percentage of attendees who left meetings feeling more concerned about the sex offender was nearly equal to the percentage who felt less concerned. Law enforcement agencies experienced few problems carrying out tasks prescribed by the notification law, but the cost of labor resources necessary for notification was an issue. Notification laws increased the workload of probation and parole officers who monitor sex offenders, especially for high-profile Special Bulletin Notification cases. All but one of the sex offenders interviewed stated that the community notification process adversely affected their transition from prison to the outside world. Housing resources for sex offenders released to notification areas were scarce. The analysis concluded that although the law’s primary goal of community protection is being served, law enforcement and corrections agencies bear a high cost in terms of personnel, time, and budgetary resources.

Additional NCJ Citation: 181480

2004-IJ-CX-0025:	Preventing Firearm Violence Among Victims of Intimate Partner Violence: An Evaluation of a New North Carolina Law
Amount:	\$114,784
PI:	Kathryn Moracco
Program Officer:	Carrie Mulford
Status:	Completed

The proposed study will assess the effects of North Carolina State law S.L. 2003 410 (S919), enacted in December 2003. The new law prohibits people subject to a domestic violence protective order (DVPO) from owning or possessing firearms or ammunition. The study will evaluate the extent to which the law is implemented, the impact of the law on gun-related conditions in the DVPOs, and victims' subsequent experiences with firearms violence. The project will describe the implementation and assess the impact of S.L. 2003 410. The project objectives are to: (1) describe the scope and nature of gun possession by male defendants in DVPO cases; (2) describe female plaintiffs' experiences of gun-related violence; (3) assess changes in judges' inquiries about gun possession and gun-related prohibitions in DVPO; and (4) assess changes in the surrender and confiscation of guns among defendants in DVPO cases. Objectives 2, 3, and 4 will be assessed before and after enactment of the law.

Product: NCJ# 215773

Preventing Firearms Violence Among Victims of Intimate Partner Violence: An Evaluation of a New North Carolina Law (2006) – K. Moracco, K.A. Clark, C. Espersen, J.M. Bowling

Over one-third of the defendants in DVPO filings had access to firearms at the time of the filing, and over 25 percent of them had used firearms against the plaintiffs within 12 months of the filing. Less than half of the DVPO plaintiffs in the study reported being asked by the judge about defendants' access to firearms as part of the ex parte hearing; this proportion did not change after the enactment of the Homicide Prevention Act, even though it requires that "the court shall inquire of the plaintiff, at the ex parte or emergency hearing, the presence of, ownership of, or otherwise access to firearms by the defendant"; however, after the legislation, judges were significantly more likely to check firearm-related conditions on the ex parte orders. The proportion of respondents who indicated that their partners kept their guns after the issuance of the DVPO did not change after the legislation. Study data were obtained from DVPO case files in the study county and a subset of eligible cases that contained longitudinal interview data collected as part of the Court Ordered Protection Evaluation (COPE) study. Data were also obtained from criminal record checks of all the defendants named in the ex parte DVPOs filed. The study obtained COPE interview and DVPO case file information for 221 eligible women who filed for DVPOs in a county adjacent to the county that was the focus of the study.

2006-WG-BX-0002:	Evaluating the Effectiveness of Sex Offender Registration and Notification Policies for Reducing Sexual Violence Against Women
Amount:	\$484,106
PI:	Elizabeth Letourneau
Program Officer:	Karen Bachar
Status:	Completed

The purpose of this study is to examine the effectiveness of sex offender registration and community notification policies in reducing sexual violence against women and girls. Because registration and notification policies were federally mandated and have been implemented across the country, they represent the most comprehensive attempts at the prevention and reduction of serious sexual violence. To date, the effects of broad registration and notification policies (e.g., policies that do not distinguish between different offender risk levels and that apply for life) have been almost entirely exempt from empirical review. The present study will evaluate broad sex offender registration and notification policies as applied in South Carolina to determine whether these policies have deterred new sexual offenses (Aim 1) or reduced sexual recidivism (Aim 2). This study will represent the first empirical examination of broad registration and notification policies, such as were implemented by approximately half of all U.S. states.

Product: NCJ# 231989

Evaluating the Effectiveness of Sex Offender Registration and Notification Policies for Reducing Sexual Violence Against Women (2005) – E.J. Letourneau, J.S. Levenson, D. Bandyopadhyay, D. Sinha, K.S. Armstrong

The study found an 11-percent reduction in first-time sex-crime arrests after 1995, the year that South Carolina established sex offender registration and notification (SORN). This reduction occurred in the period 1995-2005 compared to the pre-SORN period (1990-1994). However, there was no significant decline in the 6 years after 1999, which was the year that South Carolina implemented its online sex offender registry, suggesting that online notification did not impact general deterrence for adult sex crimes. Across a follow-up mean of 8.4 years, 8 percent of registered sex offenders had new sex offense charges, and 4 percent had new sex-crime convictions. Registered sex offenders were not less likely to reoffend than nonregistered sex offenders. The study concludes that SORN, as implemented in South Carolina, apparently has had a positive impact on general deterrence in averting approximately three new first-time sex-crime cases per month; however, the State’s SORN policy has had no effect on offenders’ risk of sexual recidivism. The SORN policy has had unintended effects on judicial decision-making regarding adult sex-crime cases. An increased number of defendants have been permitted to plead to non-sex charges following the onset of the State’s SORN policy and following its modification that required online notification. The net effect of this change could be to reduce community safety by increasing the likelihood that defendants who committed sex crimes will be allowed to plead to non-sex crimes or be acquitted. Also, it is not apparent that sex offenders who fail to register are more sexually dangerous than compliant registrants.

Additional NCJ Citations: 230483, 230536, 231797, 232765

2014-IJ-CX-0018:	State Laws on Child Custody Related to Judges’ and Custody Evaluators’ Recommendations in Cases of Intimate Partner Violence
Amount:	\$37,532
PI:	Daniel Saunders
Program Officer:	Amy Leffler
Status:	Ongoing

Serious harm can occur to intimate partner violence (IPV) survivors and their children as a result of family court decisions. Offenders may be able to continue their abuse of ex-partners and their children due to inadequate supervised visitation arrangements, or custody of children may be awarded to a violent parent. Only one study has investigated the role of state laws in relation to the recommendations of professionals in these cases, and only six states were involved.

The purpose of this study is to conduct further analysis of a recent, NIJ-sponsored national survey of professionals to help better understand the relation between state statutes and professionals' recommendations for custody and visitation in IPV cases. The web-based and mailed survey yielded usable surveys from 465 custody evaluators and 200 judges in 46 states. In addition to reporting their experiences with custody cases involving IPV and their beliefs about custody and IPV, respondents answered questions about a case vignette involving serious, coercive-controlling violence. Respondents also reported on knowledge they had acquired on IPV, the number of survivors they had known, and their work setting, education, and other demographics. The interval level measures showed good to excellent reliability and validity. A bivariate analysis of the possible impact of state laws on the practice of custody evaluators was conducted for the following provisions: (1) Cooperative/friendly parent provision; (2) Presumption of joint custody in general; (3) Restrictions on mediation in IPV cases; (4) Mandated IPV training for mediators/attorneys; (5) Mandated IPV training for evaluators; (6) Mandated IPV training for judges; (7) Opt-out or barring of parenting coordinators; (8) IPV given extra weight in determining the best interests of the child; (9) Presumption that abuser will not get custody; and (10) A parent who kills the other parent does not get custody.

This study will use multivariate analysis with sets of variables used to control for other statutes, background, training, demographics, beliefs, and other variables. The multivariate analysis will be able to handle dichotomous predictor variables and dichotomous and interval-level control variables. The distribution of samples across the states with and without particular statutes provides sufficient samples sizes in all groups for the analysis. The findings of this study will have implications for policy reform on a national level. Findings will be published in professional journals and online newsletters.

For an index of all grants, go to <https://www.ncjrs.gov/pdffiles1/nij/223572/223572-grants-index.pdf>.