



The Critical Role of VAWA: Strengthening the Legal System's Response

The Violence Against Women Act (VAWA) is the cornerstone of our nation's response to domestic violence, dating violence, sexual assault and stalking. VAWA grant programs, administered by the Office on Violence Against Women (OVW) at the U.S. Department of Justice, provide funding, guidance and tools to law enforcement, prosecutors, judges, victim service providers, and communities to provide comprehensive support to victims, hold offenders accountable, and keep communities safe.

Since originally enacted in 1994, each VAWA reauthorization has been used to address the realities and needs reported by victims themselves and those who work directly with them every day. The reauthorization process provides an invaluable opportunity to gather critical feedback from those administering programs on the ground – law enforcement, court personnel, advocates, and community partners – to ensure that VAWA continues to promote effective responses across systems and efforts to prevent the recurrence of victimization.

VAWA has improved the ability of the civil and criminal legal systems to address domestic violence, dating violence, sexual assault, and stalking.

While more research is needed, there is a solid and growing body of evidence on VAWA's effectiveness at reducing violence and supporting flexible, coordinated and effective responses between prosecutors, law enforcement, and service providers.

VAWA supports the development of a coordinated community response (CCR), which brings grantees together to collaboratively work toward protecting victims and holding offenders accountable, and research has shown that efforts to address domestic violence and sexual assault are most effective when combined and integrated in this way.¹

- Research shows that Sexual Assault Response Teams (SARTs), a form of CCR supported by VAWA, can improve legal outcomes, the help-seeking experiences of victims, and relationships between multidisciplinary responders.²
- From pre-trial to post-conviction, VAWA has supported court systems reforms that increase victims' access to justice, improve offender accountability, and reduce recidivism.³



The largest grant program authorized under VAWA, accounting for nearly half of VAWA appropriations, is the Services, Training, Officers, Prosecutors (STOP) program. STOP operates as a block grant to states, based on population formulas. This allows states to determine how to best provide resources and facilitate coordination among law enforcement, prosecution, courts and victim services.

- In its most recent report to Congress on the STOP Program, OVW noted that STOP grant-funded programs **helped 362,172 victims** of domestic violence, dating violence, sexual violence, and stalking; **funded 2,226 staff members**, including victim advocates, law enforcement officers, counselors, and attorneys.⁴
- VAWA has helped “strengthen victims’ involvement with criminal justice authorities such as prosecutors and court officers,”⁵ and the “STOP program has been critical to law enforcement and prosecution training, and the development of specialized units.”⁶



Between 1994 and 2012, the **rate of domestic violence decreased by 63%**.⁷ From 1996 to 2015, the **rate of women murdered by men in single victim/single offender incidents dropped 29%**.⁸

- These sharp declines have been attributed, in part, to changes in attitudes about the acceptability of abuse and the increased ability of victims to leave abusive relationships, factors facilitated by VAWA.⁹

In criminal and civil proceedings, VAWA appropriately accounts for the needs and constitutional rights of both victims and alleged perpetrators.

VAWA supports a coordinated justice system response to ensure safety for families and children. VAWA's language explicitly protects the constitutional rights of both victims and alleged perpetrators and upholds state laws regarding standards of evidence and other procedural considerations in civil and criminal cases.



- Based on feedback from the field, provisions encouraging mandatory arrest were removed from VAWA at its first reauthorization in 2000 and replaced with pro-arrest policies based on probable cause. The fact that some states continue to have a mandatory arrest policy reflects decisions made at the state level and is not a requirement under VAWA.
- The language of VAWA makes it abundantly clear that constitutional protections cannot be abridged in the process of responding to domestic violence, dating violence, sexual assault, or stalking.
 - Specifically, in 18 U.S.C. 2265, VAWA requires that “reasonable notice and opportunity to be heard is given to the person against whom the [civil protection] order is sought sufficient to protect that person’s right to due process” as a prerequisite to those orders being accorded Constitutional full faith and credit.
- In every state in the nation, there must be at least a preponderance of evidence to suggest that one partner has abused the other before a court will issue a civil protection order,¹⁰ and every state in the nation requires evidence to be established beyond a reasonable doubt in criminal proceedings.
- When a survivor chooses to obtain a protective order, more often than not, it reduces violence.
 - In one Kentucky study,¹¹ threats and physical abuse dropped dramatically during the six months after a survivor obtained a protective order. Threats to kill or harm decreased nearly 50 percent. Moderate physical abuse decreased 61 percent and severe physical abuse decreased nearly 50 percent.
- VAWA does not create any requirements on how states or local courts handle divorce and custody cases within their jurisdictions. The law in every state requires courts to award custody based on the best interests of the child.

The 2021 VAWA reauthorization must maintain the protections within current law while making targeted enhancements to increase the accessibility and responsiveness of the criminal and civil legal systems.

¹ DePrince, A. P., Belknap, J., Labus, J. S., Buckingham, S. E., & Gover, A. R. (2012). The impact of victim-focused outreach on criminal legal system outcomes following police-reported intimate partner abuse. *Violence Against Women*, 18(8), 861–881. <http://doi.org/10.1177/1077801212456523>; Family Justice Center Alliance. (2013, July). Final Evaluation Results: Phase II California Family Justice Initiative Statewide Evaluation. San Diego, CA: Alliance for HOPE International. Retrieved from: https://issuu.com/familyjusticecenteralliance/docs/evaluation___outcomes_-_cfji_final_1; Shepard, M. F., & Pence, E. L. (Eds.). (1999). *Coordinating Community Responses to Domestic Violence: Lessons from Duluth and Beyond* (Vol. 12). Sage Publications.

² Greeson, M. R., & Campbell, R. (2015). Coordinated community efforts to respond to sexual assault: A national study of Sexual Assault Response Team implementation. *Journal of Interpersonal Violence*, 30(14), 2470–2487. <http://doi.org/10.1177/0886260514553119>; Greeson, M. R., Campbell, R., Bybee, D., & Kennedy, A. C. (2016). Improving the community response to sexual assault: An empirical examination of the effectiveness of Sexual Assault Response Teams (SARTs). *Psychology of Violence*, 6(2), 280–291. <http://doi.org/10.1037/a0039617>

³ Lippman, J. (2012). Ensuring victim safety and abuser accountability: Reforms and revisions in New York courts' response to domestic violence. *Albany Law Review*, 76(3), 1417–1443. Retrieved from <http://www.albanylawreview.org/>; Richmond, C., & Richmond, M. (2014). The future of Sex Offense Courts: How expanding specialized Sex Offense Courts can help reduce recidivism and improve victim reporting. *Cardozo Journal of Law & Gender*, 21(2), 443–474. Retrieved from https://works.bepress.com/catharine_richmond/1/

⁴ “STOP Violence Against Women Formula Grant Program.” (2016). VAWA Measuring Effectiveness Initiative. Muskie School of Public Service, University of Southern Maine. http://muskie.usm.maine.edu/vawamei/attachments/All%20State%20Profiles/STOP/ALLStateProfile_2016_Final.pdf

⁵ Cho, H., & Wilke, D. J. (2005). How has the Violence Against Women Act affected the response of the criminal justice system to domestic violence? *Journal of Sociology and Social Welfare*, 22, 125–139.

⁶ Uekert, B., Miller, N., Dupree, C., Spence, D., & Archer, C. (2001). The evaluation of the STOP Violence Against Women Grant Program, Law enforcement and prosecution components (Publication No. NCJRS 189163). Washington, DC: U.S. Department of Justice.

⁷ Truman, J.L. and Morgan, R.E. (April 2014). Nonfatal Domestic Violence: 2003-2012. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics. <https://www.bjs.gov/content/pub/pdf/ndv0312.pdf>.

⁸ Violence Policy Center. (September 2017). When Men Murder Women: An Analysis of 2015 Homicide Data. <http://www.vpc.org/studies/wmmw2017.pdf>.

⁹ See Zimring, F. (Feb/March 2013). On the Meaning and Limits of Good News from the National Crime Victimization Survey. Domestic Violence Report. Civic Research Institute.

¹⁰ Standards of Proof for Domestic Violence Civil Protection Orders (CPOs) by State. (6/2009). Prepared by the University of Baltimore School of Law Clinic; updated by the American Bar Association Commission on Domestic Violence & Sexual Violence. <http://www.ambar.org/cdsv>.

¹¹ The Kentucky Civil Protective Order Study: A Rural and Urban Multiple Perspective Study of Protective Order Violation Consequences, Responses, & Costs (2009). <https://www.ncjrs.gov/pdffiles1/nij/grants/228350.pdf>.