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Chairwoman Bass, Ranking Member Ratcliffe and Members of the Committee, thank you all for inviting me to testify before you about the reauthorization of the Violence Against Women Act. The Violence Against Women Act, otherwise known as VAWA, is not only twenty five years old this year, but its third reauthorization was signed into law this very day six years ago.

My name is Rob Valente, and I am a Policy Consultant for the National Coalition Against Domestic Violence (NCADV), the oldest national coalition of grassroots advocates and organizations serving and advocating for survivors of domestic violence. The National Coalition Against Domestic Violence is a proud member of the National Task Force to End Sexual and Domestic Violence (NTF), a coalition of organizations representing the thousands of rape crisis centers, domestic violence victim advocacy and shelter programs, and affiliated faith-based, community, and population specific organizations who serve the millions of survivors of sexual violence, domestic violence, dating violence and stalking in the various states and territories and on tribal lands annually. The member organizations of the National Task Force lead the effort to reauthorize the Violence Against Women Act, ensuring that every time VAWA’s promise is renewed by Congress, the programs and laws that constitute VAWA are enhanced to better serve survivors of sexual violence, dating violence, domestic violence and stalking.

Before I talk about the enhancements our field is seeking as you look to reauthorize VAWA, I want to talk about the history of this groundbreaking and far-reaching legislation. VAWA was first passed by Congress in 1994, after nearly four hard years of work on the part of victim advocates. These advocates believed the federal government had an important role to play in educating the nation to understand that domestic and sexual violence were unacceptable in our society and to acknowledge that victims of these crimes were owed a consistent and effective response from the justice system. That first version of VAWA introduced the concept of the coordinated community response—encouraging law enforcement, prosecution, and victim advocates to sit together at the table and develop a collaborative and integrated system response to these crimes. VAWA 1994 also addressed, for the first time, the cruelly high rates of

victimization of American Indian and Alaska Native women, addressed the unique needs of immigrant survivors of domestic violence, created a program to serve victims in rural areas and another for rape prevention and education, established the protection order prohibitor in federal firearms law, and ensured that all state and tribal protection orders were entitled to full faith and credit in each other's jurisdictions.

We certainly needed those changes. I am old enough to remember how difficult it was, before the Violence Against Women Act, to get the justice system to respond to these crimes. My introduction to working in this field over three decades ago was driving terrified and exhausted women and children escaping abuse to anonymous safe houses under the cover of night in upstate New York. If that sounds dramatic, it was. There was no hope of getting local law enforcement, prosecutors, and courts to pursue these cases. These cases involved "private family matters." The only tool we had back then to protect survivors was to drive them to private homes, whose owners had agreed to give them safe harbor. In the days before GPS and in the dark of night in farm country in upstate New York, that meant squinting over maps with a flashlight and hoping that we were knocking on the door of the right home once we'd arrived. When national, state and tribal domestic and sexual violence programs began to work with Congress on the first VAWA, starting in the early 1990s, we all had a vision of getting the justice system to take these crimes seriously, to respond to these crimes consistently, to hold offenders accountable, and to get the justice system to work together with victim services—and the first VAWA encouraged a coordinated community response and intensive training for all parts of the justice system on the dynamics of domestic and sexual violence in order to ensure that the justice system treated them as the crimes that they are.

By the time we got to the first reauthorization of the Violence Against Women Act in 2000, we saw the improvements that VAWA 1994 started to bring to the justice system. But we also began to understand how much more we had to tackle to fully respond to these crimes. VAWA 2000 created the first legal assistance program for victims of domestic violence, recognized the need for housing services for survivors, and established the U and T visa program for victims of domestic violence and trafficking. VAWA 2000 also added "dating violence" to the crimes addressed under VAWA, improved services for children, and expanded laws and programs addressing sexual assault and stalking.

VAWA was next reauthorized in 2005. This version of VAWA responded to the expressed needs of the field by creating a program to ensure that Communities of Color would be served in culturally and linguistically appropriate ways. In 2005, Congress also recognized that all VAWA grant programs should address all four VAWA crimes ("the four crimes"): domestic violence, sexual assault, dating violence, and stalking. VAWA 2005 also improved confidentiality for survivors who used victim services. It encouraged the development of new gateways for survivors to reach out for help such as population specific programs and medical services. VAWA 2005 addressed the needs of children and began to consider prevention as well as response. In VAWA 2005, Congress recognized the sovereignty of tribes in addressing the four crimes in tribal communities. And in 2005, VAWA explicitly recognized that men were victims of these crimes, also, with a provision that can now be found at 34 U.S.C. 12291(b)(8).

In advance of the reauthorization of VAWA in 2013, the National Task Force to End Sexual and Domestic Violence surveyed the field to better understand the gaps that still existed in service delivery. Those surveys, national conference calls and in-person listening sessions elicited thousands of responses. The final results of the survey process overwhelmingly supported the six major improvements we achieved in VAWA 2013. VAWA 2013:

- Included language prohibiting discrimination against survivors on the basis of sexual orientation and gender identity and the authorization of funding to support programs for LGBTQ survivors;
- Recognized inherent tribal jurisdiction to hold non-Native perpetrators of domestic and dating violence against Native survivors on tribal lands accountable;
- Clarified the definition of culturally and linguistically specific programming;
- Provided protections for survivors who experience victimization while in public housing;
- Created new protections and support for survivors in campus settings; and
- Strengthened the existing VAWA immigration protections.

VAWA 2019

In preparation for the current reauthorization, the NTF again engaged in a nationwide survey process, engaging victim advocates, law enforcement, prosecutors, court personnel, community-based, population-specific programs, researchers, and other stakeholders in a discussion about critical gaps and necessary, modest enhancements.

Twenty-two subject matter workgroups conducted surveys with stakeholders on topics ranging from the criminal justice system to faith communities to prevention to economic issues and housing, and on many other subject matter areas relevant to preventing and responding to domestic violence, dating violence, sexual assault and stalking. This extensive feedback from the field informed the specific recommendations the NTF brought Congress.

The first, and most important, recommendation we have for Congress is that we maintain all the important gains of the past VAWA reauthorizations. Each improvement has had a significant and positive impact on the lives and safety of survivors of domestic violence, dating violence, sexual assault and stalking. Research and evaluation show us how much progress we have made in making survivors safer and holding offenders accountable.

This is not the time to step back our support for victims of these four crimes. As we have done with every previous VAWA, we need to respond to the needs identified by those working in the trenches everyday. For that reason, the NTF offers some modest but critical enhancements and targeted fixes to the current VAWA statute. These changes will save lives and bring VAWA into the 21st century.

VAWA's Impact

VAWA has profoundly transformed our nation's response to domestic violence, dating violence, sexual assault, and stalking. Before VAWA, there was no federal crime of domestic

violence or interstate violation of a protective order. VAWA also ensured states accord full faith and credit to protective orders issued in other states and by tribal courts. By providing grant money to law enforcement, prosecutors, and judges, VAWA has reshaped the criminal justice response to the four crimes and encouraged cross-collaboration between the legal and law enforcement communities and victim advocates.

Between 1994 and 2012, the rate of domestic violence dropped 63%, a decline driven in part by increased options for survivors and changing attitudes promoted by VAWA.¹ Research shows that sexual assault response teams, a form of VAWA-funded coordinated community response, improve legal outcomes and increase the probability that victims will reach out for help.² VAWA-supported court reforms have improved sexual assault survivors' access to justice and reduced offender recidivism.³ Initial assessments of special tribal jurisdiction have shown it to be successful at holding non-Native domestic abusers accountable while protecting the due process rights of the accused.⁴

In a recent report to Congress, the Office on Violence Against Women (OVW) noted that one VAWA program, the Sexual Assault Services Program (SASP), funded advocates who provided services to 49,068 survivors and answered 113,697 hotline calls in 2016 alone.⁵ Between 2014 and 2016, VAWA grants provided more than one million victim services for survivors of domestic violence, sexual violence, dating violence, and stalking, including almost 2 million shelter nights, 600,000 hotline calls, victim advocacy for almost 300,000 survivors, and legal services for almost 100,000 survivors.⁶ Every sixth months during that period, VAWA-funded programs served an average of approximately 112,000 primary survivors, plus their children.⁷

VAWA is also financially prudent. A 2002 study found that in its first five years, \$1.5 billion in VAWA funding saved \$16.4 billion in averted victimization costs, for a net savings of almost \$15 billion.⁸ By any metric, VAWA works.

Definitions

While VAWA has been incredibly successful in preventing and addressing the four crimes and serving survivors, our outreach to stakeholders has identified notable gaps. These gaps include updating outdated definitions. NTF recommends revising some VAWA definitions to clarify meanings, match state laws, address new technological concerns, and provide technical corrections. These updates include adding new definitions for abuse in later life; for alternative justice responses; for digital services and technological abuse; for forced marriage; and for economic abuse.

Among the most important of these changes is the revision of the definition of domestic violence for the purpose of grant programs. Currently, the definition of "domestic violence" in VAWA for grant programs is one that was originally developed solely for the criminal justice system to describe the crime of domestic violence. Twenty-five years later, that definition is out of sync with state laws. Twenty-five years later, we are still only defining domestic violence in terms that apply to the criminal justice system, even though a large number of victims of

domestic violence will never utilize the criminal justice system. For many survivors, the abuse they experience may not amount to a criminal act, however degrading or debilitating the non-criminal act of abuse is.

Thousands of victim services programs in this country must respond to a broad range of acts of domestic violence, some of which may be crimes (such as physical abuse or sexual violence), while other acts may not rise to crimes but have profound impacts on the lives of survivors and may be precursors to physical violence. Abusers often employ abusive but non-criminal acts to maintain power and control over their victims. These non-criminal acts can include emotional abuse, threats to take custody of the children, refusal to sign legal papers that would give the victim legal rights, constant disparagement of and isolation of the victim from supportive friends and family, limits on financial autonomy, and the use of technologies like GPS or texting to track or intimidate the victim. For the purposes of the victim services programs that must address all these forms of criminal and non-criminal abuse, we need a social services definition to clarify the forms of abuse victim services programs may address in alleviating the suffering of victims of domestic violence. This definition would not apply to the justice system – it would in no way change the criminal definition of domestic violence.

Reducing domestic violence homicides

Firearms are one of the most terrifying tools of power and coercive control in a domestic abuser's arsenal. Abusers threaten to kill their victims, their victims' children, their victims' pets, and themselves. 4.5 million American women alive today have been threatened by an abuser with a firearm; 1 million of these have been shot or shot at.⁹ A survey of contacts by the National Domestic Violence Hotline found that, among survey respondents who indicated their abuser possessed a firearm, 67% believed their abuser was capable of killing them.¹⁰ Even when a firearm is not used directly against the victim, an abuser's mere possession of a firearm correlates with increased severity of abuse.¹¹

Every sixteen hours, a male abuser makes good on his threat and murders his female intimate partner.¹² Thirty-five percent of women killed by men in America are killed by intimate partners with guns.¹³ An abuser's access to a firearm increases the risk of intimate partner homicide fivefold – regardless of who owns the gun.¹⁴ Armed abusers pose a threat not only to their intimate partners but also to society at large. Forty-four percent of mass shootings are related to family violence.¹⁵

The first VAWA in 1994 included a life-saving provision prohibiting respondents to final domestic violence protective orders (DVPO) from possessing firearms (18 USC 922(g)(8)); a subsequent 1996 amendment prohibited persons convicted of misdemeanor crimes of domestic violence (MCDV) from possessing firearms (18 USC 922(g)(9)). Congress recognized domestic violence is a pattern of violent behaviors that can escalate quickly, particularly when a victim reaches out for help. When a survivor seeks court intervention, either by petitioning for a protective order or contacting law enforcement, the incident that led the survivor to report the violence is one in a string of violent perpetration by the abuser. Between November of 1998 and January 31, 2019, 146,303 domestic violence misdemeanants and 60,522 respondents to final domestic violence protective orders were blocked from purchasing firearms.¹⁶

In response to outlying court decisions and in order to ensure continuity of federal law across the nation, Congress must make a technical change to clarify that convictions under municipal law trigger the MCDV prohibitor in 18 USC 922(g)(9).

The DVPO and MCDV prohibitors were a vital first step to reducing intimate partner homicides, but since the end of the last century, lethal gaps have become clear. Existing law only prohibits domestic abusers who are or were married to their victims, cohabit or cohabited with their victim, or share a child with their victim from purchasing or possessing firearms – it excludes dating partners.¹⁷ In the mid-1990s, lawmakers had not yet recognized the pervasiveness and impact of violence in dating relationships. Dating violence did not become a federal crime until 2005, and the protections from gun violence afforded to current or former spouses are not extended to dating partners who do not cohabit or share a child in common. The percentage of intimate partner homicides committed by spouses has decreased substantially over the past decades, from approximately 70% to slightly less than half (46.7%), while the percentage of intimate partner homicides committed by dating partners has risen from approximately a quarter to slightly less than half (48.6%).¹⁸ The percentage of intimate partner homicides committed with firearms, which are 12-times more deadly than other weapons,¹⁹ has decreased in this same period – but not enough.²⁰

In the upcoming reauthorization of the Violence Against Women Act, Congress should close the loophole that allows court-adjudicated dating abusers to possess firearms by adding dating partners to the definition of “intimate partner” in 18 USC 921(a)(32) and adding “dating partner” to the definition of “misdemeanor crime of domestic violence” in (18 USC 921(a)(33)(A)(ii)) in federal firearms law. The research shows that dating violence prohibitors work. States that prohibit both domestic abusers and dating abusers subject to protective orders from possessing firearms have a 13% lower intimate partner homicide rate than states that do not; states that cover domestic abusers but not dating abusers have a 6% lower intimate partner homicide rate than those that do not.²¹ Prohibiting dating abusers from possessing firearms saves lives.

Similarly, in 1994, we failed to recognize the deadly nature of stalking. A 2011 survey found 5.1 million women and 2.4 million men had been stalked in the previous year.²² A study in the Journal of Forensic Sciences found that 46% of stalking victims experience some form of violence, and stalkers threatened to use a weapon in 19% of cases.²³ Stalking is also a key indicator of homicide in domestic violence relationships. One study found that 76% of victims of intimate partner femicide were stalked prior to being murdered.²⁴ Stalking is a serious crime, and Congress should add the misdemeanor crime of stalking to the prohibitors at 18 USC 922(d) and 18 USC 922(g), along with definition of the “misdemeanor crime of stalking” in the definitions section of the federal firearms laws at 18 USC 921(a).

Arming victims of domestic violence is not safe

Some people argue that the best way to protect domestic violence victims is to arm them. In general, firearm possession is not a protective factor for women experiencing intimate partner violence - one study found that an abused woman's purchase of a firearm was associated with a 50% higher risk of intimate partner homicide, and it doubled the risk of suffering intimate

partner gun homicide.²⁵ Every survivor is different, and we respect a victim's autonomy and ability to decide for themselves how best to seek safety. However, one-size-fits-all attempts to arm victims are misguided and contrary to the evidence that, as a general matter, the presence of a firearm, regardless of ownership, increases the risk of death.²⁶

Enhancing public safety through enforcement

In addition to protecting all victims of intimate partner violence and stalking from armed abusers, Congress should take steps to improve the enforcement of existing firearms prohibitors. This includes ensuring that domestic abusers who are prohibited from possessing firearms comply with the law and transfer their firearms upon becoming prohibited. State laws that require respondents to protective orders to transfer their firearms are associated with a 12% decrease in intimate partner homicide.²⁷ However, enforcement of provisions requiring respondents to transfer their firearms is lacking. A 2010 study found that only 12% of firearm-owning respondents to protective orders in New York and Los Angeles relinquished their firearms or had their firearms recovered.²⁸

The Violence Against Women Act includes a number of grant programs addressing the criminal justice system, including the STOP formula grant program and the Improving the Criminal Justice System Response discretionary grant program. Congress should add a purpose area to each for the development and implementation of law enforcement policies and protocols to enforce court orders requiring adjudicated domestic abusers to relinquish their firearms. Policies and protocols would include not only the recovery of firearms but also the storage and return of firearms at such a time as the offender is no longer prohibited from possessing firearms. Jurisdictions would not be required to use their grant funding for this purpose, but adding a purpose area will give them more flexibility to do so.

As indicated previously, between November of 1998 and January 31, 2019, 146,303 domestic violence misdemeanants and 60,522 respondents to final domestic violence protective orders were blocked from purchasing firearms.²⁹ When an abuser attempts to purchase a firearm, this is often a sign of escalating violence. To allow local law enforcement to better protect their communities, the FBI should notify them when a domestic abuser attempts to purchase a firearm and fails the background check due to a DVPO or MCDV. This includes situations in which a firearm is erroneously transferred to a prohibited abuser, because the background could not be completed within 72 hours (called a "default-proceed" transfer). In 2013 and 2014, 30% of denials for misdemeanor crimes of domestic violence were issued after the prohibited person took possession of the firearm, and a plurality of default proceed transfers to prohibited persons that were referred to the ATF and US Attorneys for recovery and prosecution were to people who were prohibited from possessing firearms due to domestic violence.³⁰ Notification of failed background checks by adjudicated abusers is necessary to save the lives of survivors – and of law enforcement.

Jurisdictions have successfully addressed drug- and gang-related criminal activity through the Project Safe Neighborhoods program. We need to replicate that success in the domestic violence field by similarly cross-deputizing local prosecutors and law enforcement officers as Special Assistant US Attorneys and ATF agents respectively to help federal actors

enforce serious violations of the federal domestic violence firearms prohibitors. Establishing domestic violence points of contact in US Attorneys Offices and the ATF will also make an enormous difference in holding perpetrators of firearms violence in domestic violence cases accountable.

Access to safe housing

Domestic violence is a leading cause of family homelessness. A 2009 brief by the National Center for Children in Poverty found that 80% of women with children experiencing homelessness had experienced domestic violence in their lives.³¹ A study of Minnesota women experiencing homelessness in 2015 reported they were homeless due to domestic violence, and 37% of Minnesota women experiencing homelessness in 2015 reported having stayed in an abusive relationship in the past, because they had nowhere else to live.³² Close to 40% of survivors of domestic violence experience homelessness at some point in their lives.³³

VAWA includes a grant program for transitional housing for survivors and includes important protections against discrimination in federal housing programs based on a person's status as a survivor, allows public housing agencies to prioritize housing survivors when necessary to protect the survivor's safety, and clarifies that Housing Choice Vouchers are portable for victims and survivors. While the transitional housing grants and the housing protections afforded survivors in VAWA are vital to survivor safety, gaps remain.

Although discrimination in federal housing programs based on a person's status as a survivor is prohibited, survivors face other challenges in maintaining federal housing. For example, they are not protected from eviction resulting from criminal activity of the perpetrator, even if they are not involved in that activity. Moreover, though VAWA allows for lease bifurcation in domestic violence situations, it does not require that the victim retain the housing unit or rental assistance. We recommend closing these gaps, improving the emergency transfer process, and creating a position at the Department of Housing and Urban Development to improve compliance with VAWA protections and requirements.

Protecting Native women, children, and law enforcement

American Indian and Alaskan Native women experience gender-based violence at a staggeringly high rate. A 2016 study by the National Institute for Justice found that over half of Native women experience sexual violence in their lifetimes, with almost 15% experiencing sexual violence every year.³⁴ 97% of women who experience intimate partner or sexual violence in their lives experience violence at the hands of at least one non-Native perpetrator.³⁵ Due to complex jurisdictional challenges, Tribes do not have the authority to hold non-Natives who commit sexual violence accountable and the federal government negligently declines to prosecute these cases at an alarming percentage. The result: American Indians and Alaska Native survivors of violence do not have access to justice.

In the 2013 VAWA reauthorization, Congress took a vital first step in acknowledging the failure of the federal and state response in many of these cases. Congress also acknowledged its long-standing federal trust responsibility and took a step in reaffirming its commitment to

empower Indian tribes in the safeguarding of Indian women. In reaffirming the inherent jurisdiction of Tribal Nations over non-Natives who commit domestic violence and dating violence against Native victims on tribal lands, Congress effectively assisted in ending impunity for defendants who otherwise would have committed their crimes without regard for the law. To implement Special Domestic Violence Criminal Jurisdiction (SDVCJ), Tribes were obligated to meet certain statutory requirements. This includes having law trained judges, ensuring that non-Natives are found within jury pools, requiring Tribal Nations to make their criminal codes available online, requiring that indigent defendants be provided counsel, and other due process requirements.

In SDVCJ's first five years, implementing tribes have made 143 arrests with 74 convictions (24 cases were pending at the time of the analysis). Eighty five of these defendants accounted for 378 contacts with tribal law enforcement before their tribes implemented SDVCJ. Critically, there have been no petitions for a federal writ of habeas corpus during this time period.³⁶

While SDVCJ has been outstandingly successful, it has a very notable gap – it only includes domestic violence, dating violence, and criminal violations of a protection order. We add our voices to those of our indigenous sisters calling for you to end impunity for non-Natives who commit sexual assault, co-occurring child abuse, stalking and trafficking on tribal lands. We now have evidence that the fears raised in the lead up to the 2013 VAWA reauthorization were for naught. This Country's first people deserve justice. Most importantly, as sovereigns, Tribal Nations must be able to govern their people and their lands. Thus, I am here before you today, to reiterate what has long been said by so many Native advocates, Native Survivors, and Tribal Leaders, who are also your constituents: special tribal jurisdiction should be expanded to include sexual assault, co-occurring child abuse, stalking and trafficking on tribal lands and assaults against tribal law enforcement officers.

Prevention, Children and Supports for Survivors

VAWA is one of the only sources of federal money for sexual violence prevention. The Rape Prevention and Education Program (RPE), administered by the Centers for Disease Control and Prevention, funds evidence-based programming to reduce perpetration of sexual violence. One 2016 study found that an RPE-funded bystander intervention education program in Kentucky high schools decreased not only sexual violence but also other forms of interpersonal violence.³⁷ As awareness about the prevalence and impact of sexual violence increases, due in large part to the #MeToo movement and the spotlight on campus sexual assault, requests for prevention funding has skyrocketed. We cannot afford to miss the opportunity to give every state sufficient funding to have a real preventative impact on children's and youth's attitudes about healthy relationships. Despite the documented success of RPE-funded prevention programming, the last reauthorization of VAWA cut the Rape Prevention and Education Program by \$30 million. In recognition of the real need, the sharp increase in funding requests, and the effectiveness and cost-savings of prevention programming, we support restoring and increasing the RPE authorization from \$50 million to \$150 million.

VAWA grants also fund other prevention efforts targeted specifically at children and youth. The VAWA Consolidated Youth Grants fund programs that promote healthy relationships and engages men and boys as allies. The authorization for this critical prevention work was also cut in the 2013 reauthorization, and we support restoring and increasing that authorization to increase their reach.

Other matters

We urge Congress to provide protections for survivors in the workplace by addressing sexual harassment and economic security for survivors, such as authorizing survivors to access unemployment benefits if they leave their jobs as a result of domestic, dating, or sexual violence or stalking. We also ask Congress to expressly add sexual harassment to the allowable uses of the Workplaces Respond to Domestic and Sexual Violence: A National Resource Center, which provides tools, resources, and training to private employers and federal agencies. Survivors also need: protections from discrimination in employment based on one's status as a victim; research into the economic impacts of victimization on college students; and public education related to economic abuse and economic security for victims.

Moreover, Congress should support the development of alternative justice programs for survivors who are unable to use the traditional criminal justice system. We also ask for protections for incarcerated women, the majority of whom have experienced domestic or sexual violence in their lifetimes.

Conclusion

With this newest reauthorization of VAWA, Congress has a opportunity to close gaps in current law, and to support vigorous, effective and consistent enforcement of existing federal, state, tribal and local laws meant to protect victims of domestic violence, dating violence, sexual assault, and stalking. We look forward to working with Congress to protect the safety and meet the needs of survivors of these four crimes.

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