

Ken: In response to your inquiry, here's the rundown on the Biden mtg: Harri Kramer, Diane Rosenfeld and I met w/Jane Woodfin (LD), Chris Putala (Senator's Jud. Comm. crime guru) and Matthew Baumgart (personal staff, does children's issues). We essentially went down our list of recommendations, and here are their reactions/requests for further info:

1. Reauth: They think 6 year reauthorization is a non-starter; they are thinking more in terms of reauth through 2002, and would prefer Admin not be out there advocating for more. I told them we had sd 6 yrs b/c original was 6 yrs, but if they think 2002 is all they can do, we have no objections. (They also wanted to know if we have any insight about whether OMB will sppt funding trust fund in future years -- I have no idea, but if others do, would be helpful to them).
2. Courts eligibility for grants: They agree its a good idea, but aren't sure our allocations are the right way to go -- they talked about possibly 10% for courts (as opposed to our 15%), or 35% for courts and prosecutors. Bottom line is it appears there will be some money for courts, which is our ultimate goal. They asked what we thought of House bill, which in addition to funding courts would dedicate 5% of STOP funds to advisory groups -- they oppose this, (though might be willing to add language requiring state and locals to consult with groups) and could use our help in opposing. NOTE: THIS WAS A CONSISTENT THEME ON ITEMS THAT BIDEN AND DOJ HAVE CONCERNS ABOUT -- I.E. FULL FAITH AND CREDIT, PKPA, ETC -- THAT IT WOULD BE HELPFUL IF THEY WEREN'T THE ONLY ONES EXPRESSING CONCERNS, AND IN PARTICULAR WOULD BE HELPFUL IF DOJ WEIGHED IN. WE NEED TO DISCUSS HOW WE DEAL WITH THAT MESSAGE.
3. They are hearing from victims groups that victims are underfunded in the discretionary grants area -- their sense is this isn't the case, and victims have access to lots of other pots of money (eg VOCA) -- they've asked OJP to see if there's any way to document whether or not victims are underfunded in this area -- HJK to follow up.
4. Full Faith and Credit -- they're right where we are; give states assistance, don't dock Byrne funds. Again, they encourage us to take this position publicly. Also, I mentioned to Harri and Diane that we should be thinking of compiling a document to show progress states are making in this area, to combat the "states aren't doing anything" argument (which was a theme in Tuesday's WH mtg w/Melanie and the groups)
5. Training/Tech Assistance -- They'd like documentation of how we've spent the funds in this area to date, HJK to follow up. Also flagged that who sits on any research boards could become an focus of controversy.
6. Civil Legal Assistance -- They'd like statutory language, based on how we have administered the current program (application kits just went out) -- we committed to provide.
7. Our proposal on Unused STOP funds -- again, they would like documentation of a need in this area -- HJK has anecdotal evidence, will check on what we can get by way of justification.
8. NEW Issue they raised -- whether all the programs could have a specific set-aside for tribes, that

gse FYI VAWA meeting notes from meeting w/ Biden's staff Mary

could be redistributed to state and locals if not enough tribes apply -- HJK agreed to get info on how much money tribes get, whether there are unmet needs there, what the best way to approach this is, etc.

9. Public Education: Original VAWA required Dept. of Education to undertake efforts -- I agreed to check on status of those. They worried this might b/c source of controversy. Thought might be possible to just specify this would be an eligible use for STOP (and not pro-arrest) -- we indicated that would be fine.

10. Rural definition -- they have no problem doing this if we can come up w/a definition that doesn't end up make 48 out of the 50 states eligible -- HJK committed to attempting to draft a definition.

11. We didn't get into too much detail about our proposed changes to the criminal law or immigration issues generally. They'd like to have a separate mtg. and I committed that when Wendy returns from Rome, she and I can talk to Karen Robb and Gina Verdugo (on immigration) and set that mtg up. Re: our proposal to cover "substantial dating relationships" -- they understand what we are trying to get at, and don't disagree, but would like to know how we would propose to define. I explained that a number of states had been moving to cover dating relationships, so they'd like to see that info, which I believe Wendy has. They also wanted to figure out what deals were cut in order to get the VAWA passed (in other words, do our proposed changes alter compromises agreed to in 1994-- Karen, Chris wondered if we could get Demetra to look at these -- does that sound ok to you?)

12. They have pretty fundamental concerns about our direct funding proposal, and think we can use our technical training money (if we get it) to do what this is intended to do. I think we'll lose this, which doesn't seem to be that critical.

13. They also wanted to flag three issues we should be thinking about that may arise as this bill moves forward -- a) Should there be a death penalty added to the VAWA; b) Should we require mandatory HIV testing (Bernie Delia has history on this -- we should consult with him) and; c) What would we think of efforts to expand eligible grantees to include religious organizations.

14. They want to know our views on the House VAWA II bill. At this point, they have no intention of doing any of the violence and children provisions from the House bill, which they expect will be very controversial, nor do they intend, as I said, to dock states on FFC. They like the House proposals to expand the Family and Medical Leave Act to cover domestic violence, but think the proposals to create a cause of action against employers for failure to protect from domestic violence in the workplace are a tad extreme.

They hope to introduce soon, and would like our input ASAP. I think we should reconvene when HJK has some more info and when Wendy returns -- perhaps late Monday?

— WHEN IS DOMESTIC
VIOLENCE

UAWA Mtg.:

- Why do we need?

- How much

AWMNESS
MONTH

UNOFFICIAL
HEARING

5/5

① Reauthorize UAWA P.

↳ FY 2040 Deadline

② WHAT WAS LEFT OUT

↳ OLDER WOMEN

↳ DISABLED

↳ BATTERED IMMIGRANT
Women

③ How much \$ $\approx$ 3 billion

↳ just under \$ 4 billion.

↳ NO SENATE UPDATE

↳ Bill/Smaller probably
out next week.

Time 2 - SHELTERS + SERVICES
→ 10-fold increase
→ Still 7-10
women being turned
away.

→ restriction on % of
VICTIMS SERVICES
→ and left out the counts

Time 3 - More controversial
provisions

→ SAFE PLACES FOR KIDS
→ supervised visitation
→ Jurisdiction (wellstone)
→ Adopts dollar -
guidelines

→ CUSTODIAL ISSUES / INTER-STATE
DISPUTES ON CUSTODY

→ PIECE NOT LIKED BY EXP.
C.M. FOR MISSING CHILDREN

PB - ① Drunk & Possession
Buying a Gun

① What are Biden's
issues - since
Senate may move first

② Full, Faith, + Credit
↳ Bigger issue - child support
- Sex Offender
- Breach

③ More focused programs:
Discretionary.
↳ Problem-solving; complex
nature of how
family matters are
handled locally
↳ Also, caps

④ Reauthorization easy

⑤ Tell D; need to
think.

- ① Death Penalty
② Mandatory ITW - Walker
③ Religious Eligibility - OFC

324

Total Pages: 14

LRM ID: REJ427

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Wednesday, April 1, 1998

LEGISLATIVE REFERRAL MEMORANDUM

Commitment to
to NLA not
to bring-up
8-10

TO: Legislative Liaison Officer - See Distribution below

FROM: James J. Jukes (for) Assistant Director for Legislative Reference

OMB CONTACT: Ronald E. Jones

PHONE: (202)395-3386 **FAX:** (202)395-3109

SUBJECT: JUSTICE Draft Amendments to the Violence Against Women Act

DEADLINE: 3:00 PM Monday, April 6, 1998

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. **Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.**

COMMENTS: These amendments were not prepared for formal transmittal. DOJ will use them in discussions with Committee staff.

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SUBJECT: JUSTICE Draft Amendments to the Violence Against Women

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

(2) sending us a memo or letter

TO: Ronald E. Jones Phone: 395-3386 Fax: 395-3109
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant): 395-3454

The following is the response of our agency to your request for views on the above-captioned subject:

_____ **Concur**

_____ **No Objection**

_____ **No Comment**

_____ **See proposed edits on pages** _____

_____ **Other:** _____

_____ **FAX RETURN of** _____ **pages, attached to this response sheet**

Department of Justice Proposed
Modifications to the Violence Against Women Act (VAWA)
Draft Discussion Paper

Introduction

In 1994, as part of the Violent Crime Control and Law Enforcement Act, Congress passed the Violence Against Women Act (VAWA), introduced by Senator Joseph Biden with strong bipartisan support. This landmark legislation, signed into law by President Clinton, recognized for the first time that domestic violence was a national problem, and that the federal government, working in partnership with state, local, and tribal governments, could play a major role in the fight to eliminate domestic violence.

Since its passage, the VAWA has promoted a fundamental change in our criminal justice system's response to crimes of domestic violence and sexual assault. For the first time, the federal government adopted a comprehensive approach for fighting violence against women, combining tough new penalties with programs to prosecute offenders and help women who are victims of violence. The Violence Against Women Office (VAWO), created within the Department of Justice in 1995, has helped to raise public awareness of the VAWA and the tools it provides to fight domestic violence. Under the leadership of the VAWO and the Violence Against Women Grants Office (VAWGO), the Department of Justice has provided a substantial commitment of resources -- more than \$1.6 billion over six years -- to train police, hire and train prosecutors, provide victim services, ensure victim safety, and hold offenders accountable. In every area of the country, programs and activities are underway that were not in place four years ago, including specialized police units, expanded services for previously underserved women, and a 24-hour national hotline -- 1-800-799-SAFE. Working in partnership, federal, state, local, and tribal law enforcement agencies have taken critical steps to break the cycle of domestic violence and sexual assault.

The struggle against domestic violence is far from over, however, and much work remains to be done. Based on our experience in implementing the VAWA, the Department has identified a number of changes, outlined below, which we believe will enhance the ability of federal, state and local governments to combat domestic violence. We look forward to working with Congress to ensure that these and other changes are included in legislation designed to continue the federal government's commitment to the fight against domestic violence.

Recommendations

1. REAUTHORIZATION OF THE VAWA

Under current law, the VAWA grant programs will expire in FY 2000. Given the work that remains to be done in combating violence against women, it is critical that these programs be reauthorized. Reauthorization is particularly important for state, local, and tribal governments, which look to the continuity of the VAWA as evidence of the federal government's commitment to the fight against domestic violence. Accordingly, we recommend that the VAWA be reauthorized through FY 2006.

2. EXPAND STATE, LOCAL, AND TRIBAL RESPONSES TO DOMESTIC VIOLENCE AND SEXUAL ASSAULT

The following recommendations for changes to the VAWA state and local assistance and the VAWA grant programs are designed to ensure that federal funds provided to state and local governments and victims service providers for the fight against domestic violence are put to their most effective use.

Courts and Judges - Judges play a crucial role in ensuring safety for domestic violence victims and in managing offender behavior and accountability. Too often, however, courts are unable to access funds for preventing domestic violence. For example, under the VAWA, courts are not among the criminal justice components eligible to receive STOP ("Services, Training, Officers, and Prosecutors") formula grants. In order to ensure that funds are available to educate and train judges and court administrators, the Department recommends that, wherever the statute enumerates criminal justice component elements, courts and judges be included along with police, prosecutors, and non-profit, non-governmental victim service providers. [See VAWA: Sec. 2001 (b); Sec. 2002 (c) (3) and (d); Sec. 2003; and Sec. 40295 (a).]

In particular, Section 2002(c)(3), governing the distribution of STOP formula grants, should be amended to read: "At least 25 percent of the amount granted shall be allocated, without duplication, to each of the following three areas: prosecution, law enforcement and victim services; and of the remaining funds, at least 15 percent of the amount granted shall be allocated to the courts."

Enforcement of Protection Orders - Section 2265 of the VAWA requires that every state and tribe give full faith and

credit to protection orders issued by other states. Enforcement of this provision depends in part on police officers and judges in one jurisdiction knowing that a valid protective order was issued in another jurisdiction. In order to assist in this information exchange, the Department recommends providing funds to ensure coordination and cooperation among the states and tribes, and the development of communications systems and other technology that promotes the enforcement of protection orders not only within jurisdictions, but across state lines and tribal boundaries.

Training and Technical Assistance/Evaluation and Research - Technical assistance and training play a critical role in ensuring that federal funds are spent in a way that will have the greatest possible impact on communities, particularly those communities that want to respond aggressively to violent crimes against women, but are unfamiliar with how to develop and implement programs that promote victim safety and offender accountability. Training and technical assistance can be delivered to communities in a variety of ways, including conferences, workshops, site visits, mentoring, and peer-to-peer counseling. Through these programs, communities learn from experts -- and from each other -- how best to develop and implement local programs that incorporate promising practices in the fight against domestic violence.

Evaluation and research is also critical to determining what programs work best in combating violence against women, and to understanding the impact of various programs on both domestic violence victims and the justice system.

As with other Crime Act programs, and with the Administration's current proposal on youth violence, the Department recommends that VAWA grant programs include a statutory set-aside for training and technical assistance for law enforcement officers, prosecutors, victim advocates, the judiciary, and other criminal justice system personnel. In addition, a similar set-aside should be provided for evaluation and research. [As an example, see Section 2806 of H.R. 810, the Youth Violence bill, which provides that "Two percent of all funds appropriated for this part shall be set aside for use by the Director of the Office of Juvenile Crime Control and Prevention for training and technical assistance consistent with this part." Similarly, Sec. 2807 of that bill creates a ten percent set-aside for research, statistics, and evaluations.]

Civil Legal Assistance - Victims of domestic violence often must navigate not only the complexities of the criminal justice system, but also the civil justice system. When victims seek to obtain civil protection orders or obtain custody of their children they often have no legal representation simply because they cannot afford an attorney. In order to address this problem, the Department recommends that the Civil Legal Assistance Program, created as part of the FY98 Appropriations Act, be authorized as part of the VAWA statute, separate from STOP program funding. An independent authorization of this program will ensure continued support for civil legal assistance for victims of domestic violence, particularly where victim safety, custody and visitation, and relocation issues are involved.

Allocation of STOP Formula Grant Funds - Under current law, the percentage allocation of STOP formula funds attach to those funds indefinitely. In some cases, however, there may not be sufficient interest or need, or there may be a lack of quality applications, for the full 25 percent of the prosecution or law enforcement percentages. Meanwhile, in many jurisdictions, demand from victim service providers cannot be met.

The Department recommends that if, after two years, states have not received an adequate number of fundable proposals from law enforcement and prosecution agencies to meet their respective percentage requirements under STOP, the states should be allowed to award those funds for other VAWA statutory purposes as they see fit. [Amend Sec. 2002(c)(2), adding (E).]

Public Awareness and Education - Public education and awareness are essential to changing the culture of tolerance of violence against women. Accordingly, the Department recommends that jurisdictions be given the authority under STOP and the Grants to Encourage Arrest and Rural Programs to support public education campaigns that raise awareness about domestic violence and sexual assault, with the condition that support for such efforts should in no way detract from direct services to victims. [For STOP -- amend Sec. 2001(b), adding a new purpose area (8); for Arrest Programs -- Sec. 2101(b), adding a new purpose area (7).]

Rural Program The VAWA currently provides funds, in Section 40295(b), to address the unique challenges presented by domestic violence in rural states. Some states with

large rural populations, including Kentucky and West Virginia, are not categorized as rural states because, although they have large rural populations, they also have large population centers that disqualify them under the current definition. To address this problem, the Department recommends that the Rural Program be amended to strike the current definition of rural state [based on 42 U.S.C. 3796bb(B)], and insert a new definition that comports more closely with the demographics of 1997. The Department will be happy to work with Congress to develop a definition that will ensure VAWA funds can be used to combat domestic violence in rural jurisdictions throughout the nation.

Direct Funding to Public and Private Agencies - Currently, under the Grants to Encourage Arrest Policies Program, OJP may only make awards to states, Indian tribal governments, and local units of government. In the future, the Department recommends that OJP have the authority to make grant awards directly to law enforcement agencies, prosecutors' offices, the courts, probation and parole agencies, and non-profit, non-governmental victim service agencies. Similarly, under the Rural Program, public and private entities may apply directly to OJP only if they are within a designated rural state. In the future, the Department recommends that OJP have the authority to make grant awards to public and private entities in rural jurisdictions located in non-rural states as well. [Arrest Program -- amend Sec. 2101(b); Rural -- amend Sec. 40295(a).]

In addition, under the STOP program, states should be given explicit authority to make awards from their law enforcement and prosecution funding allocations to not-for-profit agencies that would provide training or other services resulting in a direct benefit to law enforcement or prosecutors. (Should Congress follow our recommendation, discussed under "Courts and Judges" above, to specifically allocate a percentage of STOP formula grants to the courts, we recommend that those funds also be made available to non-for-profit agencies where doing so would similarly provide a direct benefit to the courts.) [Amend Sec.2002(c)(3).]

3. RESTORE PROTECTION TO BATTERED IMMIGRANT WOMEN AND CHILDREN UNDER VAWA

The Department recommends that Congress amend Sections 245(a) and (c) of the Immigration and Nationality Act (INA) to restore an important provision of VAWA that allows battered

immigrant women with approved VAWA petitions to remain in the United States while processing their applications for permanent residency.

Recent amendments to the INA effectively have eliminated the crucial relief that VAWA afforded to immigrant victims of domestic violence. Prior to VAWA's enactment, many battered immigrant women and children remained trapped in violent homes. Because the immigration laws give a U.S. citizen or resident spouse control over his spouse's immigration status, batterers could refuse to file immigration petitions for their victims and threaten them with deportation if they left their abusive spouse, reported the abuse, or cooperated with prosecutors. VAWA remedied the problem by enabling the battered spouses and children of U.S. citizens and legal permanent residents to file their own petitions for residency.

Because of the recent expiration of INA section 245(I), immigrant victims of family violence with approved VAWA petitions can no longer remain in the United States lawfully while awaiting permanent resident status -- a wait that is currently over four years. Legislation therefore is necessary to prevent abused spouses and children of citizens and permanent residents from having to choose between continued abuse and deportation.

4. CLARIFYING THE VAWA'S CRIMINAL PROVISIONS

The Department recommends that Congress adopt a limited number of modifications to the federal criminal provisions of the VAWA. These modifications would clarify ambiguous language, including promoting consistency in the definitional language throughout the statute, and remove unnecessary or unintended obstacles to bringing prosecutions under the VAWA's criminal provisions. Draft language and an explanatory statement are attached.

Conclusion

The Department believes these recommendations will greatly enhance the ability of federal, state and local governments to combat domestic violence. We look forward to working with Congress to consider other changes these and other changes to the VAWA.

SEC. . AMENDMENTS TO DOMESTIC VIOLENCE AND STALKING OFFENSES

(a) Section 2261(a) of title 18, United States Code, is amended to read as follows:

"(a) Offenses. --

"(1) Travel or conduct of offender. -- A person who travels in interstate or foreign commerce or to or from Indian country with the intent to injure, harass, or intimidate a spouse or intimate partner, and who, in the course of or as a result of such travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).

"(2) Causing travel of victim. -- A person who causes a spouse or intimate partner to travel in interstate or foreign commerce or to or from Indian country by force, coercion, duress, or fraud, and who, in the course of or as a result of such conduct or travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b)."

(b) Section 2261A of title 18, United States Code, is amended to read as follows:

"§ 2261A. Interstate stalking

"Whoever --

(1) with the intent to injure, harass, or intimidate another person, engages in the special maritime and territorial jurisdiction of the United States in conduct that places that person in reasonable fear of the death of, or serious bodily injury to, that person or a member of that person's immediate family (as defined in section 115); or

(2) with the intent to injure, harass, or intimidate another person, travels in interstate or foreign commerce or to or from Indian country, and in the course of or as a result of such travel engages in conduct that places that person in reasonable fear of the death of, or serious bodily injury to, that person or a member of that person's immediate family (as defined in section 115),

shall be punished as provided in section 2261."

(c) Section 2262(a) of title 18, United States Code, is amended to read as follows:

"(a) Offenses. --

"(1) Travel or conduct of offender. -- A person who travels in interstate or foreign commerce or to or from Indian country

- 2 -

with the intent to engage in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, and subsequently engages in such conduct, shall be punished as provided in subsection (b).

"(2) Causing travel of victim. -- A person who causes another person to travel in interstate or foreign commerce or to or from Indian country by force, coercion, duress, or fraud, and in the course of or as a result of such conduct or travel engages in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, shall be punished as provided in subsection (b).".

(d) Section 2266 of title 18, United States Code, is amended --

(1) by amending subparagraph (A) in the fourth paragraph to read as follows:

"(A) a spouse, a former spouse, a person who shares a child in common with the abuser, a person who cohabits or has cohabited with the abuser, and a person who has or has had a substantial dating relationship with the abuser; and";

(2) by inserting after the fourth paragraph the following:

"'substantial dating relationship' includes any amorous, romantic, or sexual relationship which is substantial considering the length and nature of the relationship and the frequency of the interaction between the parties.";

(3) by inserting after the first paragraph the following:

"'serious bodily injury' has the meaning stated in section 2119(2)."; and

(4) by amending the final paragraph to read as follows:

"'travel in interstate or foreign commerce' does not include travel from one State to another by an individual who is a member of an Indian tribe and who remains at all times in the territory of the Indian tribe of which the individual is a member.".

- 3 -

Explanation

This section amends provisions in chapter 110A of the criminal code, relating to domestic violence, stalking, and violations of protection orders. Most of the amendments resolve inconsistencies in the scope and definition of the offenses in chapter 110A. The section also includes amendments which clarify language in these provisions or correct certain gaps in coverage.

The principal changes are as follows:

Clarification of bases of federal jurisdiction. The revised formulation harmonizes the language of the chapter 110A offenses and the usual jurisdictional language for offenses involving interstate or international movement of the offender or victim. Most offenses of this type refer to movement of persons "in interstate or foreign commerce," see, e.g., 18 U.S.C. 1952, 1958, 2421-23, but the chapter 110A offenses currently refer to cases in which a person moves across "a State line." This language in the chapter 110A offenses was intended to have the same scope as the usual "interstate or foreign commerce" language, since a person who enters or leaves the United States necessarily crosses a state line at the point of departure or entry on the international border. As a matter of policy, federal prosecution should be possible for (e.g.) a person who travels from Mexico or Canada into the United States to murder a spouse or intimate partner, where federal prosecution is possible when such a crime is committed following travel from one state to another.

Nevertheless, the difference of language has enabled defendants to argue that cases involving international travel -- as opposed to interstate travel within the United States -- are not covered. The proposed revision of the jurisdictional language will foreclose arguments of this type, and ensure that the intent of the current provisions to cover international as well as interstate travel will be consistently realized in practice.

The amendments also clarify that the jurisdictional scope of the offenses involving travel of the victim -- 18 U.S.C. 2261(a)(2) and 2262(a)(2) -- includes cases in which the offender engages in violent conduct or a protection order violation as part of pre-travel conduct which facilitates the interstate movement of the victim. This includes the common type of case in which the offender batters the victim into submission or unconsciousness and then embarks on an interstate trip with her in order to reduce the likelihood of apprehension and local prosecution. Creating the possibility of federal prosecution in such cases was a critical objective underlying the enactment of the existing offenses. To that end, the current offense language proscribes causing interstate travel of the victim by force, coercion, duress, or fraud, and engaging in a crime of violence

- 4 -

or a protection order violation in the course of "that conduct."

Nevertheless, defendants have argued that there is no liability if a violent assault on the victim was part of pre-travel conduct which enabled the defendant to cause the victim to travel interstate, as opposed to taking place during the subsequent travel. In United States v. Page, 1998 WL 54382 (6th Cir. 1998), a divided panel of the Sixth Circuit Court of Appeals adopted this erroneously restrictive interpretation of the current language of 18 U.S.C. 2261(a)(2), and reversed a conviction on the basis of this misinterpretation. The proposed revised language for 18 U.S.C. 2261(a)(2) and 2262(a)(2) forecloses such misunderstandings by covering explicitly cases in which the offender causes the victim to travel in interstate or foreign commerce, and commits or attempts to commit a crime of violence or violates a protection order in the course of "such conduct or travel." This makes it clear that the offenses reach pre-travel acts which are part of the conduct by which the offender causes the victim to travel interstate, as well as acts occurring during the travel itself.

Consistency concerning harm to victim. The offenses in chapter 110A are inconsistent concerning the requirement of harm to the victim. The domestic violence offenses in § 2261(a) require "bodily injury" to the victim. The stalking offense in § 2261A, and the protection order offense in § 2262(a)(1) involving interstate travel of the offender, do not require injury to the victim. However, the protection order offense in § 2262(a)(2) involving coerced or induced interstate travel of the victim requires an act that "injures" the victim.

There is no apparent reason for these inconsistencies. Moreover, the requirement of actual physical harm to the victim under some of the offenses in the chapter results in anomalous gaps in their coverage. For example, if a domestic abuser hunted down his former wife who had fled to another state and shot her, the domestic violence offense under § 2261(a)(1) would apply. However, if he shot at her and missed, there would be no liability under that provision, because his criminal conduct did not cause "bodily injury." Likewise, if an abuser violated a protection order by luring the victim across a state line to a place where he had planted a bomb, but the bomb failed to explode, there would be no possibility of liability under § 2262(a)(2) because the offender's conduct did not "injure" the victim.

The amendments in this section resolve these problems by consistently following the approach of the current provisions which do not require physical injury to the victim. As revised, the offenses continue to require the commission of serious wrongful conduct which provides an appropriate basis for criminal liability -- under § 2261, the commission or attempted commission

- 5 -

of a crime of violence; under § 2261A, placing the victim in reasonable fear of death or serious bodily injury to the victim or an immediate family member; and under § 2262, conduct that violates a protection order.

Consistency in the protection order section. There are several inconsistencies between the protection order offense under § 2262(a)(1), involving interstate travel of the offender, and the protection order offense under § 2262(a)(2), involving interstate travel of the victim. These include: (1) The § 2262(a)(2) offense requires an act that injures the victim; the § 2262(a)(1) offense does not. (2) The § 2262(a)(2) offense can only be committed against a spouse or intimate partner; the § 2262(a)(1) offense is not so restricted. (3) The § 2262(a)(1) offense requires violation of "the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury"; there is nothing comparable in the § 2262(a)(2) offense.

There are also differences between the language of the protection order offense in § 2262(a)(1), which refers to violating the portion of a protection order involving protection against threats, harassment, or injury, and the definition of "protection order" in § 2266, which refers to orders issued for the purpose of preventing violence, threats, harassment, contact or communication, or physical proximity. The scope of the offense was meant to be coextensive with the definition, since provisions in a protection order that prohibit contact, communication, or physical proximity are a critical part of the protection it provides against threats, harassment, and injury. Nevertheless, the difference in language leaves room for defendants to argue that they cannot be held liable on the basis of violations of "stay away" provisions in an order.

There is no reason why the protection order offenses should be defined so differently, depending on whether it is the offender or the victim who travels interstate, or why the language defining the scope of the offense should differ from the language defining "protection order." The amendments in this section resolve these discrepancies and problems by consistently defining the § 2262 offenses to encompass violations of the portion of a protection order that prohibits or provides protection against violence, threats, contact, communication, or physical proximity, where the elements supporting federal jurisdiction are satisfied.

Definition of serious injury. The term "serious bodily injury" occurs in three places in chapter 110A: as part of penalty provisions in §§ 2261(b)(3) and 2262(b)(3), and as part of the definition of the stalking offense in § 2261A. Section 2261A specifies that "serious bodily injury" in that section has the meaning provided in 18 U.S.C. 1365(g)(3). The occurrences of

- 6 -

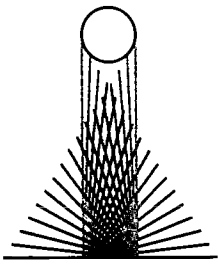
the same term in the penalty provisions do not provide or cross-reference any definition.

A uniform definition of "serious bodily injury" is desirable in chapter 110A for reasons of consistency and clarity. The amendments in this section provide such a definition by adding a paragraph to the general definitional provision for the chapter, § 2266, which specifies that "serious bodily injury" has the meaning stated in 18 U.S.C. 2119(2). The definition of "serious bodily injury" in § 2119(2) is more adequate than the § 1365(g)(3) definition of "serious bodily injury" which is currently cross-referenced in the stalking offense, because the § 2119(2) definition explicitly encompasses serious sexual assaults.

Definition of spouse or intimate partner. The current definition of "spouse or intimate partner" in § 2266 is unduly narrow in some respects. Subparagraph (A) in the paragraph in § 2266 which defines that term covers present and former spouses, and a person having a child in common with an abuser. The subparagraph also attempts to extend the definition to cohabitation relationships -- in which a substantial proportion of domestic violence offenses occur -- but then apparently negates the extension by providing that such relationships qualify only if a person has cohabited with the abuser "as a spouse." Even if this limitation were removed, the definition would be unduly narrow, because it would not allow the § 2261 offense to be used (for example) in a case in which a man travels interstate to kill his mistress who is not his spouse and with whom he does not regularly live. The effect of the restrictions in the current definition is to produce a narrower scope of protection than that provided by state domestic violence laws, which typically encompass persons living in the same household, and also often protect persons in other dating or sexual relationships with an abuser.

The amendments in this section establish a more adequate scope of liability under the domestic violence offense by:

- (1) removing the "as a spouse" proviso in the part of the definition of "spouse or intimate partner" relating to cohabitators, and
- (2) extending the definition to encompass persons in substantial dating relationships.



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RAPE AND SEXUAL ASSAULT PREVENTION AND EDUCATION

In 1994 Congress passed the Violence Against Women Act (VAWA I), an historic piece of federal legislation that contains a broad array of ground-breaking laws to combat the epidemic of violence against women. Despite VAWA I's success, legislators and advocates alike agree that many gaps in our laws remain. Therefore, VAWA II (H.R. 3514) was introduced on March 19, 1998. VAWA I funded important systemic innovations in national, state and local services to assist victims and prevent domestic violence. The success of these domestic violence programs provides a model for implementation of similar resources to prevent rape and sexual assault.

THE PREVALENCE OF SEXUAL ASSAULT IS DRAMATIC. CONSIDER THE FOLLOWING FACTS:

- An estimated 355,300 rapes, sexual assaults and attempted rapes/sexual assaults of individuals over the age of 12 were reported in 1995.¹
- Approximately two-thirds of all rapes are not reported to the police.²
- Women are 10 times more likely than men to be victims of rape or sexual assault.³
- One-third of all rape victims consider committing suicide.⁴
- Fifty percent of adult rape victims lose their jobs or are forced to quit their jobs after the violent crime.⁵

MOREOVER, YOUNG WOMEN ARE AT A PARTICULARLY HIGH RISK OF BECOMING VICTIMS OF SEXUAL ASSAULT:

- The majority of rape and sexual assault victims are young women between the ages of 16 and 24.⁶
- One out of every five young women in 2-year and 4-year colleges report that they have been forced to have sexual intercourse.⁷

SEXUAL ASSAULT SERVICE PROVIDERS WORK VALIANTLY IN THEIR COMMUNITIES TO TRY TO STEM THE TIDE, BUT ARE FIGHTING A NEARLY IMPOSSIBLE BATTLE BECAUSE OF THE LACK OF ADEQUATE INFORMATIONAL AND ORGANIZATIONAL RESOURCES.

THE SOLUTION: Title III, Subtitle A of the Violence Against Women Act of 1998 ("VAWA II") amends and expands the Rape Prevention Education programs initiated under VAWA I to create a coordinated effort for rape prevention education and for collection and dissemination of information by:

- **CREATING A NATIONAL RESOURCE CENTER ON SEXUAL ASSAULT** in order to provide State and Federal agencies, local community-based services, victims of sexual assault, policy makers, researchers and educators with a comprehensive source of information and technical assistance
- **PROVIDING FUNDS TO STATE SEXUAL ASSAULT COALITIONS TO CONDUCT EDUCATIONAL OUTREACH** such as seminars and training programs, to prepare informational materials and to implement other state and community efforts to educate and increase awareness about sexual assault prevention
- **BUILDING NATIONAL AND STATE NETWORKS AND INFRASTRUCTURES** to ensure efficient coordination that will allow local organizations to implement crisis hotlines, technical assistance, resource development, needs assessment and training activities to a broad audience including State Health Departments, law enforcement, national and state policy makers, the general public, and community-based rape crisis centers

VAWA II contains this and a number of other provisions which address sexual violence against women and girls, including grants to campuses to provide a coordinated and comprehensive approach to violence against campus women, evaluation and recommendation of national standards and training of health professionals with respect to sexual assault examinations, standards for eliminating sexual assault by corrections officers against women in prisons, education programs in schools for the prevention of violence against girls and women, and new campus crime reporting requirements.

CONTACT NY NOW LDEF AT (212)925-6635 OR DC NOW LDEF AT (202)544-4470 FOR MORE INFORMATION.

ENDNOTES

1. U.S. Department of Justice, Bureau of Justice Statistics Executive Summary, *Sex Offenses and Offenders* at 1, (December 1996).

2. *Id.*

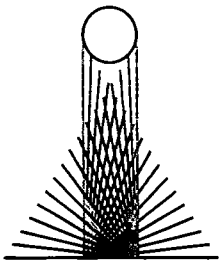
3. U.S. Department of Justice Statistics, Bureau of Justice Statistics National Crime Victimization Survey, *Criminal Victimization 1996: Changes 1995-96 with Trends 1993-96* at 4, (November 1997).

4. National Victim Center, *Rape in America*, (1992).

5. S. Rep. No. 138, 103rd Cong., 2d Sess. 54, n.69 (1993), *citing* E. Ellis, B. Atkeson and K. Calhoun, An Assessment of the Long Term Reaction to Rape, 50 J. Abnormal Psychology No., 3, 264 (1981).

6. U.S. Department of Justice Statistics, Bureau of Justice Statistics National Crime Victimization Survey, *Criminal Victimization 1996: Changes 1995-96 with Trends 1993-96* at 4 - Table 2, (November 1997).

7. K. Douglas, J. Collins, C. Warren, L. Kann, R. Gold, S. Clayton, J. Ross, L. Kolbe, *Results from the 1995 National College Health Risk Behavior Survey*, 46(2) J. American College Health 53, 59 (September 1997).



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BATTERED WOMEN’S EMPLOYMENT PROTECTION (BWEPA)

In 1994 Congress passed the Violence Against Women Act (VAWA I), an historic piece of federal legislation that contains a broad array of ground-breaking laws to combat the epidemic of violence against women. Despite VAWA I’s success, legislators and advocates alike agree that many gaps in our laws remain. VAWA I funded important systemic innovations in national, state and local services to assist victims and prevent violence against women on the streets and in their homes. Building upon these successful initial steps, VAWA II creates a more comprehensive approach to violence against women by including employers, campuses, and the military as partners along with federal, state and local governments, law enforcement and community groups in ending the violence.

WHAT IS BWEPA?

If enacted, BWEPA (Title VII, Subtitle D of VAWA II -- based upon H.R. 851 / S. 367) would amend sections of the tax code, the Family and Medical Leave Act of 1993 and the Social Security Act to allow women to use their employment leave to deal with the legal and medical issues related to domestic abuse. It would also allow women who are forced to quit their jobs because of domestic violence to be eligible for unemployment benefits.

WHY IS BWEPA NEEDED?

ECONOMIC SECURITY IS CRITICAL TO WOMEN’S ABILITY TO LEAVE BATTERING RELATIONSHIPS AND SECURE PROTECTION. The workplace is the easiest place for batterers to pursue their victims. Battered women who are stalked, harassed and physically assaulted at the workplace often make the decision to leave stable jobs out of concern for their safety and that of their fellow coworkers. The availability of economic support under these circumstances is critical to a woman’s ability to separate herself from a violent relationship. Further, in order to keep their jobs in the face of domestic violence, battered women may need the ability to take time off to get an order of protection, to seek medical treatment, to secure child care and housing, to change the children’s schools, to participate in counseling, to obtain legal advice or to pursue criminal charges against their batterers. For many women, the ability to secure such flexibility may make the difference between leaving or staying in a violent relationship.

STUDIES CONFIRM THE SCOPE OF THE PROBLEM

- Between 24 and 30 percent of battered women surveyed had lost their job, due at least in part, to domestic violence.¹
- Congress recognized when it enacted the Violence Against Women Act of 1994 that “[a]most 50 percent of rape victims lose their jobs or are forced to quit in the aftermath of the crime.”²

- Domestic violence leads to unemployment, either because abusers interfere with or sabotage women's work lives, because employers fail to grant sufficient time off to attend civil or criminal legal proceedings or for safety planning, or because employers dismiss or otherwise sanction employees once they learn they are in an abusive relationship.³
- A survey of low-income women revealed that those who had experienced domestic violence were more likely than women who had not experienced such violence to have been unemployed.⁴

EXISTING LAWS DON'T ADDRESS THE PROBLEM. Existing Federal law does not expressly authorize battered women to take leave from work to seek legal assistance, counseling or assistance with safety planning activities. While a few states permit woman who are forced to leave their jobs due to domestic violence to collect unemployment benefits, this is not uniformly allowed under the Federal law.

WHAT BWEPA DOES

- ◆ requires employers who already provide leave to allow employees to use that leave for the purpose of dealing with domestic violence and its aftermath
- ◆ allows women to use their family and medical leave or existing leave under a Federal, State or private benefits program to deal with domestic abuse, including medical appointments for treatment of domestic violence injuries, court appearances, order of protection hearings and meetings with a lawyer
- ◆ authorizes that unemployment benefits are to be provided where a woman is forced to leave her employment due to circumstances directly resulting from domestic violence.

VAWA II contains this and a number of other provisions which address violence against women and the workplace, including creating a National Clearinghouse on Domestic Violence and Sexual Assault and the Workplace, providing a tax credit to businesses implementing workplace safety programs to combat violence against women, providing training to individuals likely to come in contact with victims of violence against women in the context of their employment , and protecting the employment rights of crime victims.

CONTACT NY NOW LDEF AT (212)925-6635 OR DC NOW LDEF AT (202)544-4470 FOR MORE INFORMATION.

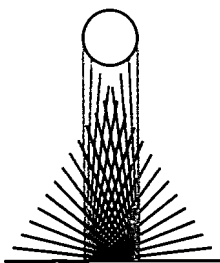
ENDNOTES

1. Connie Stanley, *Domestic Violence: An Occupational Impact Study*, at 17 (Tulsa, OK, July 27, 1992); Melanie Shepard and Ellen Pense, *The Effect of Battering on the Employment Status of Women*, 3 *Affilia* 55, 58 (1998).

2. Rep. No. 138, 103rd Cong., 2d Sess. 54, n. 69 (1993) citing E. Ellis, B. Atkeson and K. Calhoun, *An Assessment of the Long Term Reaction to Rape*, 50 *J. Abnormal Psychology* No. 3, 264 (1981).

3. See generally Jody Raphael, *Prisoners of Abuse: Domestic Violence and Welfare Receipt* (Taylor Institute 1996); NOW Legal Defense and Education Fund, *Report From The Front Lines: The Impact of Violence on Poor Women* (1996); Martha F. Davis and Susan J. Kraham, *Protecting Women's Welfare in the Face of Violence*, 22 *Fordham Urb. L.J.* 1141, 1150-55 (1995).

4. Susan Lloyd, *The Effects of Domestic Violence on Female Labor Force Participation* 13 (Center for Urban Affairs and Policy Research, 1995).



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THE IMPACT OF VIOLENCE UPON WOMEN AND THE WORKPLACE

In 1994 Congress passed the Violence Against Women Act (VAWA I), an historic piece of federal legislation that contains a broad array of ground breaking laws to combat the epidemic of violence against women in their homes and on our streets. Despite VAWA I's success, legislators and advocates alike agree that many gaps in our laws remain. In the wake of violence in their lives, women often experience negative consequences in their employment. Employers cannot afford to ignore the impact that violence against women has on their bottom line -- from absenteeism and reduced productivity to safety in the workplace.

THE PREVALENCE OF VIOLENCE AGAINST WOMEN IN THE WORKPLACE IS DRAMATIC. CONSIDER THE FOLLOWING FACTS:

- Homicide is the leading cause of death of women on the job.¹
- Women who are victims of violence in the workplace are twice as likely as men to know their attackers.²
- Husbands, boyfriends and ex-partners commit 15% of workplace homicides against women.³
- Fifty percent of rape victims lose their jobs or are forced to quit their jobs after a violent crime.⁴
- Three-quarters of battered women who work are harassed by their abuser at work either by phone or in person.⁵

MOREOVER, EMPLOYERS NOW RECOGNIZE THE DRAMATIC ECONOMIC EFFECT THAT VIOLENT CRIME AGAINST WOMEN HAS ON AMERICAN BUSINESS:

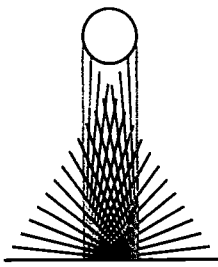
- Recent estimates show that domestic violence costs employers at least \$3 to \$5 billion a year in lost days of work and reduced productivity.⁶
- A recent study found that one-third of business executives surveyed thought that domestic violence affected their balance sheet, nearly half recognized that it harms productivity, and two-thirds agreed that their company's financial well-being would improve if they addressed domestic violence.⁷
- Ninety-four percent of corporate security and safety directors rank domestic violence as a "high" security concern in their workplaces.⁸

The workplace provisions of VAWA II create a partnership between employers and employees to address the issue of violence in women's lives. This bill recognizes the pivotal role that employers can play in confronting the violence in the lives of their women employees. VAWA II contains a number of provisions which address violence against women in the workplace, including the establishment of a workplace clearinghouse and resource center, employment rights for crime victims, unemployment compensation and leave for battered women, tax credits to employers with workplace safety programs, and education and training grants.

CONTACT NY NOW LDEF AT (212)925-6635 OR DC NOW LDEF AT (202)544-4470 FOR MORE INFORMATION.

ENDNOTES

1. Bureau of Labor Statistics, US Dept. of Labor, *National Census of Fatal Occupational Injuries*, 1995, USDL pub. No. 96-315 (1996).
2. AFSCME Women in Public Service, *Hidden Violence Against Women at Work*, at 2 (Fall 1995).
3. *Id.*
4. S. Rep. No. 138, 103rd Cong., 2d Sess. 54, n.69 citing E. Ellis, B. Atkeson and K. Calhoun, *An Assessment of the Long Term Reaction to Rape*, 50 J. Abnormal Psychology No. 3, 264 (1981).
5. Connie Stanley, *Domestic Violence: An Occupational Impact Study*, at 17 (Tulsa, OK, July 27, 1992).
6. Bureau of National Affairs, *Violence and Stress: The Work/Family Connection* at 2 (August 1990).
7. Roper, Starch, *Addressing Domestic Violence: A Corporate Response*, at 8-11 (1994) (survey conducted for Liz Claiborne).
8. National Safe Workplace Institute, *Domestic Violence Moves into the Workplace*, Workplace Violence and Behavior Letter 2 (Charlotte, NC, November 1994).



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VICTIMS' EMPLOYMENT RIGHTS (VERA)

In 1994 Congress passed the Violence Against Women Act (VAWA I), an historic piece of federal legislation that contains a broad array of ground-breaking laws to combat the epidemic of violence against women. Despite VAWA I's success, legislators and advocates alike agree that many gaps in our laws remain. VAWA I funded important systemic innovations in national, state and local services to assist victims and prevent violence against women on the streets and in their homes. Building upon these successful initial steps, VAWA II creates a more comprehensive approach to violence against women by making employers, campuses, and the military partners in ending the violence.

WHAT VERA IS.

If enacted, VERA would prohibit employers from taking adverse job actions against battered women, rape survivors, and other crime victims on account of their status or experience as crime victims.

WHY VERA IS NEEDED.

ECONOMIC SECURITY IS CRITICAL TO WOMEN'S ABILITY TO LEAVE BATTERING RELATIONSHIPS AND TO SURVIVE THE CRIMES OF RAPE AND SEXUAL ASSAULT. A battered woman's ability to keep her job after she has left her batterer may make the difference between leaving or staying in a violent relationship. Yet all too often employers doubly penalize women just at the time when they may need their jobs most. Battered women are fired, demoted, or unwillingly transferred when their employers learn they are or have been in a battering relationship. They often find their jobs in jeopardy if and when they ask their employers to make a minor accommodation to their schedule or job structure. For example, a woman might need to take a morning off to go to court to obtain a protective order, or she might ask to change her desk location or telephone number so that her batterer cannot harass her at her job. Rape victims face similar issues when they return to work and attempt to address their legal, medical, and psychological needs as they recover from the crime.

STUDIES CONFIRM THE SCOPE OF THE PROBLEM:

- Between 24 and 30 percent of battered women surveyed had lost their job, due at least in part to domestic violence.¹
- Congress recognized when it enacted the Violence Against Women Act of 1994 that "[a]lmost 50 percent of rape victims lose their jobs or are forced to quit in the aftermath of the crime."²
- Domestic violence leads to unemployment, either because abusers interfere with or sabotage women's work lives, because employers fail to grant sufficient time off to attend civil or criminal legal proceedings or for safety planning, or because employers dismiss or otherwise sanction employees once they learn they are in an abusive relationship or have survived the crimes of rape or sexual assault.³
- A survey of low-income women revealed that those who had experienced domestic violence were more likely than women who had not experienced such violence to have been unemployed.⁴

Anecdotal reports confirm the results of these studies.⁵



EXISTING LAWS DON'T ADDRESS THE PROBLEM. No clear recourse for victims of battering or rape exists under current law. For example, laws prohibiting sex discrimination at work have not addressed whether firing someone because she was a battered woman or a rape survivor is a form of sex discrimination. While a few states now permit a woman who had to leave her job due to domestic violence to obtain unemployment benefits, a woman should not have to wait until she loses her job to obtain relief.⁶

WHAT VERA DOES.

VERA PROHIBITS EMPLOYERS FROM TAKING OR THREATENING TO TAKE ADVERSE JOB ACTIONS, including demotions or suspensions, dismissals, or involuntary transfers or from imposing other losses of pay or benefits, against an employee based on her status, experience, or condition as a crime victim. The law would apply regardless of whether the crime the employee suffered was prosecuted and resulted in conviction and regardless of whether the crime took place at work or elsewhere. It specifies that employees will not be penalized for taking time off to participate in criminal justice or civil proceedings resulting from a crime.

THE LAW RETAINS EMPLOYERS' DISCRETION TO TAKE REASONABLE ACTIONS TO PROTECT WORKPLACE SAFETY AND TO MAINTAIN THE PRODUCTIVITY OF ITS WORKFORCE. For example, no employer would be liable for taking an adverse job action against an employee who had suffered a crime if that action was necessary to protect that employee's safety or the safety of the workplace, if the employer took all reasonable steps to protect workplace safety and no less adverse action was reasonably possible. Similarly, employers would be permitted to take reasonable steps against employees who no longer could perform their job's essential functions.

VAWA II contains this and a number of other provisions which address violence against women and the workplace, including creating a National Clearinghouse on Domestic Violence and Sexual Assault and the Workplace, providing a tax credit to businesses implementing workplace safety programs to combat violence against women, providing training to individuals likely to come in contact with victims of violence against women in the context of their employment, and ensuring that battered women may use any existing leave under family and medical leave, state law, or a private benefits program to receive medical or legal assistance or to address childcare needs resulting from domestic violence.

FOR MORE INFORMATION, CONTACT JULIE GOLDSCHIED, NOW LDEF/NY (212) 925-6635; OR PAT REUSS, NOW LDEF/WDC (202) 544-4470.

ENDNOTES

1. Connie Stanley, *Domestic Violence: An Occupational Impact Study*, at 17 (Tulsa, OK, July 27, 1992); Melanie Shepard and Ellen Pence, *The Effect of Battering on the Employment Status of Women*, 3 *Affilia* 55, 58 (1988).

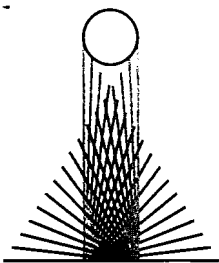
2. Rep. No. 138, 103rd Cong., 2d Sess. 54, n. 69 (1993) citing E. Ellis, B. Atkeson and K. Calhoun, *An Assessment of the Long Term Reaction to Rape*, 50 *J. Abnormal Psychology* No. 3, 264 (1981).

3. See generally Jody Raphael, *Prisoners of Abuse: Domestic Violence and Welfare Receipt* (Taylor Institute 1996); NOW Legal Defense and Education Fund, *Report From the Front Lines: The Impact of Violence on Poor Women* (1996); Martha F. Davis and Susan J. Kraham, *Protecting Women's Welfare in the Face of Violence*, 22 *Fordham Urb. L.J.* 1141, 1150-55 (1995).

4. Susan Lloyd, *The Effects of Domestic Violence on Female Labor Force Participation* 13 (Center for Urban Affairs and Policy Research, 1995).

5. Anecdotal reports are available from NOW LDEF's NY office.

6. For more information, including the legal implications of the impact of violence against women at work, see NOW Legal Defense and Education Fund, *The Impact of Violence in the Lives of Working Women: Creating Solutions - Creating Change* (1996).



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MEMORANDUM

To: Interested persons

From: Julie Goldscheid, Martha Davis

Re: Victims' Employment Rights Act (VERA)

Date: February 6, 1998

The Victims' Employment Rights Act (VERA), is one of several proposals to be included in the second Violence Against Women Act (VAWA) addressing women's continued employment and economic security in the face of violence. In essence, this law would prohibit employers from taking adverse job actions against battered women, rape survivors and other crime victims on account of their status or experience as crime victims. This memorandum summarizes the proposed law and describes the factual and legal context that makes VERA key to women's ability successfully to survive the violence that pervades their lives.

Background

Economic security is critical to women's ability to leave battering relationships and to survive crimes of rape and sexual assault. In particular, a battered woman's ability to keep her job after she has left her batterer may make the difference between leaving or staying in a violent relationship. Yet all too often employers doubly penalize women, just at the time when they may need their jobs the most. Battered women are fired, demoted or unwillingly transferred when their employers learn they are or have been in a battering relationship. They frequently find their jobs in jeopardy if and when they ask their employers to make a minor accommodation to their schedule or job structure. For example, a woman might need to take a morning off to go to court to obtain a protective order, or to change her desk location or telephone number so that her batterer cannot harass her at her job. Rape victims face similar issues when they return to work and attempt to address their legal, medical and psychological needs as they recover from the crime. As examples below illustrate, women suffer these adverse job consequences not because they can't do the job, but because they have survived violent crimes. VERA would ensure that battered women, rape and sexual assault survivors and other survivors of violent crimes do not lose their jobs at these crucial times on account of the crime and its aftermath.

Summary of VERA's provisions

VERA prohibits employers from taking or threatening to take adverse job actions, including demotions or suspensions, dismissals, involuntary transfers or from imposing other losses of pay or benefits, against an employee based on her status, experience or condition as a crime victim. The law would apply regardless of whether the crime the employee suffered was prosecuted or resulted in conviction and regardless of whether the crime took place at work or elsewhere. It specifies that employees will not be penalized for taking time off to participate in criminal justice or civil proceedings resulting from a crime.

The law retains employers' discretion to take reasonable actions to protect workplace safety and to maintain the productivity of its workforce. For example, no employer would be liable for taking an adverse job action against an employee who had suffered a crime if that action was necessary to protect the employee's safety or the safety of the workplace, if the employer took all reasonable steps to protect workplace safety and no less adverse action was reasonably possible. Similarly, employers would be permitted to take adverse job actions against employees whose experience as a crime victim left them unable to perform their job's essential functions.

Battered women and rape and sexual assault survivors need this law to ensure that they are not unfairly subjected to adverse job consequences as well as the crime

Tragically, women are too often doubly penalized when their employers learn or suspect that they have been battered or that they have survived a rape or sexual assault. Both available statistical data and anecdotal evidence indicate that women frequently are terminated, demoted, involuntarily transferred, suspended or placed on probation when their employers learn that they are battered or that they have survived a rape or sexual assault.

For many women, domestic violence leads to unemployment, often because abusers interfere with or sabotage women's work lives, because employers fail to grant sufficient time off to attend civil or criminal legal proceedings or for safety planning, or because employers dismiss or otherwise sanction employees once they learn they are in an abusive relationship or have survived the crimes of rape or sexual assault. See generally Jody Raphael, Prisoners of Abuse: Domestic Violence and Welfare Receipt (Taylor Institute 1996); NOW Legal Defense and Education Fund, Report From the Front Lines: The Impact of Violence on Poor Women (1996); NOW Legal Defense and Education Fund, The Impact of Violence in the Lives of Working Women: Creating Solutions - Creating Change (1996); Julie Goldscheid & Pamela Coukos, Violence Against Women Affects the Workplace: Legal Remedies for Women and Advocates, Special Issue Clearinghouse Review 195 (1996); Martha F. Davis and Susan J. Kraham, Protecting Women's Welfare in the Face of Violence, 22 Fordham Urb. L.J. 1141, 1150-55 (1995); Susan Lloyd, The Effects of Domestic Violence on Female Labor Force Participation (Center for Urban Affairs and Policy Research 1995); Connie Stanley, Domestic

Violence: An Occupational Impact Study, at 17 (Tulsa Oklahoma, July 27, 1992); Melanie Shepard and Ellen Pence, The Effect of Battering on the Employment Status of Women, 3 *Affilia* 55 (1988).

The few studies that have examined the employment experiences of battered women and rape and sexual assault survivors show that these women frequently lose their jobs as a result of their victimization. Between 24 and 30 percent of battered women surveyed had lost their job, due at least in part to domestic violence. Stanley, *supra* at 17; Shepard & Pence, *supra* at 58. In another survey of low income women, those who had experienced domestic violence were more likely than women who had not experienced such violence to have been unemployed. Lloyd, *supra* at 13. Rape survivors have similar experiences. As Congress recognized when it enacted the 1994 Violence Against Women Act, "[a]lmost 50 percent of rape victims lose their jobs or are forced to quit in the aftermath of the crime." S. Rep. No. 138, 103rd Cong., 2d Sess. 54, n. 69 (1993) (citing E. Ellis, B. Atkeson and K. Calhoun, "An Assessment of the Long Term Reaction to Rape," 50 *J. Abnormal Psychology* No. 3,264 (1981)).

The following examples bring into sharp focus the ways in which women lose their jobs in the face of violence. (The anecdotes are attributed to their source where the information is public or when permission has been given.)

- Ms. Philloria Green worked for Dr. Winston Bryant. During her last week of work she was raped and severely beaten with a pipe at gun point by her estranged husband. She told another doctor in the office about the attack, who then told Dr. Bryant. Dr. Bryant then discharged Ms. Green, telling her that the discharge had nothing to do with her work performance but was based solely on her being the victim of a violent crime. Her claim that she was fired in violation of public policy failed. *See Green v. Bryant*, 887 F. Supp. 798 (E.D. Pa. 1995).
- Ms. Donna Stiller worked as a patient care assistant at a residential home for the elderly. She was in a dating relationship with another patient care assistant, who became abusive to her. Her employer knew that the other employee was abusive because Ms. Stiller had asked for and had received time off to make court appearances to obtain an order of protection. After she received the final order of protection, her supervisor threatened to demote her while refusing to change the batterer's job, because it was Ms. Stiller who had sought the protective order. Ms. Stiller was suspended after the batterer attacked her at work. She subsequently was fired for her "involvement" in that incident. Her supervisor told her that they would "not put up with this at this facility," implying that she somehow was at fault for the attack. The batterer was arrested and convicted of criminal assault. *See Stiller v. Forbes Health Sys.*, No. GD94-15074 (Ct. Common Pleas, Allegheny County, Pa., complaint filed Nov. 21, 1994).
- A woman worked for a small clothing design company where she subsequently

helped her then-boyfriend get a job as well. After several months, he became abusive to her. Although he took a leave of absence from his position with the company, other employees knew he was abusive to her, both from her accounts and because he harassed her at work with excessive telephone calls. She finally decided she had to change the locks to her apartment in order to protect her safety. The day she took that step she asked one of the managers if they could lock the office door to ensure that he could not enter the office if he came to find her there. It was not a retail business, so locking the door would not interrupt business operations. The manager agreed, and no problems ensued. Later that night, however, the company president called her at home and terminated her, saying that she was a threat to the other employees.

- A senior secretary at a prominent hospital was persistently harassed at work by her husband. He constantly paged and called her at work. After one particular night of escalating verbal and emotional abuse and threats to destroy property she finally approached her supervisor to ask for a day off to secure an order of protection. She subsequently was dismissed, with her supervisor informing her that the hospital couldn't be tolerant of employees' "personal problems." The secretary had no recourse but to seek public assistance for her and her family.
- A woman who was a manager of a hair salon was demoted because she called the sheriff when her ex-boyfriend came to the workplace and harassed her. The following day she received a telephone call from the owner of the salon who told her that he was demoting her because she called the police the previous day. He also criticized her about her domestic violence situation, chastising her for not ensuring that the ex-boyfriend was fully prosecuted and suggesting that she needed time away from work to deal with her situation. She didn't have a chance to tell him that she already had a restraining order against the batterer. She continues to work at the salon, but as a stylist rather than as the manager.
- A woman who worked at a school district was placed on paid administrative leave and then fired after her batterer came to the workplace with a gun and threatened to kill her with it, eventually shooting it off in the air. He was arrested the same day not far from the school. After approximately a week of administrative leave, she was informed of disciplinary proceedings against her for failing to follow safety procedures when her life was threatened - she was supposed to have informed a supervisor and called the police. She was cited for failure to follow the procedure even though her supervisor saw what had happened and the police came to the scene. She was fired from her job a week later.
- Over the course of a year, a female attorney who worked for a medium-sized firm was beaten by her husband several times, eventually leading to his arrest. She initially attempted to hide her situation from her employer, although she was late to work several times, arrived in a disheveled state, and had several conversations with the

receptionist at work about her domestic violence situation. She eventually had to miss at least one day of work after her husband kicked in both doors of her home and she had to stay home to wait for a locksmith. On that occasion, she informed a partner at the firm about the doors and who kicked them in. The partner told her to get a lawyer, which she informed him she already had done. She began divorce proceedings against her husband and took a couple of weeks of vacation time to recover from the ordeal. She was told she was fired the day she returned to work.

Existing laws fail to adequately address the problem

Existing state and federal laws fall short of ensuring that battered women and rape and sexual assault survivors will not lose their jobs as a result of having survived violent crimes. While existing laws may permit women to prove that such adverse job action constitutes a form of discrimination, or violates public policy, case law establishing those theories has not yet been developed. For example, a woman who is fired because her employer determines that it cannot tolerate having a battered woman on staff may try to prove that she was discriminated against on the basis of sex. However, courts have not yet reviewed such claims under either federal or state anti-discrimination laws, so women currently lack any clearly-available remedy.

Another potential legal theory would recognize that taking adverse job actions against battered women or rape survivors violates public policy. Although most employees are "employees at will," nearly every state has recognized a public policy exception that prohibits adverse job consequences that contravene public policy. See generally Janice Goodman, NELA Employee Rights Litigation: Pleading and Practice, § 603 at 6-46 (1992). Courts have not yet recognized that employers' discriminatory actions towards domestic violence and rape survivors fall within that exception. See Green v. Bryant, 887 F. Supp. 798 (E.D. Pa. 1995) (declining to recognize public policy exception to at-will employment doctrine for employee who was discharged because she was the victim of spousal abuse). Although our increased national awareness of domestic violence may increase the chances that such an exception would be recognized, women in these circumstances currently have no readily-available recourse.

While some employers are beginning to implement the types of policies required by VERA, federal law is needed to insure an end to discrimination

Like other types of discrimination, the differential treatment of crime victims raises profound civil rights issues that are appropriately addressed by federal statute. The market alone will not provide sufficient incentives to employers to address this issue. Left to their own devices, some employers will develop sound policies to respond to the needs of crime victims -- indeed, many prescient employers already have begun to do so -- but many others will simply continue their discrimination, passing the costs associated with crime on to other businesses, or simply requiring the victim herself to shoulder the entire burden. Absent federal baselines, sound workplace policies will be sporadic and discretionary. This is clearly an area where federal regulation is needed, both to thwart continued discrimination and to ensure that the burden of

crime is fairly shared by all.

While most employers likely will not voluntarily implement programs addressing the impact of violence on the workplace absent the federal mandate of VERA, the fact that a number of employers have already taken these steps indicates that programs addressing violence are not overly burdensome.¹

- Liz Claiborne Inc. has adopted a range of personnel policies to assist employees threatened by domestic violence. The personnel manual states the company's policy that it will arrange for flexible hours, short-term paid leaves of absence and extended leaves without pay with the guarantee in most cases of a position upon return for employees victimized by domestic violence. The company offers such employees more secure parking spaces, escorts to cars or other points of transportation, legal assistance and other security measures. With the assistance of a local domestic violence agency, the company has trained human resources, health services and security departments on increasing their responsiveness to employees threatened by domestic violence. It disseminates information on domestic violence to all employees. The company conducts a multi-faceted public education campaign as well.
- Bell Atlantic Mobile has taken initiatives to assist employees who are dealing with battering relationships. For example, one supervisor observed that one of his employees wore dark glasses and make up to conceal her bruises. She began calling in sick a lot and coming in late. Her job performance began to suffer. After consulting with the company's Employee Assistance Program, he encouraged the employee to seek their assistance, assuring her of the program's confidentiality. After having accepted the referral and utilizing their services, she has regained her productivity at work.
- Polaroid Corporation began developing its domestic violence policy in 1984. It has dedicated itself to a corporate-wide initiative to domestic violence awareness and education. It is a regular supporter of domestic violence programs near its manufacturing facilities. It has developed comprehensive personnel policies addressing the issue, including guidelines for employees who are perpetrators of family violence.
- Wells Fargo Bank uses its Employee Assistance Program to address domestic violence problems encountered by its employees. In addition to facilitating referrals to local medical, legal and psychological services, including availing employees of legal guidance from in-house legal counsel, the company has adopted a range of flexible policies addressing the issue. For example, it facilitated an employee's temporary job relocation

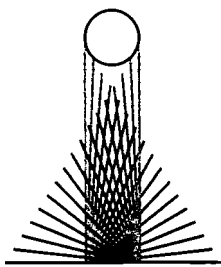
¹ These examples are based on case studies compiled by the Family Violence Prevention Fund that will appear in its forthcoming publication, "The Workplace Responds to Domestic Violence: A Resource Guide."

so that she could take care of her personal safety and psychological needs. It freed funds from an emergency financial fund it sponsors to assist a woman in finalizing a divorce and move that would free her from a violent relationship.

- Aetna/U.S. Healthcare 2 similarly refers employees with domestic violence issues to its Employee Assistance Program, which provides short term counseling and refers women to local support services. In one example, an employee who had recently left her abusive husband was concerned that he would be able to obtain information about her whereabouts because she and her children were still on his health insurance plan. The EAP worker helped the employee arrange to provide independent benefits for her and her family.
- American Express also has worked extensively with employees who are coping with domestic violence situations. In one instance, a woman's abusive ex-boyfriend followed her to work after repeatedly threatening her. He grabbed her and assaulted her as she stopped at her bank on her way to work. American Express' Threat Assessment Team helped her arrange to get paid time off to attend to her medical and legal needs. The security department helped her devise an action plan that included a safer parking space, escorts to her car, and a cellular phone. She also was referred to the Employee Assistance Program.
- AFSCME District Council 37 has a comprehensive service program that provides legal and social work assistance to union members who are victims of domestic violence. The union provides crisis intervention, safety planning, supportive counseling to members and their children, financial assistance, housing relocation, referrals, and union and community services. Members are also assisted in working out related job issues, such as negotiating work-site transfers to ensure employee safety. The union also has conducted training and education programs on domestic violence for union staff.
- Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, P.C. has offered free legal representation to domestic violence victims since 1990. Its domestic violence program includes work on domestic violence-related policy issues on a national, state and local level as well as developing and implementing internal policies addressing the problem. For example, Mintz Levin attorneys provide pro bono legal assistance to battered women and battered women's shelters. It spearheads a range of programs in partnership with a local shelter, including a mentoring program for women interested in starting their own business.
- The Body Shop has launched both internal and public campaigns about domestic violence. It posts local crisis numbers in every corporate office, warehouse and shop bathroom stall. It has trained each employee about the problem of domestic violence and its social roots and accompanying societal attitudes and informs employees how to get help.

Conclusion

VERA reflects our country's growing understanding of the ways in which domestic violence, rape and sexual assault impact women's job performance and affect every workplace. By ensuring that women will not be discriminated against because they have been subjected to one of these forms of gender-based violence, it will facilitate women's abilities to leave abusive relationships and to recover from these crimes while maintaining their jobs. It encourages employers to treat all employees fairly and advances the shared goal of reducing all forms of violence.



VIOLENCE AGAINST WOMEN ACT OF 1998 “VAWA II” — H.R. 3514

NOW LEGAL DEFENSE

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CAMPUS INITIATIVES

In 1994 Congress passed the Violence Against Women Act (VAWA I), an historic piece of federal legislation that contains a broad array of ground breaking laws to combat the epidemic of violence against women. VAWA I funded important systemic innovations in national, state and local services to assist victims and prevent violence against women. The success of those programs provides a model for implementation of similar resources in specialized communities who are sometimes isolated from the general population. College campuses are one such isolated community where young women have specialized needs that must be addressed.

THE PROBLEM: Young women face a disproportionate share of the sexual assaults committed against women.¹ In fact, one out of every five young women in 2-year and 4-year colleges self-report that they have been forced to have sexual intercourse.² However, official campus crime reports nationwide fail to reflect the severity of the problem with most large campuses reporting only a few forcible sex offenses per year.³ Moreover, students on campuses are often isolated from the law enforcement and victim service resources available to the surrounding community due to a lack of adequate information and the disunity of campus resources with state and local resources.

THE SOLUTION: Title VIII, Subtitles A, B and D of the Violence Against Women Act of 1998 (“VAWA II”) specifically address violence against women at colleges and universities by arming campus women with information about the dangers that they face, promoting education on avoiding those dangers, and inspires a system responsive to campus victims of violence which will give them access to justice and important victim services . Specifically, VAWA II:

- **PROVIDES GRANTS TO CAMPUSES TO DEVELOP A RESPONSIVE SYSTEM FOR VICTIMS OF SEXUAL ASSAULT AND DOMESTIC VIOLENCE** by enhancing campus security and investigative policies, training campus administrators and personnel, strengthening victim service resources and improving coordination between campus security and local criminal justice authorities
- **INCREASES THE AVAILABILITY OF INFORMATION ON CAMPUS CRIME RATES TO THE PUBLIC** by requiring campuses to disseminate campus crime statistics (without identifying the victims or perpetrators), requiring that incidents of sexual assault and hate crimes be reported in these statistics, and expanding the category of people required to report crimes
- **CONDUCTS A STUDY ON CAMPUS PROCEDURES IN THE CASES OF A REPORT OF SEXUAL ASSAULT** in an effort to provide information that will allow campus sexual assault to be more effectively addressed

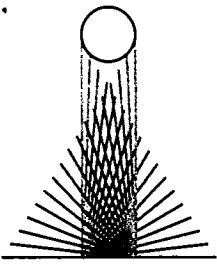
VAWA II contains these and a number of other provisions which address violence against young women and girls, including education programs for schools in the prevention of violence against girls and women and evaluation and recommendation of national standards and training of health professionals with respect to sexual assault examinations.

CONTACT NY NOW LDEF AT (212)925-6635 OR DC NOW LDEF AT (202)544-4470 FOR MORE INFORMATION.



ENDNOTES

1. U.S. Department of Justice Statistics, Bureau of Justice Statistics National Crime Victimization Survey, *Criminal Victimization 1996: Changes 1995-96 with Trends 1993-96* at 4 - Table 2, (November 1997).
2. K. Douglas, J. Collins, C. Warren, L. Kann, R. Gold, S. Clayton, J. Ross, L. Kolbe, *Results from the 1995 National College Health Risk Behavior Survey*, 46(2) J. American College Health 53, 59 (**September 1997**).
3. *Crime Data From 489 Colleges and Universities*, XLIII(28)The Chronicle of Higher Education A47-A53 (March 21, 1997).



NOW LEGAL DEFENSE

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MEMORANDUM

To: Interested Parties

From: Julie Goldscheid, Martha Davis

Re: Adding gender to federal hate crimes legislation: 18 U.S.C. § 245

Date: November 5, 1997

In response to inquiries concerning proposals to amend 18 U.S.C. § 245 ("Section 245") to include gender, sexual orientation and disability, this memorandum addresses: 1) the justifications for adding gender to the statute; 2) how prosecutors and courts would determine that an act of violence was committed because of an individual's gender; and 3) how cases illustrating state law enforcement's failure to respond to gender-motivated crimes such as domestic violence, sexual assault and rape illustrate the need to amend federal law to authorize prosecutions based on gender-motivated bias crimes.

While this memorandum focuses on those issues, NOW Legal Defense and Education Fund ("NOW LDEF") also can provide materials that address the constitutionality of the proposed amendment to add gender to Section 245. The constitutional bases for the proposed Section 245 amendment closely resemble the bases for Congress' authority to enact the Civil Rights Remedy of the Violence Against Women Act, ("VAWA"), 42 U.S.C. § 13981 (1996) (the "Civil Rights Remedy"), namely the Commerce Clause and Section 5 of the Fourteenth Amendment ("Section 5"). We have submitted briefs, either as co-counsel or as *amicus curiae*, in VAWA civil rights remedy cases addressing the constitutionality of the Civil Rights Remedy under the Commerce Clause and under Section 5. Four of the five courts to address the question to date have upheld the law's constitutionality as a proper exercise of Congress' Commerce Clause authority, finding no need to address the scope of Section 5. NOW LDEF would be pleased to forward our briefs in any of the following cases upon request:

- Doe v. Hartz (pending in the Eighth Circuit Court of Appeals);
- Brzonkala v. Virginia Polytechnic (pending in the Fourth Circuit Court of Appeals),
- Crisonino v. New York City Housing Authority (pending in the Southern District of New York)

- Mattison v. Click Corporation (pending in the Eastern District of Pennsylvania)
- C.R.K. v. Martin (pending in the District of Kansas)
- Doe v. Doe (briefs submitted to the District of Connecticut and the Second Circuit Court of Appeals; case settled).

In addition, the Department of Justice has filed briefs in most of these VAWA Civil Rights Remedy cases, also urging the court to uphold the law's constitutionality. NOW LDEF has many of those briefs on file and would be pleased to forward them upon request as well.

1. Background: Why the amendment is needed

Adding gender to Section 245 provides a needed avenue of recourse for some women who otherwise would have been denied relief through the justice system. While much progress has been made in improving state law enforcement's responses to crimes such as domestic violence, rape and sexual assault, instances unfortunately still occur in which state police or prosecutors fail to respond vigorously and thoroughly, leaving battered women and survivors of rape and sexual assault vulnerable to further violence and sometimes death.

Similarly substantial strides have been made in federal law to address the problem of gender-based hate crimes, including the new criminal remedies and the civil rights remedy enacted as part of the 1994 Violence Against Women Act ("VAWA"). But those criminal remedies do not help in many instances because they apply only in cases of interstate domestic violence or interstate violations of a protective order. Women surviving gender-based hate crimes that occur solely within one state consequently have no federal recourse even if their state law enforcement system has proven unable or unwilling to prosecute the case. The VAWA civil rights remedy also represents a major legal advance and fills existing gaps because it allows a woman to recover her damages and to hold a perpetrator accountable, even when there has been no criminal prosecution. But a civil remedy is not a substitute for criminal prosecution in the aftermath of a violent crime.

The following are a few hypothetical examples that exemplify the types of cases in which survivors of gender-based bias crimes are left without a criminal remedy absent amendments to Section 245:

- A woman was battered by her husband for many years. He had battered his former wife and former girlfriends as well. He refused to allow his wife to work, stating that women belong in the home and that he wouldn't tolerate his wife working. She went to the police on numerous occasions, but they responded in only a perfunctory way because they were good friends with her husband. They repeatedly declined to arrest him even when she called the police after he violated the restraining orders she had obtained.
- A serial rapist was accused of raping several women. The crimes were characterized by extreme violence and mutilation of the women's genitals. He fled the state once he learned the local police had identified him as a suspect.

- A woman alleged that she was gang raped by several men who uttered gender-based epithets such as "bitch" and "whore" as they raped her. They apparently were in town visiting a friend. Local law enforcement officials said they could not prosecute them because they lived out of state.
- A woman was sexually assaulted by another passenger while she was riding on a train from Florida to New York. During the assault, he berated her, told her that she was getting what she deserved for traveling alone as a woman, and that she should be at home raising her children. She had no idea which state the train was passing through at the time of the assault. The Florida and New York police apologetically said they could not prosecute as a result.

While most gender-based bias crimes should continue to be prosecuted at the state level, and while resources should continue to be directed to improving the formal and informal responses of local law enforcement officials, federal criminal intervention still may be required in appropriate cases such as those described above.

2. Determining gender-motivation

Assessing when acts of violence against women are gender-motivated is not a new inquiry, particularly for federal courts. If Section 245 is amended to include gender, prosecutors and courts evaluating gender-motivated bias crime allegations can employ the same analysis used in other contexts to determine whether a particular violent act was committed because of the victim's gender.

For example, in evaluating sexual harassment claims brought under Title VII of the Civil Rights Act of 1964 ("Title VII"), courts routinely analyze the totality of the circumstances to assess whether the offensive conduct was committed because of the victim's gender. See, e.g., Harris v. Forklift Sys., Inc., 114 S. Ct. 367 (1993); Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986). Applying that test, courts have found certain conduct to be indicative of gender motivation in the context of workplace sexual harassment cases, including:

- repeated lewd or sexually suggestive comments. See EEOC v. Hacienda Hotel, 881 F.2d 1504, 1514-15 (9th Cir. 1989) (sexual remarks, vulgarities, requests for sexual favors and disparaging comments about pregnancy created a hostile environment); Bundy v. Jackson, 641 F.2d 934, 944-45 (D.C. Cir. 1982) (sexually stereotyped insults and demeaning propositions created a hostile environment);
- derogatory epithets or nicknames. See, e.g. Carr v. Alison Turbine, 32 F. 3d 1007, 1009 (7th Cir. 1994) (derogatory sexual remarks, sexual epithets, playing sex- or gender-related "pranks" contributed to hostile environment); EEOC v. A. Sam & Sons Produce Co., 872 F. Supp. 29, 34 (W.D.N.Y. 1994) (evidence included company vice-president's repeated references to female co-worker as a "whore");
- display of pornographic pictures that was part of a pattern of harassment. See, e.g., Andrews v. City of Philadelphia, 895 F. 2d 1469, 1482 n.3 (3rd Cir. 1990);
- comments reflecting negative and stereotypical views of women. See, e.g., Harris, 114

U.S. at 369 ("you're a woman, what do you know?"); cf. Price Waterhouse v. Hopkins, 490 U.S. 228, 235-36, 288 (1989) (sex discrimination case in which woman was charged with being "overly aggressive, unduly harsh," "macho" and directed to go to charm school because "it's a lady using foul language");

- patterns of similar conduct toward other women. See, e.g., Paroline v. Unisys Corp., 879 F.2d 100, 103 (1989), vacated in part on other grounds, 900 F.2d 27 (4th Cir. 1990) (several female clerical workers subjected to pattern of sexually suggestive remarks and unwelcome touching).

Looking at the totality of the circumstances, courts analyzing workplace sexual harassment cases also have concluded that rapes or sexual assaults at work may evince sufficient gender motivation to create a hostile environment. See, e.g., Brock v. United States, 64 F.3d 1421, 1423 (9th Cir. 1995) ("every rape committed in the employment setting is also discrimination based on the employee's sex"); Tomka v. Seiler Corp., 66 F.3d 1295, 1305 (2d Cir. 1995) ("even a single incident of sexual assault sufficiently alters the conditions of the victim's employment and clearly creates an abusive work environment"); Yaba v. Roosevelt, 961 F. Supp. 611, 620 (S.D.N.Y. 1997) (sexual assault and harassment by law firm partner created a hostile work environment); Al-Dabbagh v. Greenpeace, Inc., 873 F. Supp. 1105, 1110-11 (N.D. Ill. 1994) (pattern of sexual assaults at work created a hostile environment).

While violence against women undeniably is a pervasive problem of "epidemic" proportions, not all violent crimes against women would be subject to federal prosecution under Section 245 just as not all crimes committed against racial, religious or sexual minorities constitute bias crimes. See generally, Anti-Defamation League, Hate Crimes Laws 2-3 (1997); Northwest Women's Law Center et al., Gender Bias Crimes: A Legislative Resource Manual, at 12-14 (1994). As with those cases, generally-accepted guidelines for identifying bias crimes will prove useful in analyzing gender-motivated bias crimes. These guidelines direct courts to look at conduct similar to that analyzed in the sexual harassment cases cited above, including language, severity of the attack, absence of another apparent motive, patterns of behavior, and "common sense." See U.S. Dep't of Justice, Federal Bureau of Investigation, Hate Crime Data Collection Guidelines 1-4; Center for Women Policy Studies, Violence Against Women as Bias Motivated Hate Crime: Defining the Issues 8-12 (1991). Congress recognized the applicability of those guidelines to gender-motivated crimes when it enacted the 1994 VAWA. See S. Rep. No. 103-138, 103d Cong., 1st Sess. 53 n.61 (1993) ("1993 Senate Report"). Drawing from these guidelines, prosecutors and courts can evaluate the totality of the circumstances in gender-based bias crime allegations to determine which cases contain sufficient evidence that they were committed because of the victim's gender, and therefore, are subject to federal prosecution.

3. Federal action is needed to respond to state failures

As discussed above, federal intervention will be required principally in cases of gender-motivated crimes in which state law enforcement systems either could not or would not prosecute. Through the 1994 VAWA, Congress took an historic and substantial step toward ameliorating the

problem of formal and informal failings of state laws.¹ Unfortunately, state law enforcement's bias against gender-motivated crimes persists in posing substantial, and sometimes life-threatening obstacles for women.²

Reports of gender bias task forces issued since VAWA's passage reveal that these entrenched problems have not yet been eliminated. For example, the 1996 report of the North Dakota Commission on Gender Fairness in the Courts indicates that women are still subjected to victim blaming, trivialization and stereotyped views of their credibility in criminal and civil domestic violence proceedings. A Difference in Perceptions: The Final Report of the North Dakota Comm'n on Gender Fairness in the Courts, 72 N.D. L. Rev. 1113, 1208-12 (1996). In one instance, a judge informed a battered woman seeking a protective order that she would one day realize that it was all "her fault." *Id.* at 1208. A member of the Minnesota Supreme Court Gender Fairness Implementation Committee in 1997 reported that domestic assaults persistently are plea bargained down to disorderly conduct offenses and that the state law requiring presentence investigations in domestic assault situations is consistently ignored. Letter from Judge Mary Klas to National Assoc. of Women Judges of Aug. 26, 1997 (on file with NOW LDEF). She similarly noted that judges fail to apply appropriate sanctions for failures to comply with probation or treatment requirements in domestic violence cases. *Id.* at 2. See also Alaska Joint State-Federal Courts Gender Equality Task Force, Final Report 22, 44 (April 1996) (recognizing prevalence of gender bias and tendency of magistrates and judges to rely on subjective factors rather than evidence when deciding whether to issue domestic violence protective orders).

While many jurisdictions have begun the long process of changing entrenched attitudes, recent cases confirm that state judicial systems continue to doubly victimize women who have survived

¹ For VAWA's legislative history documenting Congress' recognition of state judicial systems' long histories of treating gender-based crimes less seriously than other crimes warranted federal intervention, see, e.g., 1993 Senate Report, at 42. See also Staff of Senate Comm. on the Judiciary, 103d Cong., 1st Sess., The Response to Rape: Detours on the Road to Equal Justice 1-2 (Comm. Print 1993) ("1993 Response to Rape"); 1991 Senate Report, at 43-48.

² For example, in enacting VAWA Congress cited study after study concluding that crimes disproportionately affecting women are treated less seriously than comparable crimes affecting men. See, e.g., 1993 Senate Report, at 49; 1991 Senate Report, at 46-47, 49 (citing studies of state gender-bias task forces). Congress also recognized that police, prosecutors, juries and judges routinely subject female victims of rape and sexual assault as well as domestic violence to unfair and degrading treatment that contributes to the low rates of reporting and conviction that characterize these crimes. See, e.g., 1993 Response to Rape at 2-6; accord 1992 Violence Against Women Hearing, at 75 (statement of Margaret Rosenbaum, Assistant State Attorney and Division Chief, Domestic Crimes Unit, Miami, Florida) (recognizing that police officers persist in failing to treat domestic violence as a "real crime"); 1991 Senate Report, at 39; 1992 Violence Against Women Hearing, at 2, 70; Women and Violence: Hearing Before the Senate Comm. on the Judiciary, 101st Cong. 29-30 (June 20, 1990) (statement of Marla Hanson).

gender-motivated crimes and fail to take domestic violence and sexual assault seriously. See, e.g., State v. Peacock, No. 94-CR-0943 (Md. Cir. Ct. Oct. 17, 1994) (stating sympathy for defendant who pled guilty to the murder of his wife after finding her in bed with another man, and sentencing him to a minimal eighteen-month term to be served on work release). As Congress heard during testimony on VAWA: "One has only to count the number of women murdered in the past year by subjects of outstanding orders of 'protection' issued by local courts to realize the toothless quality of much state and local 'protection.'" 1993 Crimes of Violence Hearing, at 41 (statement of Burt Neuborne, Professor of Law, New York University).³

The need for federal jurisdiction as a remedy to states' failed responses to gender-based crimes starkly echoes the impetus for the passage of 18 U.S.C. § 245 in 1968. At that time, state criminal laws purportedly provided protection from bias-related violent crimes, but it became increasingly apparent that those laws were being unevenly enforced with respect to race. Those who enacted Section 245 recognized that "[under the Federal system, the keeping of the peace is, for the most part, a matter of local and not Federal concern."⁴ Yet, unchecked violence against African-Americans led Congress to enact a federal remedy. According to the Senate Report,

[L]ocal officials have either been unable or unwilling to solve and prosecute crimes of racial violence or to obtain convictions in such cases --- even where the facts seem to warrant. As a result, there is need for Federal action to compensate for the lack of effective protection and prosecution on the local level.⁵

States' uneven and sometimes-incomplete responses to gender-based violent crimes similarly supports amending Section 245 today to permit federal prosecution of gender-based bias crimes.

The extensive body of case law addressing allegations that local law enforcement agencies failed to respond effectively to domestic violence allegations highlights why federal jurisdiction is needed. In case after case, women (and their representatives in cases in which the victim is deceased) have brought to the courtroom tragic stories about violence, injury and death that could have been prevented, but for the neglect, inaction, bias or complicity of local police and police department policies. Since these cases focus on the sufficiency of the police' response to allegations of domestic violence, the decisions do not describe the nature of the underlying domestic violence in enough detail to determine whether the domestic violence allegations would be sufficiently gender-motivated to warrant federal intervention under Section 245. Nonetheless, they document instances in which state law enforcement systems have failed battered women, and in which appropriate federal intervention might have saved lives. The following is a summary of some of these cases:

- Soto v. Flores, 103 F.3d 1056 (1st Cir. 1997), cert. denied, 66 U.S.L.W. 3255, No. 96-

³ See also Report On District Of Columbia Police Response To Domestic Violence (1990), reprinted in 1992 Violence Against Women Hearing 101.

⁴ S. Rep. No. 90-721, reprinted in 1968 U.S.C.C.A.N. 1837, 1839.

⁵ Id., reprinted in 1968 U.S.C.C.A.N. 1840.

1976 (U.S. Oct. 6, 1997). For ten years, Flor Maria Soto had been physically and emotionally abused by her husband. When she went to the local police department in 1991, she was greeted by an officer who told her that “he himself had domestic violence problems, and that his wife wanted him to be put in jail.” He suggested that she “patch things up” with her husband, and he did not write up a domestic violence report. The police did not counsel Soto about the availability of shelters, or her ability to file for an order of protection, as they were required to do by state law. Local police officers, who were friends of the husband, failed to arrest the husband or protect Soto and her family despite the mandatory arrest law in effect in their jurisdiction. Indeed, the police told Soto’s husband about her visit to the police station, even though they knew of the husband’s threats to kill Soto if she ever went to the police. Three days later the husband turned violent, shooting and killing his two children, and then himself.

- Navarro v. Block, 72 F.3d 712 (9th Cir. 1995). Maria Navarro was celebrating her birthday with family and friends when she received a phone call from the brother of her estranged husband, Raymond, warning that Raymond was on his way to kill her. Maria phoned 911 and told the dispatcher that Raymond was subject to a restraining order and that she had been told he would soon arrive and attempt kill her. The 911 dispatcher responded “the only thing to do is just call us if he comes over there . . . I mean, what can we do?” Fifteen minutes later, Raymond arrived at Maria’s house, shooting and killing Maria and four others, and injuring two others as well.

- Pinder v. Johnson, 54 F.3d 1169 (4th Cir. 1995). After Carol Pinder’s former boyfriend, Don Pittman, was released from prison for attempting to burn down her house, he returned to Pinder’s home. He beat her, threw objects at her and threatened to kill her and her children. A neighbor called the police and Pittman was arrested. When Pinder asked the police if it was safe for her to go to work that evening, the officer assured her that Pittman would be held in jail overnight. In fact, Pittman was released on his own recognizance, and he returned to Pinder’s home and set it on fire, killing Pinder’s three children, who were asleep inside.

- Garrett v. Gilles, 47 F.3d 1168, No. 93-6197 (6th Cir. Jan. 17, 1995) (unpublished decision). Sheila Garrett was the wife of a deputy sheriff, Clyde Garrett. Sheila reported several incidents of abuse to the police department, and in 1989 separated from Clyde. After the separation, Clyde harassed and threatened to kill his wife and their daughter. In addition, he had broken into his wife’s home, shot her automobile window, and flattened her tires. Garrett’s superiors in the police department had been notified of these incidents and threats. In early 1990, Clyde drove to Sheila’s house in a police department truck, entered with two guns in his hands, one of them a police department revolver, and shot his wife and two children. The police department had permitted Clyde to keep his gun despite his death threats and harassment of his wife.

- Eagleston v. Guido, 41 F.3d 865 (2d Cir. 1994). When Cecelia Eagleston served her husband with divorce papers, he responded by throwing objects at her, threatening her and breaking the walls of their home. Cecelia called the police, but they made no arrest. Cecelia filed ten reports with the police over the next two months about assaults, threats and harassment by her husband. Although the husband was violating an order of protection, and

the police department police required mandatory arrest in such circumstances, the only arrest made in any of the ten incidents was an arrest of both Cecelia and her husband together. Three days after Cecelia's tenth report to the police (based on an incident in which Cecelia's husband threw a rock through the front window of her residence) the husband attacked Cecelia with a carving knife, stabbing her thirty times.

- Ricketts v. City of Columbia, 36 F.3d 775 (8th Cir. 1994). After years of physical abuse and an incident in which her husband had broken her nose and threatened to kill her, Kimberly Roth obtained a protection order against her husband, Sonny. Soon thereafter, Sonny approached Kimberly at her residence and began yelling threats at her. Kimberly called the police, who failed to arrest Sonny, even after he produced a sawed-off shotgun and continued yelling threats. Over the next week, Sonny vandalized the property of Kimberly's family, and threatened to kill Kimberly if she did not return to him. Kimberly reported these threats to the police but Sonny was still not arrested.

Kimberly moved back in with Sonny in order to protect her family from his threats, but the abuse began again and Kimberly left Sonny and received another protective order. Again, Sonny harassed and threaten her. Kimberly reported repeated incidents to the police in late March and early April, 1987, but again no arrest was ever made. On April 7, 1987, Sonny entered the home of Kimberly's family, where Kimberly was staying. He shot Kimberly's mother, and took Kimberly to the nearby woods where he sexually assaulted her.

- Brown v. Grabowski, 922 F.2d 1097 (3d Cir. 1990). The victim, Deborah Evans, was abducted by her boyfriend and found frozen to death in the trunk of a car. Shortly before this crime, Deborah Evans had been held hostage by her boyfriend for three days, during which time she was repeatedly threatened and sexually assaulted. She was rescued only when her brother and sister happened to come by the house where she was being held. When Deborah Evans reported this abduction to the police, the police failed to inform of her of her rights under the state's Prevention of Domestic Violence Act, including her right to obtain a restraining order against her boyfriend. No police were assigned to protect her and no attempts were made to arrest the boyfriend. She was told to wait until Monday to file charges because it was a weekend. On that Monday, she left her home to file charges at the police station, and on the way, was abducted by her boyfriend, and killed.

- Rauci v. Town of Rotterdam, 902 F.2d 1050 (2d Cir. 1990). Kathie Rauci separated from her husband in March 1985. Kathie reported to the police multiple incidents in which her estranged husband, Joseph, had beaten her and threatened to kill her, and obtained an order of protection against Joseph. Kathie recorded conversations in which Joseph threatened to kill her and told her of his purchase of a gun. Kathie delivered the tapes of these conversations to the police on June 18, 1985, but still no arrest was made. On June 23, Kathie again went to the police station to report Joseph's attempt to break into her house and his threat "to blow her head off." Joseph was finally arrested, but as he was being arrested he told the arresting officer to contact three other police officers - including the Deputy Chief - who were his friends. Joseph was released the next day on minimal bail by a judge who had not been told by the prosecution or police about the events prior to June 23, or the recorded conversations containing threats on Kathie's life. On June 28, 1995, Kathie reported

continuing telephone calls and stalking behavior by her husband. No action was taken, and on June 30, Joseph attacked Kathie and her child, shooting and killing the child and shooting and injuring Kathie.

- Balistreri v. Pacifica Police Department, 901 F.2d 696 (9th Cir. 1988). Jena Balistreri was the victim of repeated harassment and threats which the police department refused to investigate. In 1982, Balistreri was severely beaten by her husband but the police refused to arrest the husband, stating that Balistreri “deserved” the beating. One officer pressured her not to press charges against her husband. Subsequent to this beating, Balistreri secured a divorce. At this time, Balistreri became the subject of hundreds of harassing phone calls and repeated incidents of vandalism. She suspected her ex-husband was responsible and reported these incidents to the police, who did not investigate her complaints despite the fact that several of the calls had been traced to the home of the ex-husband’s family. Once, the husband was caught when he crashed a car into Balistreri’s garage, but the police refused to arrest the husband or investigate the incident. Another time, a firebomb was thrown into Balistreri’s house. The police took 45 minutes to respond to the 911 call on this occasion. In response to Balistreri’s requests for further investigation, the police told her to hire a private investigator or move to another town.

- McKee v. City of Rockwell, 877 F.2d 409 (5th Cir. 1989). Gayla McKee was assaulted in her apartment by her boyfriend. Her boyfriend had disabled her car to prevent her escape, but she was able to phone the police from a local convenience store. According to her testimony, she told the police that her boyfriend had assaulted and threatened to kill her. The police would not arrest the boyfriend and suggested that she talk matters out with him. The police refused to take McKee to her parent’s home, and refused to take her to the police station to file a complaint because she was “inappropriately dressed.” They told her that after she calmed down she would probably change her mind about filing the complaint. After the police departed, the boyfriend followed McKee to a friend’s house and attacked her with a knife, causing serious injury.

- Watson v. City of Kansas City, 857 F.2d 690 (10th Cir. 1988). Nancy Watson was married to Ed Watson, a police officer who physically abused her repeatedly. Nancy reported to the police one incident, in which Ed shook a knife at her, but was told by the Police Captain, “[I]f you ever call the police again, I will see to it that you are arrested and you will never see those two kids again.” Nancy divorced Ed and remarried him in 1982. The abuse began again, and Nancy reported to the police incidents where Ed had beaten her severely and abused her child. Nancy requested Ed’s arrest, but the matter was referred to the Police Department Internal Affairs Unit. This Unit, unlike the Criminal Investigations Unit, was supposed to investigate more minor complaints not involving possible criminal acts. The Unit took no action. Moreover, a social worker looking into the child abuse charges was told by the police department not to contact Ed Watson.

In 1983, Nancy filed for another divorce. Two weeks later, Ed took Nancy and her child hostage by holding a gun to her head. During this time he threatened to kill Nancy and himself. After three days, Nancy was able to call the police, but when they arrived they refused to arrest Ed or remove him from his old marital home. The officers refused Nancy’s

request to investigate the incident because “it was a domestic disturbance, it was not classified as a forced entry.”

One month later, Ed stalked Nancy at a grocery store. Nancy drove to the police station and informed an officer that Ed was following her and was told Ed would be detained. However, when Nancy returned home, Ed was there. He locked the doors, cut off the telephone lines, raped, beat and stabbed her. Nancy escaped by jumping through a picture window onto the front lawn, and a neighbor called the police. An officer who responded to the scene said the situation was Nancy’s “fault” because she had married Ed. Furthermore, Ed was described by his supervising officer within the police department as “a time bomb waiting to go off.”

- Smith v. City of Elyria, 857 F. Supp. 1203 (N.D. Ohio 1994). Karen Guerrant called the police department to request that they remove her divorced husband from the house. The ex-husband, who had previously been convicted for attacking Karen, had been staying at Karen’s house with Karen’s permission after he was released from jail. Karen became uncomfortable with her ex-husband’s presence, and phoned the police to have him removed from the home. The police told Karen that this was “a civil matter, not a police matter,” and refused to remove the ex-husband. Moreover, the police advised Karen’s ex-husband that if Karen evicted him herself, he should just go back in. Immediately after the police left, Karen, her sister and her nine-year-old daughter repeatedly called the police over the next 30 minutes begging for assistance as a fight ensued between Karen and her ex-husband. When the police finally returned to the residence at the end of that 30 minutes, they found that Karen had been stabbed 12 times and killed, and her daughter and sister were stabbed and injured.

Conclusion

The failures of state law enforcement systems, and women's continued subjugation to gender-motivated bias crimes provides compelling justification to amend Section 245 to include gender in the protected categories. Similar issues not documented in this memorandum also support amending Section 245 to include bias crimes based on sexual orientation and disability. Existing case law and standards for federal prosecution of other bias crimes shows that discerning which of the violent crimes committed against women are committed because of the victims' gender is not a novel, unique, or overwhelming inquiry, but draws on analytical tools familiar to federal courts in similar contexts. Including gender in Section 245 will provide redress to women currently denied access to criminal justice and will substantially advance our country's efforts to fight this devastating epidemic.

Victims of Abuse Insurance Protection

VAWA II Title and Subtitle	VAWA II Section	Summary of Proposed Law	Summary of Current Law
Title IV. Domestic Violence Subtitle C. Victims of Abuse Insurance Protection	Section 421. Short Title	Victims of Abuse Insurance Protection Act	The only current federal law that touches on insurer treatment of victims of abuse is the Health Insurance Portability and Accountability Act of 1996 (HIPAA) which includes "conditions arising out of abuse" as a prohibited health status criterion for eligibility for group health insurance. Twenty-eight (28) states have adopted legislation and one state promulgated a regulation to address insurance discrimination against victims of abuse. There is wide variation in the scope of protection, lines of insurance covered, conduct prohibited and enforcement provided by these state laws.
	Section 422. Definitions	Defines abuse, abuse status, subject of abuse and insurance terms for the Victims of Abuse Insurance Protection Act, incorporating damage to property for the purpose of intimidating or controlling another person as a form of abuse.	No federal law defines these terms in relation to insurance discrimination on the basis of domestic abuse. Definitions are included in some but not all of the state laws adopted; where included definitions are not consistent between states.
	Section 423. Discriminatory Acts Prohibited	Prohibits denial of coverage, coverage restrictions and premium differentials because the applicant or insured or someone associated with the applicant or insured is, has been or may be a subject of abuse or has incurred or may incur abuse-related claims. Prohibits denial or limitation of payment of claims for losses incurred by an innocent insured as a result of abuse. Prohibits use, disclosure or transfer of information relating to abuse and the location or telephone number of a subject of abuse.	HIPAA specifically includes "conditions arising out of abuse" as a prohibited health status criterion for eligibility for group health insurance. Federal law does not otherwise address other aspects of health insurer treatment of subjects of abuse or the treatment of subjects of abuse by life, disability and property and casualty insurers. State law provisions vary widely in defining prohibited acts; only a few require payment of claims to innocent insureds and provide confidentiality protection.

Victims of Abuse Insurance Protection

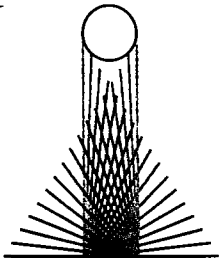
	Section 424. Insurance Protocols for Subjects of Abuse	Requires insurers to develop protocols for the purpose of protecting the safety and privacy of a subject of abuse.	No provision in federal law. Included in some but not all of the state laws adopted.
	Section 425. Reasons for Adverse Actions	Requires specific written notice of the reasons for adverse insurance actions against subjects of abuse.	State law generally does not require insurers to provide notice of reasons for adverse actions.
	Section 426. Life Insurance	Permits life insurers to refuse to issue a policy to a subject of abuse if the perpetrator is designated as the beneficiary of the policy.	Included in some but not all of the state laws adopted.
	Section 427. Subrogation without Consent Prohibited	Prohibits insurers from pursuing subrogation of claims resulting from abuse without the informed consent of the subject of abuse.	No existing laws, at either the federal or state level, require consent by the subject of abuse as a prerequisite to subrogation.
	Section 428. Enforcement	Provides enforcement through the Federal Trade Commission and a private cause of action.	No existing law, at either the state or federal level provides either a federal administrative remedy or a private right of action. State laws typically provide an administrative remedy through the state insurance department.
	Section 429. Effective Date	Effective upon enactment with respect to any action taken on or after that date, except that section 254 is effective 60 days after enactment.	HIPAA is in effect. State law effective date varies.

VAWA II Funding Amounts

Prepared by Juley Fulcher, NOW LDEF - 4/14/98

For More Information Call 202/544-4470

VAWA 2 Subtitle	FY1999	FY2000	FY2001	FY2002	FY2003	Subtitle Totals	Title Totals	
I - Continuing the Commitment of VAWA 1								
Stop Grants	see VAWA 1	see VAWA 1	\$ 185,000,000	\$ 185,000,000	\$ 185,000,000	\$ 555,000,000		
DV Hotline	\$ 1,200,000	\$ 1,200,000	\$ 1,200,000	\$ 1,200,000	\$ 1,200,000	\$ 6,000,000		
DV Shelters	\$ 120,000,000	\$ 160,000,000	\$ 200,000,000	\$ 260,000,000	\$ 260,000,000	\$ 1,000,000,000		
Community Initiatives	\$ 8,000,000	\$ 9,000,000	\$ 10,000,000	\$ 11,000,000	\$ 12,000,000	\$ 50,000,000		
Judicial Training (state)	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000	\$ 7,500,000		
Judicial Training (fed)	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 2,500,000		
Arrest Policies	\$ 63,000,000	\$ 67,000,000	\$ 70,000,000	\$ 70,000,000	\$ 70,000,000	\$ 340,000,000		
Rural DV	\$ 35,000,000	\$ 35,000,000	\$ 35,000,000	\$ 35,000,000	\$ 35,000,000	\$ 175,000,000		
Stalker Database	\$ 3,000,000	\$ 3,000,000	\$ 3,000,000	\$ 3,000,000	\$ 3,000,000	\$ 15,000,000		
Fed Victim Counselors	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 5,000,000		
Runaway Street Youth	\$ 22,000,000	\$ 22,000,000	\$ 22,000,000	\$ 22,000,000	\$ 22,000,000	\$ 110,000,000		
CASAs	see VAWA I	see VAWA I	\$ 12,000,000	\$ 12,000,000	\$ 12,000,000	\$ 36,000,000		
Child Abuse Training	see VAWA I	see VAWA I	\$ 2,300,000	\$ 2,300,000	\$ 2,300,000	\$ 6,900,000		
Televised Testimony	see VAWA I	see VAWA I	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 3,000,000	\$ 2,311,900,000	
			Total funding for reauthorization of programs created under VAWA 1—					\$ 2,311,900,000
II - Limiting the Effects of Violence on Children								
Safe Havens	\$ 75,000,000	\$ 85,000,000	\$ 95,000,000	\$ 105,000,000	\$ 115,000,000	\$ 475,000,000		
Youth DV Prevention	\$ 10,000,000	\$ 10,000,000	\$ 10,000,000	\$ 10,000,000	\$ 10,000,000	\$ 50,000,000		
Family Safety	none	none	none	none	none			
Child Welfare Worker	\$ 3,000,000	\$ 4,000,000	\$ 5,000,000	\$ 5,000,000	\$ 5,000,000	\$ 22,000,000		
Child Abuse Account	none	none	none	none	none		\$ 547,000,000	
III - Sex Assault Prevention								
Rape Prevention Educ	\$ 75,000,000	\$ 75,000,000	\$ 100,000,000	\$ 100,000,000	\$ 150,000,000	\$ 500,000,000		
Sex Assault Exams	\$ 200,000	none	none	none	none	\$ 200,000		
Custodial Sex Assault	\$ 300,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 700,000		
Hate Crimes	as necessary	as necessary	as necessary	as necessary	as necessary		\$ 500,900,000	
IV - Domestic Violence								
DV Victim Housing	\$ 50,000,000	as necessary	as necessary	as necessary	as necessary	\$ 50,000,000		
Full Faith & Credit	\$ 5,000,000	\$ 5,000,000	\$ 5,000,000	\$ 5,000,000	\$ 5,000,000	\$ 25,000,000		
DV Victim's Insurance	none	none	none	none	none			
Sports Summit	none	none	none	none	none			
Firearms/Intoxication	none	none	none	none	none			
Access to Advocacy	\$ 19,000,000	\$ 27,000,000	\$ 35,000,000	\$ 44,000,000	\$ 57,000,000	\$ 182,000,000	\$ 257,000,000	
V - Violence Against Women in the Military System								
Civilian Jurisdiction	none	none	none	none	none			
Transitional Comp	none	none	none	none	none		\$ -	
VI - Preventing Violence Against Women in Underserved Communities								
Older Women	none	none	none	none	none			
Disabled Women	\$ 30,000,000	\$ 30,000,000	\$ 30,000,000	\$ 30,000,000	\$ 30,000,000	150,000,000.00		
Battered Immigrants	none	none	none	none	none		\$ 150,000,000	
VII - Violence Against Women and the Workplace								
Wkplace Clearinghouse	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 2,500,000		
Victim's Employ Rights	none	none	none	none	none			
Workplace Tax Credit	none	none	none	none	none			
Battered Emp Protect	none	none	none	none	none			
Education & Training	\$ 10,000,000	\$ 10,000,000	\$ 10,000,000	\$ 10,000,000	\$ 10,000,000	\$ 50,000,000		
Worker's Comp	none	none	none	none	none			
Employer Liability	none	none	none	none	none		\$ 52,500,000	
VIII - Educational Institutions and Violence Against Women								
Grants to Campuses	\$ 10,200,000	\$ 10,000,000	\$ 10,000,000	\$ 10,000,000	\$ 10,000,000	\$ 50,200,000		
Student Safety	none	none	none	none	none			
Training Health Prof	none	none	none	none	none			
Hate Crime Rgt to Know	none	none	none	none	none		\$ 50,200,000	
XI - Research on Violence Against Women								
MultiAgency Task Force	\$ 500,000	\$ 500,000	\$ 500,000	none	none	\$ 1,500,000		
Educ, Prev, Intervention	\$ 6,000,000	\$ 6,000,000	\$ 6,000,000	none	none	\$ 18,000,000		
Gaps in Research	\$ 4,500,000	\$ 4,500,000	\$ 4,500,000	none	none	\$ 13,500,000		
Sentencing Guidelines	none	none	none	none	none			
Prgnancy Sex Assault	\$ 500,000	none	none	none	none	\$ 500,000		
Report on Rape Laws	\$ 200,000	none	none	none	none	\$ 200,000		
Research Centers	\$ 3,000,000	\$ 3,000,000	\$ 3,000,000	none	none	\$ 9,000,000	\$ 42,700,000	
			Total funding authorized for new programs under VAWA 2—					\$ 1,600,300,000
Annual Totals	\$ 558,100,000	\$ 570,800,000	\$ 859,100,000	\$ 925,100,000	\$ 999,100,000			
					Total Funding Authorized Under VAWA 2—	\$ 3,912,200,000		



VIOLENCE AGAINST WOMEN ACT OF 1998
"VAWA II" — H.R. 3514

NOW LEGAL DEFENSE

AND EDUCATION FUND 119 CONSTITUTION AVENUE, N.E., WASHINGTON, D.C. 20002 (202) 544-4470 FAX (202) 546-8605

Violence Against Women Act of 1994 Reauthorization Needs FY'99

Authorized funding for many vital programs created under the Violence Against Women Act of 1994 ("VAWA I") ends this year. Funding for the remaining programs under VAWA I has run out already or will soon. **The Violence Against Women Act of 1998 or "VAWA II" (H.R. 3514) reauthorizes critical funding for these important programs.** We must either pass VAWA II immediately or promote stop-gap reauthorization efforts to keep VAWA I programs alive until VAWA II can be enacted. Below is a summary of the original authorization schedule of VAWA I programs.

☛ Programs in need of reauthorization this year!

☛ Grants for Community Initiatives

(VAWA II reauthorizes this program in Title I, Subtitle D)

VAWA I authorized \$10 million in demonstration grants to non-profit local organizations to establish model programs on domestic violence intervention and prevention which were to be designed and implemented as a coordinated community effort. This program was only authorized through **fiscal year 1997** and is in need of reauthorization.

☛ Education and Training for Judges and Court Personnel

(VAWA II reauthorizes this program in Title I, Subtitle E)

VAWA I authorized \$1.3 million for the development and dissemination of model programs for training State and federal court judges and court personnel in the laws regarding violence against women. All monies were authorized only for **fiscal year 1996**. However, no funds were appropriated and the judges and court personnel have never received the benefit of this training program.

☛ Grants to Encourage Arrest Policies

(VAWA II reauthorizes this program in Title I, Subtitle F)

VAWA I authorized funding through **fiscal year 1998** for grants to states, Indian tribes and local governments to implement mandatory arrest or proarrest programs, to improve the tracking of domestic violence cases, to increase the coordination among police, prosecutors and the judiciary in cases of domestic violence, to strengthen legal advocacy service programs for victims of domestic violence, and to educate judges about domestic violence. This program is in need of reauthorization this year.

Rural Domestic Violence and Child Abuse Enforcement

(VAWA II reauthorizes this program in Title I, Subtitle G)

VAWA I authorized grants to rural states and localities and Indian tribes through **fiscal year 1998** to improve the prosecution of domestic violence and child abuse cases and to increase prevention strategies and victim services in these isolated areas so often lacking in resources. This program has been so crucial that appropriations exceeded authorization in fiscal year 1998.

Subtitle H - National Stalker and Domestic Violence Reduction

(VAWA II reauthorizes this program in Title I, Subtitle H)

VAWA I authorized \$6 million through **fiscal year 1998** for access to federal crime databases by civil and criminal courts for use in domestic violence and stalking cases, as well as the inclusion of stalking and domestic violence information in crime databases.

Federal Victims' Counselors

(VAWA II reauthorizes this program in Title I, Subtitle I)

VAWA I authorized federal victim-witness counselors to provide a crucial link between prosecutors and victims in the federal prosecution of sex crimes and domestic violence in federal jurisdictions such as the District of Columbia through **fiscal year 1998**. This program has been so successful that Congress appropriated double the authorized sum for fiscal year 1998.

Education and Prevention Grants to Reduce Sexual Abuse of Runaway, Homeless, and Street Youth

(VAWA II reauthorizes this program in Title I, Subtitle J)

VAWA I provided grants to non-profits through **fiscal year 1998** for street-based outreach and education, treatment, counseling, and referral of runaway and homeless youth who are being victimized by sexual abuse or are at risk of such victimization.



National Domestic Violence Hotline

(VAWA II reauthorizes this program in Title I, Subtitle B)

VAWA I authorized \$400,000 per year through **fiscal year 2000** to create and run a national domestic violence telephone hotline. Since the hotline opened on February 2, 1996, operators have assisted more than 188,000 callers. The demand for services has far exceeded Congressional expectations when the original funding amounts were put in place. Though reauthorization is not needed until FY 2000, an increase in authorization is essential to maintain this invaluable resource.

Battered Women's Shelters and Services

(VAWA II reauthorizes this program in Title I, Subtitle C-- independent bill, H.R. 3665)

VAWA I authorized \$325 million for battered women's shelters under the Family Violence Prevention and Services Act through **fiscal year 2000**. While this funding has provided thousands of women and children with safe harbor, continued and increased funding is needed to ensure that all battered women and children have a safe place to go.

Victims of Child Abuse Programs

(VAWA II reauthorizes this program in Title I, Subtitle K)

VAWA I authorized funding through **fiscal year 2000** for victims of child abuse, including money for advocates, judicial training and televised testimony.

Rape Prevention Education

(VAWA II reauthorizes and expands this program in Title III, Subtitle A)

VAWA I authorized funding for national rape prevention education and training and local hotlines through **fiscal year 2000**.

Youth Education and Domestic Violence

(VAWA II builds upon this program in Title II, Subtitle B)

VAWA I authorized funding for **fiscal year 1996** for the development of 4 model programs for the education of young people about domestic violence and violence among intimate partners. Congress has never authorized funding for the implementation of the model programs that were developed.

Violence Against Women Intervention, Prevention, and Education

(VAWA II authorizes this program in Title IX)

VAWA I directed the National Research Council to develop a research agenda to help reduce violence against women. Congress has never authorized funding to carry out that research agenda.

Safety for Women in Public Transit and Public Parks

VAWA I authorized funding for lighting, surveillance, security and other capital improvements to public transit, national parks, and public parks to reduce violent crimes against women. These funds were never appropriated and the safety improvements never made.

Law Enforcement and Prosecution Grants to Combat Violence Against Women (STOP grants)

(VAWA II reauthorizes this program in Title I, Subtitle A)

These grants, commonly referred to as STOP grants, were provided to each State and territory to implement a coordinated effort among all systems in the State (law enforcement, judicial, social services, shelters, etc.) in order to improve the legal response and victim services in the cases of violent crimes against women. VAWA I authorized funding for these grants through **fiscal year 2000**.

For more information about the reauthorization proposals of the Violence Against Women Act of 1998, contact Andrea Williams in the NY NOW LDEF office at (212) 925-6635, or Pat Reuss or Juley Fulcher in the Washington, D.C. office at (202) 544-4470. Compiled by Juley Fulcher on 3/26/98.

Violence Against Women Act of 1994
Program Money to States as of 3/26/98

STOP Grants including Tribal Discretionary Grants
Grants to Encourage Arrest Policies
Rural Domestic Violence and Child Abuse Enforcement

State	FY 95	FY 96	FY 97	FY 98	4yr VAWA totals
Alabama	\$ 426,365	\$ 2,054,000	\$ 2,437,045	\$ 2,219,000	\$ 7,136,410
Alaska	\$ 501,364	\$ 1,318,870	\$ 1,798,256	\$ 894,000	\$ 4,512,490
American Samoa	\$ 285,664	\$ 355,770	\$ 359,120	\$ 359,120	\$ 1,359,674
Arizona	\$ 501,364	\$ 2,601,000	\$ 4,412,474	\$ 2,432,000	\$ 9,946,838
Arkansas	\$ 426,364	\$ 1,355,000	\$ 2,058,968	\$ 1,510,000	\$ 5,350,332
California	\$ 426,364	\$ 11,621,000	\$ 20,883,940	\$ 13,327,000	\$ 46,258,304
Colorado	\$ 426,364	\$ 1,858,000	\$ 4,367,121	\$ 2,038,000	\$ 8,689,485
Connecticut	\$ 426,364	\$ 1,724,866	\$ 1,889,000	\$ 2,642,000	\$ 6,682,230
Deleware	\$ 426,364	\$ 1,162,051	\$ 862,362	\$ 792,000	\$ 3,242,777
D.C.	\$ 426,364	\$ 699,000	\$ 718,000	\$ 1,005,000	\$ 2,848,364
Florida	\$ 426,364	\$ 5,446,000	\$ 7,395,562	\$ 6,468,490	\$ 19,736,416
Georgia	\$ 426,364	\$ 2,959,000	\$ 3,525,070	\$ 3,459,000	\$ 10,369,434
Guam	\$ 426,364	\$ 546,000	\$ 552,000	\$ 554,000	\$ 2,078,364
Hawaii	\$ 426,364	\$ 911,000	\$ 1,269,407	\$ 976,000	\$ 3,582,771
Idaho	\$ 426,364	\$ 1,586,265	\$ 1,596,405	\$ 979,000	\$ 4,588,034
Illinois	\$ 426,364	\$ 4,595,000	\$ 6,443,038	\$ 5,267,000	\$ 16,731,402
Indiana	\$ 426,364	\$ 2,505,000	\$ 2,785,000	\$ 2,850,000	\$ 8,566,364
Iowa	\$ 426,364	\$ 1,486,000	\$ 2,154,580	\$ 1,647,000	\$ 5,713,944
Kansas	\$ 426,364	\$ 2,095,527	\$ 1,647,000	\$ 1,535,000	\$ 5,703,891
Kentucky	\$ 426,364	\$ 1,834,000	\$ 2,883,340	\$ 2,063,000	\$ 7,206,704
Louisiana	\$ 426,364	\$ 2,004,000	\$ 3,423,439	\$ 2,251,000	\$ 8,104,803
Maine	\$ 426,364	\$ 932,000	\$ 1,351,124	\$ 1,100,000	\$ 3,809,488
Maryland	\$ 426,364	\$ 2,245,000	\$ 5,066,021	\$ 2,541,000	\$ 10,278,385
Massachusetts	\$ 426,364	\$ 2,884,181	\$ 4,191,990	\$ 2,951,000	\$ 10,453,535
Michigan	\$ 552,407	\$ 3,995,000	\$ 6,522,763	\$ 4,361,000	\$ 15,431,170
Minnesota	\$ 426,364	\$ 2,255,223	\$ 3,535,608	\$ 2,374,000	\$ 8,591,195
Mississippi	\$ 426,364	\$ 1,430,000	\$ 2,412,751	\$ 1,593,000	\$ 5,862,115
Missouri	\$ 426,364	\$ 2,339,000	\$ 3,169,960	\$ 2,751,982	\$ 8,687,306
Montana	\$ 501,364	\$ 1,227,277	\$ 1,893,110	\$ 854,000	\$ 4,475,751
Nebraska	\$ 426,364	\$ 1,150,000	\$ 1,536,195	\$ 1,165,000	\$ 4,277,559
Nevada	\$ 426,364	\$ 1,343,996	\$ 1,578,480	\$ 1,233,500	\$ 4,582,340
New Hampshire	\$ 426,364	\$ 896,000	\$ 1,592,271	\$ 968,000	\$ 3,882,635
New Jersey	\$ 426,364	\$ 3,254,000	\$ 3,976,500	\$ 3,714,000	\$ 11,370,864
New Mexico	\$ 646,915	\$ 2,021,706	\$ 2,301,369	\$ 1,277,500	\$ 6,247,490
New York	\$ 426,364	\$ 6,832,000	\$ 12,374,732	\$ 7,817,000	\$ 27,450,096
North Carolina	\$ 426,364	\$ 3,038,751	\$ 3,741,715	\$ 3,447,000	\$ 10,653,830
North Dakota	\$ 501,364	\$ 1,444,119	\$ 1,078,879	\$ 759,000	\$ 3,783,362
N. Mariana Islands	\$ 140,700	\$ 175,230	\$ 176,880	\$ 176,880	\$ 669,690
Ohio	\$ 426,364	\$ 4,369,000	\$ 5,906,997	\$ 4,996,000	\$ 15,698,361
Oklahoma	\$ 576,364	\$ 2,170,273	\$ 3,003,731	\$ 1,828,000	\$ 7,578,368
Oregon	\$ 426,364	\$ 1,659,000	\$ 3,109,878	\$ 1,880,780	\$ 7,076,022
Pennsylvania	\$ 426,364	\$ 4,700,000	\$ 5,521,725	\$ 5,351,000	\$ 15,999,089
Puerto Rico	\$ 426,364	\$ 1,762,000	\$ 1,978,000	\$ 2,022,000	\$ 6,188,364
Rhode Island	\$ 426,364	\$ 848,000	\$ 1,495,288	\$ 898,000	\$ 3,667,652
South Carolina	\$ 426,364	\$ 1,777,000	\$ 2,594,779	\$ 1,988,000	\$ 6,786,143
South Dakota	\$ 576,364	\$ 1,105,000	\$ 2,775,491	\$ 820,000	\$ 5,276,855
Tennessee	\$ 426,364	\$ 2,303,000	\$ 4,688,871	\$ 2,640,000	\$ 10,058,235
Texas	\$ 426,364	\$ 6,905,000	\$ 10,317,082	\$ 8,197,000	\$ 25,845,446
Utah	\$ 426,364	\$ 1,254,543	\$ 1,555,796	\$ 1,305,000	\$ 4,541,703
Vermont	\$ 426,364	\$ 1,519,922	\$ 2,227,784	\$ 737,000	\$ 4,911,070
Virgin Islands	\$ 426,364	\$ 536,000	\$ 540,000	\$ 541,000	\$ 2,043,364
Virginia	\$ 426,364	\$ 2,783,000	\$ 3,834,642	\$ 3,186,000	\$ 10,230,006
Washington	\$ 501,364	\$ 2,903,984	\$ 5,917,840	\$ 2,726,000	\$ 12,049,188
West Virginia	\$ 426,364	\$ 1,243,750	\$ 1,369,634	\$ 1,235,000	\$ 4,274,748
Wisconsin	\$ 426,364	\$ 2,902,757	\$ 3,704,423	\$ 2,664,500	\$ 9,698,044
Wyoming	\$ 426,364	\$ 666,000	\$ 1,045,018	\$ 694,000	\$ 2,831,382
	\$ 24,471,615	\$ 129,589,061	\$ 191,548,454	\$ 138,060,752	

4 year summary of grants under VAWA I administered by VAWGO
-- FY98 only partially awarded at time of calculation

Prepared by Juley Fulcher,
NOW LDEF - 4/10/98
For More Info call 202/544-4470

Battered Women's Shelters and Services

Money to States under Family Violence Prevention and Services Act

Funding Numbers obtained from
National Resource Center on Domestic Violence

State	FFY 94-95	FFY 95-96	FFY 96-97	FFY 97-98	4yr FVPSA totals
Alabama	\$ 351,758	\$ 559,780	\$ 753,499	\$ 912,938	\$ 2,577,975
Alaska	\$ 200,000	\$ 200,000	\$ 400,000	\$ 400,000	\$ 1,200,000
American Samoa	\$ 30,148	\$ 45,142	\$ 63,700	\$ 75,950	\$ 3,777,975
Arizona	\$ 330,671	\$ 540,674	\$ 747,298	\$ 946,054	\$ 2,564,697
Arkansas	\$ 203,645	\$ 325,466	\$ 440,087	\$ 536,268	\$ 1,505,466
California	\$ 2,622,120	\$ 4,170,307	\$ 5,596,602	\$ 6,810,844	\$ 19,199,873
Colorado	\$ 299,587	\$ 485,081	\$ 663,851	\$ 816,794	\$ 2,265,313
Connecticut	\$ 275,307	\$ 434,529	\$ 580,228	\$ 699,499	\$ 1,989,563
Deleware	\$ 200,000	\$ 200,000	\$ 400,000	\$ 400,000	\$ 1,200,000
D.C.	\$ 200,000	\$ 200,000	\$ 400,000	\$ 400,000	\$ 1,200,000
Florida	\$ 1,149,202	\$ 1,851,295	\$ 2,509,774	\$ 3,076,601	\$ 8,586,872
Georgia	\$ 581,112	\$ 936,063	\$ 1,275,793	\$ 1,570,989	\$ 4,363,957
Guam	\$ 30,148	\$ 45,142	\$ 63,700	\$ 75,950	\$ 214,940
Hawaii	\$ 200,000	\$ 200,000	\$ 400,000	\$ 400,000	\$ 1,200,000
Idaho	\$ 200,000	\$ 200,000	\$ 400,000	\$ 400,000	\$ 1,200,000
Illinois	\$ 982,690	\$ 1,559,265	\$ 2,095,907	\$ 2,531,145	\$ 7,169,007
Indiana	\$ 479,961	\$ 763,180	\$ 1,028,110	\$ 1,247,946	\$ 3,519,197
Iowa	\$ 236,410	\$ 375,354	\$ 503,513	\$ 609,337	\$ 1,724,614
Kansas	\$ 212,634	\$ 338,866	\$ 454,438	\$ 549,515	\$ 1,555,453
Kentucky	\$ 318,322	\$ 507,769	\$ 683,871	\$ 829,827	\$ 2,339,789
Louisiana	\$ 360,832	\$ 572,517	\$ 769,267	\$ 929,603	\$ 2,632,219
Maine	\$ 200,000	\$ 200,000	\$ 400,000	\$ 400,000	\$ 1,200,000
Maryland	\$ 417,120	\$ 664,200	\$ 883,462	\$ 1,083,647	\$ 3,048,429
Massachusetts	\$ 505,081	\$ 801,525	\$ 1,076,123	\$ 1,301,573	\$ 3,684,302
Michigan	\$ 796,267	\$ 1,259,937	\$ 1,691,785	\$ 2,049,785	\$ 5,797,774
Minnesota	\$ 379,483	\$ 605,953	\$ 816,748	\$ 995,195	\$ 2,797,379
Mississippi	\$ 222,044	\$ 354,125	\$ 477,824	\$ 580,281	\$ 1,634,274
Missouri	\$ 439,719	\$ 700,289	\$ 943,247	\$ 1,144,965	\$ 3,228,220
Montana	\$ 200,000	\$ 200,000	\$ 400,000	\$ 400,000	\$ 1,200,000
Nebraska	\$ 200,000	\$ 215,341	\$ 400,000	\$ 400,000	\$ 1,215,341
Nevada	\$ 200,000	\$ 200,000	\$ 400,000	\$ 400,000	\$ 1,200,000
New Hampshire	\$ 200,000	\$ 200,000	\$ 400,000	\$ 400,000	\$ 1,200,000
New Jersey	\$ 661,931	\$ 1,048,709	\$ 1,407,606	\$ 1,706,659	\$ 4,824,905
New Mexico	\$ 200,000	\$ 219,454	\$ 400,000	\$ 400,000	\$ 1,219,454
New York	\$ 1,528,769	\$ 2,410,678	\$ 3,213,134	\$ 3,885,277	\$ 11,037,858
North Carolina	\$ 583,464	\$ 938,053	\$ 1,274,729	\$ 1,564,579	\$ 4,360,825
North Dakota	\$ 200,000	\$ 200,000	\$ 400,000	\$ 400,000	\$ 1,200,000
N. Mariana Islands	\$ 30,148	\$ 45,142	\$ 63,700	\$ 75,950	\$ 214,940
Ohio	\$ 931,779	\$ 1,473,022	\$ 1,975,610	\$ 2,387,143	\$ 6,767,554
Oklahoma	\$ 271,443	\$ 432,274	\$ 580,759	\$ 705,268	\$ 1,989,744
Oregon	\$ 254,724	\$ 409,453	\$ 556,487	\$ 684,543	\$ 1,905,207
Palau	\$ 30,148	\$ 45,142	\$ 63,700	\$ 75,950	\$ 214,940
Pennsylvania	\$ 1,011,506	\$ 1,599,069	\$ 2,138,782	\$ 2,575,799	\$ 7,325,156
Puerto Rico	\$ 300,763	\$ 200,000	\$ 400,000	\$ 764,877	\$ 1,665,640
Rhode Island	\$ 200,000	\$ 200,000	\$ 400,000	\$ 400,000	\$ 1,200,000
South Carolina	\$ 306,056	\$ 486,142	\$ 650,741	\$ 790,301	\$ 2,233,240
South Dakota	\$ 200,000	\$ 200,000	\$ 400,000	\$ 400,000	\$ 1,200,000
Tennessee	\$ 428,378	\$ 686,623	\$ 931,199	\$ 1,136,633	\$ 3,182,833
Texas	\$ 1,514,823	\$ 2,438,408	\$ 3,317,309	\$ 4,086,752	\$ 11,357,292
Utah	\$ 200,000	\$ 253,155	\$ 400,000	\$ 427,305	\$ 1,280,460
Vermont	\$ 200,000	\$ 200,000	\$ 400,000	\$ 400,000	\$ 1,200,000
Virgin Islands	\$ 30,148	\$ 45,142	\$ 63,700	\$ 75,950	\$ 214,940
Virginia	\$ 545,323	\$ 869,324	\$ 1,172,503	\$ 1,426,132	\$ 4,013,282
Washington	\$ 441,483	\$ 708,913	\$ 962,204	\$ 1,182,141	\$ 3,294,741
West Virginia	\$ 200,000	\$ 241,744	\$ 400,000	\$ 400,000	\$ 1,241,744
Wisconsin	\$ 423,253	\$ 674,284	\$ 907,636	\$ 1,102,448	\$ 3,107,621
Wyoming	\$ 200,000	\$ 200,000	\$ 400,000	\$ 400,000	\$ 1,200,000
	\$ 24,118,400	\$ 36,114,000	\$ 50,950,000	\$ 60,760,000	

4 year summary of funds to the States under FVPSA

--Funding was partially authorized under VAWA I

--VAWA II reauthorizes program at \$1 billion over 5 years

Prepared by Juley Fulcher,

NOW LDEF - 4/10/98

For more info call 202/544-4470

The Violence Against Women Act of 1998 (H.R. 3514)

House: VAWA II Sponsors (92) and Potential Sponsors

VAWA II - CHIEF SPONSORS:

Conyers (MI)
Morella (MD)
 Schumer (NY)

VAWA II-ORIGINAL CO-SPONSORS:

Abercrombie (HI)
 Ackerman (NY)
 Baldacci (ME)
 Barrett (WI)
 Bentsen (TX)
 Blagojevich (IL)
 Bonior (MI)
 Boucher (VA)
 Brown, C (FL)
 Brown, G (CA)
 Carson (IN)
 Christian-Green (VI)
 Clement (TN)
 Coyne (PA)
 Cramer (AL)
 Cummings (MD)
 DeGette (CO)
 Delahunt (MA)
 DeLauro (CT)
 Dicks (WA)
 Dooley (CA)
 Engel (NY)
 Eshoo (CA)
 Evans (IL)
 Faleomavaega (AS)
 Fazio (CA)
 Filner (CA)
Foley (FL)
 Ford (TN)
 Frost (TX)
 Furse (OR)
 Gejdenson (CT)
 Gephardt (MO)
 Gutierrez (IL)
 Harman (CA)
 Hilliard (AL)
 Hinchey (NY)
 Jackson (IL)
 Jackson-Lee (TX)
 Johnson (TX)
 Kennelly (CT)
 Kildee (MI)

Kilpatrick (MI)
 Kleczka (WI)
 Kucinich (OH)
 Lampson (TX)
 Lantos (CA)
Leach (IA)
 Lewis (GA)
 Lofgren (CA)
 Lowey (NY)
 McCarthy, C (NY)
 McDermott (WA)
 McGovern (MA)
 McKinney (GA)
 Maloney, C (NY)
 Manton (NY)
 Markey (MA)
 Matsui (CA)
 Meehan (MA)
 Meek (FL)
 Miller (CA)
 Mink (HI)
 Moran (VA)
 Nadler (NY)
 Norton (DC)
 Pallone (NJ)
 Payne (NJ)
 Pelosi (CA)
 Pomeroy (ND)
 Roybal-Allard (CA)
 Rush (IL)
 Sanchez (CA)
 Sanders (VT)
 Sandlin (TX)
 Sawyer (OH)
 Scott (VA)
 Sherman (CA)
 Slaughter (NY)
 Stark (CA)
 Thurman (FL)
 Torres (CA)
 Underwood (GU)
 Vento (MN)
 Waters (CA)
 Waxman (CA)
 Wexler (FL)
 Woolsey (CA)
 Wynn (MD)

TARGETS: *This list is all the sponsors of the original VAWA as well as progressive members elected since '94.*

Allen (ME) +
 Andrews, R (NJ) ★
 Barcia (MI) ★
 Becerra (CA) ★●
 Berry (AR) +
Bilbray (CA) +
Bilirakis (FL) ★
 Bishop (GA) ★
Bliley (VA) ★
 Blumenauer (OR) +
 Borski (PA) ★
 Boswell (IA) +◆
 Boyd (FL) +
 Brown, S (OH) ●
 Cardin (MD) ★
Castle (DE) ★
 Clay (MO) ★
 Clayton (NC) ★
 Clyburn (SC) ◆
 Costello (IL) ★
 Danner (MO) ★
 Davis, D. (IL) +●
 Davis, J. (FL) +
Davis, T. (VA) +
 DeFazio (OR) ★●
 Deutsch (FL) ★
 Dixon (CA) ★●
 Doggett (TX) +
 Doyle (PA) +
Dunn (WA)
 Etheridge (NC) +
 Farr (CA)
 Fattah (PA) +●
Fawell (IL) ★
 Frank (MA) ★◆●
Gilchrest (MD) ★
Gillmor (OH) ★
Gilman (NY) ★
Gingrich (GA) ★
 Goode (VA) +
Goss (FL) ★
 Green (TX) ★◆
 Hall (OH) ★
 Hamilton (IN) ★
 Hastings (FL) ★◆●
 Hinojosa (TX) +

Holden (PA) ★
 Hooley (OR) +
Horn (CA) ◆
 Hoyer (MD) ★
Hyde (IL) ★
 Jefferson (LA) ★
 John (WI) +
Johnson, N (CT) ★
 Kaptur (OH) ★●
Kelly (NY) +
 Kennedy, J. (MA) ★
 Kennedy, P. (RI) +
 Kind (D-WI) +
 Klink (PA) ★
Klug (WI) ★
Kolbe (AZ) ◆
 LaFalce (NY) ★●
 Levin (MI) ★◆
 Lipinski (IL) ★
 Luther (MN) +
 McCarthy, K (MO) +
McCollom (PA) ◆
 McHale (PA) ★
McHugh (NY) ★
McInnis (CO) ★
 McIntyre (NC) +
 Maloney, J. (CT)
 Martinez (CA) ★
 Mascara (PA) +
 Menendez (NJ) ★
 Millender-

McDonald (CA) +
 Minge (MN) ★
 Moakley (MA) ★
 Mollohan (WV) ★
Myrick (NC) +
 Neal (MA) ★
 Oberstar (MN) ★
 Olver (MA) ★◆●
 Ortiz (TX)
 Owens (NY) ★◆●
 Pascrell (NJ) +
 Pastor (AZ) ★●
 Peterson, C (MN) ★
Porter (IL) ★
 Poshard (IL) ★
 Price (NC) ★◆
Pryce (OH) ★
Quinn (NY) ★
 Rahall (WV) ★
Ramstad (MN) ★
 Rangel (NY) ★●
 Reyes (TX) +◆

Rivers (MI) +◆●
 Rodriguez (TX) +
 Romero-Barcelo (PR) ★◆●
 Rothman (NJ) +◆
Roukema (NJ) ★
 Sabo (MN) ★◆
Schiff (NM) ★
 Serrano (NY) ★●
Shays (CT) ★
 Smith, A. (WA) +
Smith, L. (TX) ★
 Snyder (AR) +
 Stabenow (MI) +
 Stokes (OH) ★●
 Strickland (OH) +
 Stupak (MI) ★
 Tauscher (CA) +◆
 Tierney (MA) +●
 Thompson (MS) ●
 Towns (NY) ★
 Traficant (OH) ★
 Turner (TX) +
Upton (MI) ★
 Velazquez (NY) ★◆●
 Visclosky (IN) ★
Walsh (NY) ★
Weldon (PA) ★
 Weygand (RI) +
 Wise (WV) ★
 Yates (IL) ★

Republicans underlined

KEY

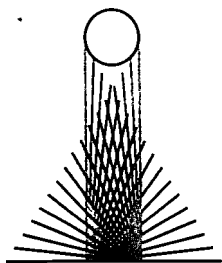
★ VAWA I sponsor

● Progressive Caucus

◆ Sponsor of Hate Crimes Act '98 (H.R. 3081 -- included in VAWA II)

+ Elected since 9/94

NOW LDEF
 April 14, 1998



*****DRAFT SUMMARY***
of the House Bill**

April 14, 1998

NOW LEGAL DEFENSE

AND EDUCATION FUND 119 CONSTITUTION AVENUE, N.E., WASHINGTON, D.C. 20002 (202) 544-4470 FAX (202) 546-8605

THE VIOLENCE AGAINST WOMEN ACT OF 1998 (H.R. 3514)

*****Please Note:** The full text of the final version of VAWA II, as introduced in the House, is currently available on the Congressional website (<http://thomas.loc.gov>) and can be linked from the NOW LDEF website (www.nowldef.org). Also, hard copies of the bill are available at the House document room. It can be picked up at Room B18, House Annex II (phone: 226-5200). The Senate counterpart is expected to be introduced soon.

TITLE I. - Continuing the Commitment of the Violence Against Women Act **(Reauthorization & improvements)**

Subtitle A. Law Enforcement and Prosecution Grants to Combat Violence Against Women - reauthorizes and amends STOP grants to increase funds, and to ensure that domestic violence and sexual assault advocates are involved in planning and implementation; proposes new formula -- 35% to victim services, 20% each to prosecution and law enforcement, 10% to state courts, and 15% discretionary with language to ensure that there will be no harm to existing programs, **Sponsors:** _____ **Contact:** Donna Edwards, NNEDV, 347-9520.

Subtitle B. National Domestic Violence Hotline - reauthorizes funding for the National Domestic Violence Hotline; includes additional oversight and review prior to reauthorization, **Sponsors:** Rep. Stabenow (D-MI) **Contact:** Bridget Gonzalez, Stabenow, 225-4872.

Subtitle C. Battered Women's Shelters and Services - amends Family Violence Prevention and Services Act to authorize \$1 billion to battered women's shelters over the next five years; includes additional oversight and review; caps spending for training and technical assistance and for state coalitions with remainder going to domestic violence programs; adds new proposals for training or technical assistance, **H.R. 3665, Sponsor:** Rep. Lowey (D-NY) **Contact:** Susannah Baruch, Lowey, 225-6506.

Subtitle D. Grants for Community Initiatives - reauthorizes and increases funding for grants for community initiatives; includes additional oversight, **Sponsors:** Rep. Furse (D-OR) **Contact:** Marie Reitmann, Furse, 225-0855.

Subtitle E. Education and Training for Judges and Court Personnel - reauthorizes funding for federal and state judicial training on violence against women; adds training on domestic violence and child abuse in custody determinations, **Sponsors:** Rep. Morella (R-MD), Rep. Schumer (D-NY) **Contact:** Pam Coukos, NCADV, 544-7358.

Subtitle F. Grants to Encourage Arrest Policies - reauthorizes funding for implementation of proarrest policies in domestic violence cases; coordination and computer tracking of cases to ensure communication among police, prosecution and courts; and strengthening legal advocacy programs for victims; adds set-aside for tribes, **Sponsors:** Rep. Stabenow (D-MI) **Contact:** Bridget Gonzalez, Stabenow, 225-4872.

Subtitle G. Rural Domestic Violence and Child Abuse Enforcement - reauthorizes funding for the establishment of cooperative efforts among law enforcement, prosecutors and victim advocacy groups to provide investigation, prosecution, counseling, treatment, and education with respect to domestic violence and child abuse in rural communities; adds set-aside for tribes, **Sponsors:** _____
Contact: Andrea Williams, NOWLDEF, (212) 925-6635.

Subtitle H. National Stalker and Domestic Violence Reduction - reauthorizes funding for the improvement of local, State and national crime databases for tracking stalking and domestic violence, **Sponsors:** _____ **Contact:** Andrea Williams, NOWLDEF, (212) 925-6635.

Subtitle I. Federal Victims' Counselors - reauthorizes funding for Victim/Witness Counselors in the prosecution of sex crimes and domestic violence under federal law, **Sponsors:** _____
Contact: Andrea Williams, NOWLDEF, (212) 925-6635.

Subtitle J. Education and Prevention Grants to Reduce Sexual Abuse of Runaway, Homeless, and Street Youth - reauthorizes funding for street-based outreach, education, treatment, counseling and referral of runaway, homeless, and street youth who have been abused or are at risk of abuse; includes additional oversight mechanisms, **Sponsors:** _____ **Contact:** Andrea Williams, NOWLDEF, (212) 925-6635.

Subtitle K. Victims of Child Abuse Programs - reauthorizes funding for Court-Appointed Special Advocates for victims of child abuse; training programs on child abuse for judicial personnel and attorneys; closed-circuit televising and video taping of child testimony to protect the child from the trauma of facing the abuser in court; includes additional oversight mechanisms, **Sponsors:** Rep. Stabenow (D-MI) **Contact:** Bridget Gonzalez, Stabenow, 225-4872.

TITLE II. Limiting the Effects of Violence on Children

Subtitle A. Safe Havens for Children - grants to establish and operate supervised visitation centers to facilitate child visitation and visitation exchange, **Based on Bill Sponsored by:** Rep. Morella (R-MD), Rep. Schumer (D-NY), Sen. Durbin (D-IL), Sen. Wellstone (D-MN) (formerly entitled "Creation of Supervised Child Visitation Centers") **Contact:** Pam Coukos, NCADV, 544-7358.

Subtitle B. Violence Against Women Prevention Among Youth in Schools - grants for education programs and teacher training in primary schools, middle schools, and secondary schools about domestic violence and sexual assault, **Sponsors:** Wellstone (D-MN) **Contact:** Charlotte Oldham-Moore, 224-5641.

Subtitle C. Family Safety - amends the criminal component of the Parental Kidnapping Prevention Act to provide defenses in domestic violence and child sexual assault cases; amends the civil full faith and credit provisions of PKPA to include domestic violence and child sexual assault as factors in determining what state has jurisdiction of a custody case, **Based on Bill Sponsored by:** Rep. Morella (R-MD), Rep. Schumer (D-NY) **Contact:** Pam Coukos, NCADV, 544-7358.

Subtitle D. Domestic Violence and Children - Sense of Congress calling for reforms of state laws on domestic violence and child custody, **Based on Resolution Sponsored by:** Rep. Morella (R-MD), Rep. Schumer (D-NY) **Contact:** Pam Coukos, NCADV, 544-7358.

Subtitle E. Child Welfare Worker Training on Domestic Violence and Sexual Assault- provides demonstration grants to child welfare agencies to collaborate with community-based domestic violence and sexual assault programs in improving policies and procedures and providing training on domestic violence and sexual assault, **Based on Bill Sponsored by:** Rep. Morella (R-MD), Rep. Schumer (D-NY) **Contact:** Pam Coukos, NCADV, 544-7358.

Subtitle F. Child Abuse Accountability - permits private employee pension benefits to be assigned to satisfy a judgement against a person for physically, sexually or emotionally abusing a child, **H.R. 1142**, **Sponsors:** Reps. Maloney (D-NY), Ramstad (R-MN), Smith (R-NJ) & Del. Norton (D-DC) **Contact:** Gail Ravnitzky, Maloney, 225-7944.

TITLE III. - Sexual Assault Prevention

Subtitle A. Rape Prevention Education - establishes a National Resource Center on Sexual Assault; increases funds for rape prevention and education and helps states provide technical assistance, information dissemination and educational programs, **Sponsors:** _____ **Contact:** Ellin Nolan, NASAC, 289-3900.

Subtitle B. Standards of Practice and Training for Sexual Assault Examinations - directs Attorney General to evaluate existing standards of training, practice and payment of forensic examinations and to recommend national protocol, **Sponsors:** Rep. Schumer (D-NY) **Contact:** Kate Scheeler, Schumer, 225-6616.

Subtitle C. Prevention of Custodial Sexual Assault by Correctional Staff - directs AG to establish guidelines regarding the prevention of custodial sexual misconduct in prisons; prohibits individuals who have been convicted of or found civilly liable for sexual misconduct from becoming correctional staff; criminalizes sexual conduct between correctional staff and prisoners [*Please note that this bill is currently undergoing improvements with the help and advice of the Department of Justice and sexual assault advocates*], **Adapted from H.R. _____**, **Sponsors:** Rep. Conyers (D-MI) (formerly entitled "Prevention of Sexual Misconduct in Prisons") **Contact:** Melanie Sloane, Conyers, 225-6906.

Subtitle D. Hate Crimes Prevention - amends federal hate crimes legislation to permit federal prosecution for bias crimes based on gender, sexual orientation, and disability; funds additional FBI and law enforcement personnel to assist state and local law enforcement, **S. 1529, H.R. 3081**, **Sponsors:** Sen. Kennedy (D-MA), Sen. Specter (R-PA), Sen. Wyden (D-OR), Rep. Schumer (D-NY), Rep. McCollum (R-FL) **Contact:** Julie Goldscheid, NOW LDEF, (212) 925-6635.

TITLE IV. - Domestic Violence

Subtitle A. Domestic Violence Victims' Housing - makes available Section 8 housing certificates for victims of domestic violence, **Adapted from H.R. 871, S. 1128**, **Sponsors:** Rep. Frank (D-MA), Sen. Wellstone (D-MN) **Contact:** Marcia Kuntz, Frank, 225-5931, Charlotte Oldham-Moore, Wellstone, 224-5641.

Subtitle B. Full Faith and Credit for Protection Orders - reduces Byrne grants to law enforcement by 10% for failing to comply with the 1994 VAWA's full faith and credit provisions; Attorney General to provide grants to law enforcement in order to improve enforcement and record keeping; amends full faith and credit statute to address registration and notification issues as well as clarify coverage of custody provisions in protection orders, **Adapted from H.R. 935, S. 666**, **Sponsors:** Rep. Conyers (D-MI), Sen. Lautenberg (D-NJ) **Contact:** Melanie Sloan, 225-6906.

Subtitle C. Victims of Abuse Insurance Protection - prohibits discrimination in issuing and administering insurance policies to victims of domestic violence with uniform protection from insurance discrimination, **H.R. 1117, S. 467**, **Sponsors:** Reps. Sanders (I-VT), Schumer (D-NY) & Morella (R-MD), Senator Wellstone (D-MN) **Contact:** Terry Fromson, Women's Law Project, (215) 928-9801.

Subtitle D. National Summit on Sports and Violence - Sense of Congress that a national summit of sports, community and media leaders with expertise in anti-violence advocacy and youth advocacy should be convened to develop a plan to deter acts of violence, **H. Con. Res. 29, Sponsors:** Reps. Sanders (I-VT) & Morella (R-MD) **Contact:** Bill Gould, Sanders, 225-4115, Cindy Hall, Morella, 225-5341.

Subtitle E. Keeping Firearms from Intoxicated Persons - adds Intoxication to the list of grounds for prohibiting sale of firearms, **H.R. _____, Sponsors:** Rep. Conyers (D-MI) (entitled "Prohibition on Transfer of Firearms to Intoxicated Individuals") **Contact:** Melanie Sloan, 225-6906.

Subtitle F. Access to Safety and Advocacy - grants to provide legal assistance, lay advocacy and referral services to victims of domestic violence who have inadequate access to sufficient financial resources for appropriate legal assistance; includes set-aside for tribes, **Sponsors:** _____ **Contact:** Rob Valente, ABA Task Force on DV, 662-1737.

Subtitle G. Witness Protection for Victims of Domestic Violence - amends Federal Witness Protection statute to permit coverage of domestic violence victims, **Sponsors:** _____ **Contact:** Pam Coukos, NCADV, 544-7358.

TITLE V. Violence Against Women In The Military System

Subtitle A. Civilian Jurisdiction for Crimes of Sexual Assault and Domestic Violence - makes an employee or dependant of the military who commits an act while outside the United States that would be a punishable domestic violence or sexual assault offense if perpetrated within the United States, subject to the same punishment as if it had been committed in the United States, **Sponsors:** _____ **Contact:** Donna Edwards, NNEDV, 347-9520.

Subtitle B. Transitional Compensation Amendments - provides medical, mental health and dental care for dependents of former members of the uniformed forces during a transitional compensation period, **Sponsors:** _____ **Contact:** Donna Edwards, NNEDV, 347-9520.

TITLE VI. Preventing Violence Against Women in Underserved Communities

Subtitle A. Older Women's Protection From Violence - authorizes law school clinical programs on domestic violence against older women; training programs for law enforcement offices, social service and health providers on domestic violence against older women; community initiatives to combat domestic violence against older women; outreach programs targeted to older women who are victims of domestic violence; adds domestic violence service programs for older women to the Family Violence Prevention and Services Act, **Sponsors:** Sen. Durbin (D-IL) & Rep. Maloney (D-NY) **Contact:** Anne Marie Murphy, Durbin, 224-2152, Gail Ravnitzky, Maloney, 225-7944.

Subtitle B. Protection for Violence Against Disabled Women - ensures inclusion of women with disabilities in existing programs; provides for judicial training on issues of violence against women with disabilities; authorizes training program for social service and health care providers, research and technical assistance to service providers, **Sponsors:** _____ **Contact:** Curt Decker, NAPAS, 408-9514.

Subtitle C. Battered Immigrant Women - prevents changes in abuser's status from undermining victim's petitions; allows battered immigrants with approved self-petitions to safely obtain their lawful permanent resident status in the US; restores VAWA cancellation for otherwise qualified VAWA applicants who receive charging documents; offers derivative beneficiary status to children whose parents file VAWA suspension/cancellation applications; grants access to cancellation of removal for battered immigrant women whose spouses were bigamists, or whose citizen or lawful permanent resident fiancée brought them to the US on fiancée visas but refused to marry them within 90 days;

extends LSC exception to include use of private funding to represent any immigrant victim of domestic violence and authorized LSC funded programs to use Federal dollars to represent battered immigrants eligible for VAWA; grants access to VAWA for abused wives of military personnel; training for military officers, immigration judges, immigration officers and justice system personnel on domestic violence and the remedies available to battered immigrant women; extends access to elder immigrants abused by their adult son or daughter and to nonimmigrant visa holders; removes the requirement to prove extreme hardship for self-petitioners; eliminates the requirement that battered immigrants who entered the country after April 1, 1997 show that there was a substantial connection between their entry into the US and their abuse; waives the bar to a finding of "good moral character" in the case of an alien who qualifies for VAWA relief, but who has also committed a crime under duress from the batterer or committed an act of domestic violence in self-defense, **Sponsors:** _____ **Contact:** Leslye Orloff, AYUDA, 387-0434.

Subtitle D. Conforming Amendments to the Violence Against Women Act - amends the definitions of underserved populations in the Family Violence Prevention and Services Act and the Omnibus Crime Control and Law Enforcement Act in order to create consistent use of the term, **Sponsors:** _____ **Contact:** Pam Coukos, NCADV, 544-7358.

TITLE VII. Violence Against Women and the Workplace

Subtitle A. National Clearinghouse on Domestic Violence and Sexual Assault and the Workplace Grant - establishes clearinghouse and resource center to give information and assistance to employers and labor organizations in their efforts to develop and implement responses to assist victims of domestic violence and sexual assault, **Adapted from Bill Sponsored by:** Sen. Biden (D-DE) **Contact:** Jane Woodfin, Biden, 224-5042.

Subtitle B. Victims' Employment Rights - prohibits employers from taking adverse job actions against an employee because they are the victim of violent crime; **Sponsor:** _____ **Contact:** Julie Goldscheid, NOW LDEF, (212) 925-6635.

Subtitle C. Workplace Violence Against Women Prevention Tax Credit - provides tax credit to businesses implementing workplace safety programs to combat Violence Against Women, **Based on H.R. 1071, Sponsors:** Rep. Lowey (D-NY) **Contact:** Suzannah Baruch, 225-6506.

Subtitle D. Battered Women's Employment Protection - ensures eligibility for unemployment compensation to women separated from their jobs due to circumstances directly resulting from domestic violence; requires employers who already provide leave to employees to allow employees to use that leave for the purpose of dealing with domestic violence and its aftermath; allows women to use their family and medical leave or existing leave under state law or private benefits program to deal with domestic abuse, including going to the doctor for domestic violence injuries, seeking legal remedies, including court appearances, seeking orders of protection or meeting with a lawyer; provides for training of personnel involved in assessing unemployment claims based on domestic violence, **H.R. 851, S.367, Sponsors:** Rep. Roybal-Allard (D-CA), Sen. Wellstone (D-MN). **Contact:** Charlotte Oldham-Moore, Wellstone, 224-5641/Ellen Riddleberger, Roybal-Allard, 225-1766.

Subtitle E. Education and Training Grants to Promote Responses to Violence Against Women - authorizes grants for developing, testing, presenting and disseminating model programs to provide education and training to individuals who are likely to come in contact with victims of domestic violence and sexual assault in the course of their employment, including campus personnel, justice system professionals (including guardians ad litem, probation, parole and others), mental health professionals, clergy, and caseworkers, supervisors, administrators and administrative law judges involved in federal and state benefits programs, **Based on Bill Sponsored by:** Sen. Biden (D-DE) **Contact:** Jane Woodfin, 224-5042.

Subtitle F. Workers' Compensation - Sense of Congress that provides worker's compensation benefits should be provided to women that have been injured in the workplace, including full compensation for physical and non-physical injuries; and that women who survive crimes such as rape, domestic violence and sexual assault at work should be able to pursue other legal actions, based on the employers role in the workplace violence, **Sponsors:** _____ **Contact:** Julie Goldscheid, NOW LDEF, (212) 925-6635.

TITLE VIII. Educational Institutions and Violence Against Women

Subtitle A. Grants to Reduce Violent Crimes Against Women on Campus - authorizes collaborative grants for campus administrators, student organizations and victim services to improve their response to violence against women on campus and coordination with local criminal justice authorities; authorizes a study of campus procedures in case of report of a sexual assault, **Based on Bill Sponsored by:** Rep. Schumer (D-NY) (formerly "Law Enforcement and Campus Grants to Reduce Violent Crimes Against Women on Campus") **Contact:** Sarita Gupta, USSA, 347-8772.

Subtitle B. Student Safety - expands the category of people required to report crimes; requires statistics to be submitted to the Department of Education; requires dissemination of monthly reports listing non-identifying information on reported campus crimes, **Adapted from H.R. 715, Sponsors:** Rep. Schumer (D-NY) **Contact:** Kate Scheeler, Schumer, 225-6616.

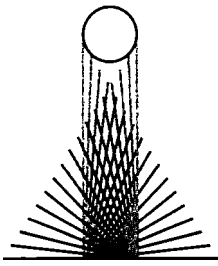
Subtitle C. Violence Against Women Training for Health Professions - amends Title VII and Title VIII of the Public Health Services Act to give priority in funding to medical schools and training programs that require students to be trained in identifying, treating and referring patients who are victims of domestic violence or sexual assault, **Adapted from S. 101, H.R. 884, Sponsors:** Sens. Boxer (D-CA) & Wyden (D-OR) and Rep. Morella (R-MD) **Contact:** Kate O'Malley, Boxer, 224-3553, Lindsay Rosenberg, Wyden, 224-5244 or Cindy Hall, Morella, 225-5341.

Subtitle D. Campus Hate Crimes Right to Know. Expands the federal reporting requirements of colleges and universities to cover all incidents of hate crimes, **S. 1493, Sponsor:** Sen. Torricelli (D-NJ) **Contact:** Stacy Rampy, 224-3224.

TITLE IX. Research on Violence Against Women

Directs the Attorney General and HHS to establish a multi-agency task force to coordinate research on violence against women; grants to support research on causes of violence against women and effectiveness of education, prevention and intervention programs; grants to address gaps in research on violence against women, particularly divorce and child custody cases where domestic violence is a factor and violence against women in underserved populations; mandates a study and report by the U.S. Sentencing Commission on sentences given in crimes of domestic violence; grants to conduct research on the experiences of women and girls in the healthcare, judicial and social services systems who become pregnant as a result of sexual assault; authorizes study and report on the uniformity of laws among states and their effectiveness in prosecuting rape and sexual assault offenses (this section **Sponsored by:** Rep. Schumer (D-NY) **Contact:** Andrea Williams, NOWLDEF, (212) 925-6635); directs HHS and DOJ to establish 3 research centers to develop and coordinate research on violence against women, **Sponsors:** _____ **Contact:** Donna Edwards, NNEDV, 202-347-9520.

For more information about the new Violence Against Women Act, contact Andrea Williams in the NY NOW LDEF office at (212) 925-6635, or Pat Reuss or Juley Fulcher in the Washington, D.C. office at (202) 544-4470. Compiled by Juley Fulcher and Jennifer Corrigan.



Violence Against Women Act of 1998 “VAWA II” — H.R. 3514

NOW LEGAL DEFENSE

AND EDUCATION FUND 119 CONSTITUTION AVENUE, N.E., WASHINGTON, D.C. 20002 (202) 544-4470 FAX (202) 546-8605

Violence Against Women Act of 1998: A Comprehensive Summary of the House bill Introduced on March 19, 1998

In 1994 Congress passed the Violence Against Women Act (VAWA I), an historic piece of federal legislation that contains a broad array of ground breaking laws to combat the epidemic of violence against women. Because of VAWA I, millions of dollars have gone out to the communities in each State which have allowed tremendous strides in the legal, social, health, and education responses to violence against women. Communities and States have been given the opportunity to work together to begin to solve the problem that no one agency, organization or endeavor could possibly solve alone. We have started down that road with hope and determination. However, the journey has just begun.

Despite VAWA I's success, legislators and advocates alike agree that there are many gaps in our laws which continue to leave women vulnerable to the adverse impact of violence in their lives. Therefore, at the invitation of VAWA I's key sponsors (Representatives John Conyers (D-MI), Charles Schumer (D-NY), Constance Morella (R-MD), and Senators Joseph Biden (D-DE) and Barbara Boxer (D-CA)) and in discussions with Congressional staffers (from the offices of Senators Joseph Biden, Barbara Boxer, John Breaux, Susan Collins, Thomas Daschle, Christopher Dodd, Richard Durbin, Diane Feinstein, Tom Harkin, Edward Kennedy, John Kerry, Mary Landrieu, Frank Lautenberg, Patrick Leahy, Carol Moseley-Braun, Patty Murray, John Rockefeller, Olympia Snowe, Arlen Specter, Robert Torricelli, Paul Wellstone, and Ron Wyden, and from the offices of Representatives John Conyers, Diana DeGette, Rosa DeLauro, Barney Frank, Elizabeth Furse, Nita Lowey, Carolyn Maloney, Bill McCollum, Constance Morella, Eleanor Holmes Norton, Nancy Pelosi, Lucille Roybal-Allard, Bernard Sanders, and Charles Schumer to name a few) the National Task Force on Violence Against Women surveyed its constituency. We collected a “needs assessment” from the field, established legislative drafting committees and created a second bill which continues the necessary work started under VAWA I. This second VAWA (“VAWA II”), in responding to the requests and information from the advocates and service providers, has nine titles which not only reauthorize our initial commitment set forth in VAWA I, but also address the impact of violence against women in the areas of custody and visitation, sexual assault prevention, program outreach to older and disabled women, as well as violence in the workplace and on campuses. Below is a brief synopsis of the provisions in each title.

“Why do we need a second bill?” “What’s new?” and “How much will it cost?” The first bill was only a beginning and we acknowledged it as such. If we are to break the cycle of violence, we must address every avenue and possible intervention point in our efforts at education, protection and prevention. New areas include outreach to older and disabled women,

targeted resources to address sexual assault more thoroughly, and involving campuses, employers and the workplace in our efforts to deal with and reduce the violence and its costly effects on the whole community. VAWA II authorizes \$3.9 billion over the next 5 years to eradicate violence from women's lives. Of that amount, the bulk (\$2.3 billion) reauthorizes VAWA I and \$1.6 billion is earmarked for new programs.

We trust that upon review of VAWA II's provisions, we can count on VAWA I's sponsors to add their support as an original cosponsor of this important piece of legislation which will continue the Congressional commitment to making our nation's schools, streets, homes and workplaces safe for women and children. We are also asking for organizational endorsements of VAWA II and will be circulating that list after the bill's introduction.

Title I - Continuing the Commitment of the Violence Against Women Act

VAWA I sent millions of dollars into each State to fund pivotal programs in an initial step toward eradicating violence from women's lives. Programs were initiated under VAWA I using the \$1.62 billion that was authorized. This start-up money has been crucial in the design and inception of rapidly expanding programs throughout the country. However, these programs were designed to expand their reach over time and the funding need continues to swell. The first title in VAWA II appropriately continues the commitment of the Violence Against Women's Act of 1994 by reauthorizing and expanding the important programs launched under the original act. The eleven subtitles reauthorize critical programs which established a national domestic violence hotline, provided grants to law enforcement and prosecution agencies, as well as funding for battered women's shelters, provided victim-witness counselors in federal prosecutions of sexual assault and domestic violence, and provided judicial training and prosecutorial assistance in child abuse matters. This title reauthorizes \$2.3 billion to ensure that the successful programs initiated under VAWA I thrive as they provide and augment their essential services.

Subtitle A - Law Enforcement and Prosecution Grants to Combat Violence Against Women

The current STOP grant formula in VAWA I authorizes funding to states, Indian tribes and local governments to improve law enforcement, prosecution and victim services in the cases of violent crimes against women, including domestic violence and sexual assault. It requires that grantees distribute at least 25% of their funding to each of the aforementioned areas. These grants have given each State the ammunition needed to develop an efficient, coordinated system to address violence against women in order to break the cycle of violence and make their State safe. VAWA II continues to arm the States by increasing the overall funding of STOP grants and amends the distribution formula to further develop a comprehensive and responsive system by ensuring the involvement of state court systems and domestic violence and sexual assault advocates in the planning and implementation of government programs. The new formula requires that grantees distribute 35% to

victim services, 20% each to prosecution and law enforcement, and 10% to state court systems, leaving 15% in discretionary funds with provisions to ensure that existing programs survive and thrive. VAWA II authorizes funding for the STOP grants program for fiscal years 2001 through 2003 (VAWA I authorized funding through FY 2000) by continuing to step up the annually authorized amount in FY 2001 in proportion to the funding steps in VAWA I, but then remaining constant at the FY 2001 level (\$185 million per year).

Subtitle B - National Domestic Violence Hotline

VAWA I authorized \$3 million over 6 years (through FY 2000) for the creation of a national domestic violence telephone hotline. Since the hotline opened on February 2, 1996, operators have assisted more than 188,000 callers. VAWA II continues this critical resource by reauthorizing this funding to keep the hotline in operation and includes provisions for additional oversight by requiring grantees to submit reports (for publication and public comment) regarding the use of the funds and other information. VAWA II authorizes an annual increase in funding for the hotline (from \$400,000 per year to \$1.2 million per year for fiscal years 1999 through 2003) in order to meet the financial needs of this resource providing more assistance than the promoters of VAWA I ever dared to hope.

Subtitle C - Battered Women's Shelters and Services

VAWA I authorized \$325 million for battered women's shelters through the year 2000. The shelters funded under VAWA I have provided safe harbor for many battered women and have helped these women to find a new life for themselves and their children free of violence. However, thousands of desperate women and children with no place to go are turned away from shelters every day because the shelters are already filled to capacity. VAWA II amends this provision to authorize \$1 billion for such shelters over the next five years to ensure that no women and children are left out in the cold. It also amends various provisions in the Family Violence Prevention and Services Act to provide grants for training, technical assistance, access to services and information, as well as model programs for underserved communities and additional oversight by the Secretary of Health and Human Services.

Subtitle D - Grants for Community Initiatives

VAWA I authorized \$10 million to non-profit local organizations to establish model programs on domestic violence intervention and prevention which were to be designed and implemented as a coordinated community effort. VAWA II continues this commitment with additional funding (incremental steps from \$8 million in FY 1999 to \$12 in FY 2003) and oversight by the Secretary of Health and Human Services.

Subtitle E - Education and Training for Judges and Court Personnel

VAWA I authorized \$600,000 for the State Justice Institute to award grants for the development, testing, presentation and dissemination of model programs for states and Indian tribes in training judges and court personnel in the laws of the state on rape, sexual assault, domestic violence and other crimes of violence motivated by the victim's gender. It also authorized \$500,000 for judicial education in the federal courts and \$200,000 for the Federal Judicial Center to include information on gender bias in the court educational programs and to gather and disseminate reports and materials. However, no funds were appropriated and the judges and court personnel have never received the benefit of this training program. VAWA II reauthorizes funding for federal and state judicial training on violence against women and adds training on domestic violence and child abuse in custody determinations, and increases funding to meet the training needs (\$1.5 million per year to state courts and \$500,000 per year to federal courts through FY 2003).

Subtitle F - Grants to Encourage Arrest Policies

VAWA I authorized \$120 million in funding stepped up annually through FY 1998 for grants to states, Indian tribes and local governments to implement mandatory arrest or proarrest programs, to improve the tracking of domestic violence cases, to increase the coordination among police, prosecutors and the judiciary in cases of domestic violence, to strengthen legal advocacy service programs for victims of domestic violence, and to educate judges about domestic violence. In an effort to build upon the success of these programs and to provide police and prosecutors with the much needed tools to combat violence against women, VAWA II reauthorizes and increases funding through FY 2003 (in annual step-ups significantly smaller than those in VAWA I) for implementation of proarrest policies in domestic violence cases, the coordination and computer tracking of cases to ensure communication among police, prosecution and the courts, and the strengthening of legal advocacy programs for victims. It also allocates 5% for tribes.

Subtitle G - Rural Domestic Violence and Child Abuse Enforcement

VAWA I authorized grants to rural states and localities and Indian tribes through FY 1998 to improve the prosecution of domestic violence and child abuse cases and to increase prevention strategies and victim services in these isolated areas so often lacking in resources. VAWA II reauthorizes and increases this funding through the year 2003, providing an additional \$10 million per year over the amount appropriated in FY 1998, and includes 5% for tribes.

Subtitle H - National Stalker and Domestic Violence Reduction

VAWA I authorized \$6 million through FY 1998 for access to federal crime databases by civil and criminal courts for use in domestic violence and stalking cases,

as well as the inclusion of stalking and domestic violence information in crime databases. VAWA II reauthorizes this funding with a slight annual increase over the amount authorized and appropriated in FY 1998 to \$3 million per year through the year 2003.

Subtitle I - Federal Victims' Counselors

VAWA I authorized federal victim-witness counselors to provide a crucial link between prosecutors and victims in the federal prosecution of sex crimes and domestic violence in federal jurisdictions such as the District of Columbia. VAWA II continues this funding to assist the federal prosecution of sex crimes and domestic violence crimes through the year 2003 at the same level appropriated in fiscal year 1998.

Subtitle J - Education and Prevention Grants to Reduce Sexual Abuse of Runaway, Homeless, and Street Youth

VAWA I provided grants to non-profits through fiscal year 1998 for street-based outreach and education, treatment, counseling, and referral of runaway and homeless youth who are being victimized by sexual abuse or are at risk of such victimization. VAWA II reauthorizes and increases this funding (from \$15 million in FY 1998 to \$22 million per year in fiscal years 1999 through 2003) for such street-based outreach to protect defenseless youth, mainly young women. It also includes additional oversight mechanisms to facilitate the dissemination of information to community-based programs about the projects funded, as well as the evaluation and replication of identified projects.

Subtitle K - Victims of Child Abuse Programs

VAWA I authorized \$50.3 million through the year 2000 for victims of child abuse, including money for advocates, judicial training and televised testimony. VAWA II reauthorizes funding for Court-Appointed Special Advocates working to protect the welfare of abused children by extending the program through the year 2003 and increasing the funding to \$12 million per year in fiscal years 2001 through 2003 (a step up from \$10 million in FY 2000). The training program on child abuse for judicial personnel and attorneys is extended through 2003 at the same funding level, as well as a program for closed-circuit televising and video taping of child testimony in order to avoid further victimization of children through confrontational, in-court testimony about the abuse (again, at the same funding level established in VAWA I). There are also additional oversight mechanisms requiring the Secretary of Health and Human Services to annually compile and disseminate information about the use of funds and projects funded.

Title II - Limiting the Effects of Violence on Children

Title II contains six subtitles which address the intersection of domestic violence and children, including child custody and visitation issues as they relates to violence against women. The title provides funding for child-parent visitation centers and training in domestic violence and sexual assault for child protective workers and judges. It also includes a provision that amends the Parental Kidnaping Prevention Act to allow judges to consider domestic violence when reviewing the custody decisions of judges from other states, as well as a resolution calling for a presumption against joint custody when there is evidence of domestic violence or child abuse. This title will direct more than \$500 million dollars toward new programs to protect children from the effects of physical and sexual violence in there lives.

Subtitle A - Safe Havens for Children

Current law provides the Secretary of Health and Human Services with discretionary authority to fund limited supervised visitation programs. There are presently no statutory standards or specified authorizations for these programs. VAWA II authorizes \$475 million over the next 5 years for the Attorney General to make grants available to both public agencies and private nonprofit organizations to establish and operate supervised visitation centers. 50% of the funds must go to nonprofits. 5% of the funds must go to tribal entities. Considerations for awarding grants include the number of families served, the extent of service to underserved communities, the extent of collaboration with domestic violence programs, sexual assault programs and local court systems, and also implementation of domestic violence and sexual assault training for employees. Programs are to target economically disadvantaged individuals and individuals are to use the services on a sliding scale basis. Income determinations for a non-abusive parent shall not include the income of the abuser. Potential grantees must demonstrate expertise in domestic violence/sexual assault and must have adequate security measures, including facilities, procedures and personnel capable of preventing violence. There are also provisions for reporting and data collection.

Subtitle B - Violence Against Women Prevention Among Youth

Under VAWA II the Secretary of Education has the authority to make grants in consultation with the Secretary of Health and Human Services to address prevention strategies about violence against girls and women among youth in schools. The purpose is to develop, adapt, implement and disseminate educational curricula and materials on violence against girls and women, including training for school personnel. It requires consultation and collaboration with experts on violence against women and girls from the educational, legal, cultural competence, youth and victim advocacy fields, including domestic violence and sexual assault programs and community-based youth organizations. The Secretary of Education shall study and report on screening and referral policies for children in schools who may be

experiencing and/or witnessing violence. The Secretary shall also study and report on the link between the victimization of girls and their perpetration of crimes.

Subtitle C - Family Safety

Defense to Criminal Custodial Interference

The existing law makes it a federal crime to cross state lines to avoid prosecution for a state felony charge. The 1980 Parental Kidnaping Prevention Act ("PKPA") clarified that this statute applies to parents crossing state lines with children to flee a state felony custodial interference or parental abduction charge. VAWA II makes the PKPA consistent with the International Parental Kidnaping Prevention Act by ensuring that a parent fleeing domestic violence or to protect the child from sexual assault, should have an affirmative defense to a charge under this statute. It asks the Attorney General to issue guidance to the F.B.I. and the U.S. Attorneys to assist them in deciding when to decline to initiate or to terminate an investigation when there is evidence that a parent is fleeing for the protection of the parent or child.

Full Faith and Credit Given to Child Custody Determinations (Civil PKPA Amendments)

This civil component of the PKPA provides the rules under which state courts decide which state has jurisdiction over a child custody determination. Any determination consistent with the PKPA is entitled to full faith and credit in every state. In addition, the Uniform Law Commissioners have just issued a new uniform state law, the Uniform Child Custody Jurisdiction Enforcement Act ("UCCJEA"), to address this issue. VAWA II amends the PKPA emergency jurisdiction provision to conform more closely to the UCCJEA, and to ensure that a court can take emergency jurisdiction to protect a parent or a sibling of a child, not just to protect the child, from abuse. Abuse is specified to include acts of domestic violence. It allows jurisdiction in the flight state when a child has been living in the flight state for at least two years after relocation due to domestic violence or sexual abuse, provided the new state has personal jurisdiction over all parties. It permits a court, in its discretion, to decline jurisdiction on behalf of a parent who has perpetrated domestic violence if a court of another State has emergency jurisdiction. It permits a court, in its discretion, to decline jurisdiction on the basis of "unclean hands."

Subtitle D - Domestic Violence and Children (Sense of Congress)

At present, state laws vary widely regarding when domestic violence is an exception to joint custody, and what the procedures are for addressing domestic violence and sexual abuse in the context of custody, visitation, child protection and other proceedings. The VAWA II Sense of Congress favors a presumption of custody for the primary care giver. It states that it is not the best interest of children to force parents to share custody when there is a history of domestic violence. It says that States should not presume allegations of domestic violence or sexual assault made

during divorce or custody proceedings are false, should fully and fairly investigate allegations of child abuse or sexual abuse, and should not punish abused or protective parents seeking to protect themselves or their children. States should not order mediation, couples counseling, mutual orders of protection or unsupervised visitation when it could harm the parent or the child. States should provide training in domestic violence and sexual abuse to all professionals who interact with parents and children.

Subtitle E - Child Welfare Worker Training on Domestic Violence and Sexual Assault

This subtitle will provide demonstration grants to child welfare agencies to collaborate with community-based domestic violence and sexual assault programs in improving the policies and procedures of the agencies when issues of family violence are involved and in providing training to child welfare workers on domestic violence and sexual assault and how they impact on the welfare of children.

Subtitle F - Child Abuse Accountability

Current law allows attachment of a federal pension for satisfaction of a child abuse tort judgment. But It only allows attachment of a private pension within the context of certain limited family law issues such as divorce. VAWA II makes child-abusers accountable for their actions by permitting the attachment of a private pension to satisfy a tort judgment in a child abuse case.

Title III - Sexual Assault Prevention

Title III contains three subtitles on sexual assault prevention and a subtitle on hate crimes prevention. This title establishes a national resource center on sexual assault, a national commission to evaluate existing standards of training and practice for sexual assault examinations, prohibits individuals who have been found guilty or civilly liable for sexual misconduct from becoming staff in corrections facilities and the Hate Crimes Prevention Act, which amends already existing hate crime legislation to allow federal prosecution for violent bias crimes based on gender, disability and sexual orientation. In the wake of the many successful programs designed to address domestic violence in VAWA I, this subtitle will direct \$500 million toward sexual assault prevention in an effort to achieve the same kind of successes seen in domestic violence prevention under VAWA I.

Subtitle A - Rape Prevention Education

This provision will be a new addition to Title III of the Public Service Act. It allows States to assist rape crisis centers and non-profit State sexual assault coalitions to conduct rape prevention and education. It also establishes a national resource center on sexual assault and mandates that at least 25% of the funds be devoted to educational programs for youth and 15% of the funds as grants to State

sexual assault coalitions to address public health issues.

Subtitle B - Standards, Practice and Training for Sexual Assault Examinations

This is a new provision which authorizes the Attorney General, in conjunction with field experts, to examine standards of training and practice for licensed health care professionals that perform forensic sexual assault exams, to recommend appropriate training for all health care students, to review existing protocols for forensic examinations, and to develop a recommended national protocol for nationwide dissemination.

Subtitle C - Prevention of Custodial Sexual Assault by Correctional Staff

This subtitle authorizes the Attorney General to establish guidelines for the States regarding the prevention of custodial sexual misconduct by correctional staff in State and federal prisons. It prohibits sexual misconduct of correctional officers against prisoners. It prohibits individuals who have been convicted of or found civilly liable for sexual misconduct from becoming correctional staff. It also imposes penalties for States' failure to implement guidelines and/or impose and enforce criminal penalties.

Subtitle D - Hate Crimes Prevention

Current law provides only for the prosecution of federal hate crimes on the basis of race, ethnicity, religion or national origin. VAWA II amends the federal hate crimes statute to permit federal prosecution for violent bias crimes based on gender, sexual orientation, and disability and expands the circumstances where a federal hate crimes prosecution can be brought. It also authorizes a commission to study the issue of adult recruitment of juveniles to commit hate crimes, and to amend the Federal sentencing guidelines to enhance the sentencing of adult defendants who recruit juveniles to assist in the commission of such crimes. Funds are made available for additional FBI and law enforcement personnel to assist in state and local law enforcement.

Title IV - Domestic Violence Prevention

There are seven subtitles which make available Section 8 housing certificates for victims of domestic violence, reduce Byrne grants to law enforcement in states that fail to comply with the 1994 Act's requirement that states give full faith and credit to the protective orders of other states, prohibit discrimination in issuing and administering insurance policies to victims of domestic violence and prohibit the sale of firearms to people who are clearly intoxicated. This title directs more than \$250 million to new programs to assist and protect victims of domestic violence.

Subtitle A - Domestic Violence Victims' Housing

This provision was adapted from H.R. 871/S. 1128 and it increases by \$50 million over the next five years the budget authority under the United States Housing Act of 1937. It makes available Section 8 housing certificates for families victimized by domestic violence who have left or are leaving a residence as a result of the violence, thus providing victims of domestic violence another avenue of escape from an abusive relationship. Only public housing agencies and qualified nonprofit organizations are eligible. Allocations are made on the basis of a national competition demonstrating the need for such assistance, including service to underserved communities. At least 25% of the grants shall go to qualified nonprofit organizations.

Subtitle B - Full Faith and Credit for Protection Orders

This section was adopted from H.R. 935/S. 666 and it reduces Byrne grants to law enforcement by 10% for failing to comply with the 1994 VAWA's full faith and credit provisions. It authorizes the Attorney General to provide grants to law enforcement in order to improve enforcement and record keeping. It also amends the full faith and credit statute to provide guidance on registration and notification issues as well as to clarify coverage of custody provisions in protection orders.

Subtitle C - Victims of Abuse Insurance Protection

The purpose of this bill is to halt the insurance practice of using domestic violence as a basis to deny coverage. It provides a comprehensive approach to prohibit discrimination against victims in all types of insurance. It also provides critical confidentiality protections for victims so that abuse-related information is not transferred among insurers and through data networks and prohibits disclosure of information about the location of a victim of abuse in order to protect the safety of a fleeing victim. It extends its nondiscrimination, confidentiality and other provisions to third parties in a relationship with a victim. Insurers are required to develop and adhere to written policies which protect the safety and privacy of a victim of abuse. They are also required to advise a victim of abuse, in writing, of any adverse action relating to any plan or policy of the victim. There are dual enforcement mechanisms-- both an administrative enforcement mechanism through the Federal Trade Commission and a private right of action.

Subtitle D - National Summit on Sports and Violence

This is a Sense of Congress for a national summit of sports, community and media leaders with expertise in anti-violence advocacy and youth advocacy and other governmental and community leaders with related expertise to develop a multifaceted plan to deter acts of violence against women. A plan of action would be designed to encourage, emphasize and promote those values which promote a sports culture which discourages acts of sexual and domestic violence.

Subtitle E - Keeping Firearms From Intoxicated Persons

This subtitle amends the 18 U.S.C. §922(d) and §922(s)(3)(B) to include intoxication in the list of grounds for prohibiting the sale of firearms.

Subtitle F - Access to Safety and Advocacy

This is a new proposal which authorizes grants to provide legal assistance, lay advocacy and referral services to victims of domestic violence who have inadequate access to sufficient financial resources for the appropriate legal assistance needed to secure the safety of victims and their children. Eligible grantees would include domestic violence programs, State, tribal and local bar associations, law school clinical programs, nonprofit legal services, court-based *pro se* programs, domestic violence legal information and referral services and hotlines, State coalitions of domestic violence programs and tribal organizations. Of the \$182 million authorized over the next five years, 45% of the funds will be allocated to projects that provide direct representation. At least 5% will be used for grants to tribes and tribal organizations. No more than 15% shall be awarded for technical assistance and training initiatives. No more than 5% shall be awarded for both evaluation and administration costs. Applicants are required to identify a maximum 20% actual or in-kind match for any funds awarded.

Subtitle G - Federal Witness Protection for Victims of Domestic Violence

This is a new section which amends the Federal Witness Protection statute to permit coverage of domestic violence victims.

Title V - Violence Against Women in the Military System

This title contains two provision to address domestic violence and sexual assault which occurs outside of the jurisdiction of the United States.

Subtitle A - Civilian Jurisdiction for Crimes of Sexual Assault and Domestic Violence

This subtitle makes an employee or dependant of the military who commits an act of violence while outside the United States accountable for their actions, even if the foreign jurisdiction fails to prosecute the crime. An act by the employee or dependent that would be a punishable domestic violence or sexual assault offense if perpetrated within the United States is subject to the same punishment as if it had been committed in the United States. The provision grants concurrent jurisdiction to the appropriate military tribunals and prohibits U.S. prosecution if the foreign government, in accordance with jurisdiction recognized by the United States, is prosecuting the domestic violence or sexual assault offense (except upon approval of the Attorney General.) There are also provisions on arrest, release, and the transmission of military justice information and DNA specimens to the F.B.I. upon a

member's separation from the military.

Subtitle B - Transitional Compensation and Health Care for Abused Dependents of Members of the Armed Forces

This amends 10 U.S.C. 1076 to provide medical, mental health and dental care to abused dependents of former members of the uniformed forces during a transitional compensation period.

Title VI - Preventing Violence Against Women in Underserved Communities

This title is an effort to assist those women who are often without access to effective services and remedies to violence. It contains four subtitles which authorize training for social service providers and law enforcement officers to target violence against older women and disabled women. It also includes provisions designed to restore the protections provided to battered immigrant women under VAWA I which have been eroded by recent immigration legislation. This title authorizes \$150 million to fund programs to assist victims of violence in underserved communities.

Subtitle A - Older Women's Protection From Violence

This bill adds a new section to VAWA I on "Elder Abuse, Neglect and Exploitation, Including Domestic Violence and Sexual Assault Against Older Individuals." It authorizes grants to law school clinical programs addressing elder abuse, domestic violence and sexual assault against older women, training programs for law enforcement offices, social service and health providers on domestic violence against older women, community initiatives to combat domestic violence against older women, and outreach programs targeted to older women who are victims of domestic violence. It also amends various provisions of VAWA I regarding domestic violence grants, programs, model demonstrations and human service entities funding and programs for older women.

Subtitle B - Protection for Violence Against Disabled Women

This section ensures the inclusion of women with disabilities in existing programs to educate victim services, law enforcement personnel and employees of the criminal justice system, including judges, prosecutors and court personnel, about the special issues that arise when women with disabilities are the victims of abuse. It also provides for research and data collection on violence against women with disabilities, creates grants for technical assistance to victims' services and battered women's shelters on inexpensive ways to comply with the Americans with Disabilities Act, and authorizes the development of programs to train health professionals and social workers on how to identify and respond to the signs of abuse of disabled women.

Subtitle C - Battered Immigrant Women

VAWA I made great strides in ensuring that battered immigrant women receive protection from their batterers. However, the recent reforms of immigration law had the unfortunate effect of eroding many of the protections that Congress put in place for battered immigrant women in VAWA I. This subtitle contains provisions which amend VAWA I and/or establish new provisions to restore the original spirit of VAWA I and protect battered immigrant women.

The amendments to VAWA I are designed to correct problems in current law which result in unfair outcomes for certain limited categories of otherwise qualified VAWA applicants and their children, such as: authorizing children as derivatives in VAWA cancellation applications; allowing VAWA self-petitioners to benefit from a change in abusers' immigration status; preventing harm from changes in abuser's status, exempting fiancées from conditional residency requirement; removing time limits for filing motions to reopen; providing access to INS information about abusers' status; and encouraging prosecutors' cooperation in providing information about abuser's status.

Other provisions remove barriers (including newly created legal barriers) to battered immigrant cooperation in the prosecution of their abusers who are U.S. citizens or lawful permanent residents. For example, VAWA self-petitioners will be able to obtain immigrant status while remaining in the U.S. and access to VAWA suspension and cancellation hearings could be restored for battered women who received notices to appear from INS prior to their 3 years minimum residency in U.S. It would also exempt battered immigrants from inadmissibility for prior deportation, clarify exemptions from inadmissibility for unlawfully present victims, delete new requirements for a substantial connection between abuse and unlawful immigration status, and provide a waiver for students who violated visa terms due to abuse.

Some of the new provisions improve the ability of VAWA self-petitioners and cancellation applicants to flee abuse and survive economically. The definitions of "family member" in immigration law is made consistent with definitions of "family member" used in the VAWA and State domestic violence statutes. In addition, there is a public charge exception for self-petitioners, as well as access to naturalization for divorced victims of abuse, and access to legal services program assistance for those who qualify under immigration law or state protection order statutes.

VAWA II removes the extreme hardship requirement for VAWA self-petitioners who are the spouses and children of U.S. citizens and lawful permanent residents who would otherwise be the beneficiaries of regular family-based petitions had their abusers not used their immigration status as a weapon and means of control. Rather than prove extreme hardship, a battered immigrant woman would prove that she entered into a good faith marriage with a U.S. citizen or lawful permanent resident, that she was abused, and that she is a person of good moral character.

The categories of needy battered immigrants whose protection is consistent with the goals under VAWA is expanded to include access to VAWA self-petitioning and exemption from residency requirements for spouses and children of U.S. citizens and lawful permanent resident members of the armed forces, self-petitioning and cancellation for battered immigrant women and children who file within five years of divorce, cancellation of removal for battered spouses of bigamists, and cancellation of removal for battered spouses and children of non-immigrant visa holders. Battered spouses unwittingly in bigamist situations or who were brought to the U.S. on a fiancé visas where their abusers failed to marry them, would also be allowed to self-petition for themselves and their children.

Already existing STOP grant funding would be available to train INS and asylum officers, immigration judges, civil and criminal court justice system personnel, state and federal, as well as supervisors in the armed forces on the complicated implications of the immigration reform laws on VAWA applicants.

Finally, the bill clarifies that police, judges, and prosecutors are not required to inquire into or report the immigration status of a crime victim, thus encouraging domestic violence victims to come forward despite their immigration status. It also grants the Attorney General the discretion to evaluate whether an applicant is otherwise eligible for protection under VAWA and the authority to waive inadmissibility barriers for humanitarian reasons on a case by case basis. For example, the Attorney General could grant waivers to battered immigrant women who otherwise qualify for VAWA but have criminal convictions for offenses associated with domestic violence where untrained officers made dual arrests or failed to investigate self-defense issues.

Subtitle D. Conforming Amendments to the Violence Against Women Act

This subtitle amends the definitions of underserved populations throughout the Family Violence Prevention and Services Act and the Omnibus Crime Control and Law Enforcement Act in order to create consistent use of the term.

Title VII - Violence Against Women and the Workplace

There are six subtitles addressing the role of the workplace in safeguarding all workers from crimes of domestic violence, rape and sexual assault, and in promoting the financial security of women victimized by violence, thus making the workplace a partner in the effort to eliminate violence against women. It authorizes more than \$50 million to create programs to do this. The title establishes a national workplace clearing house on domestic violence and sexual assault. It also prohibits employers from taking adverse job actions against an employee based on their status as a victim of crime. Additional sections ensure eligibility for unemployment to women separated from their jobs due to circumstances directly resulting from domestic violence and require employers to provide leave to employees for the purpose of dealing with domestic violence and its aftermath. There is also a provision for a tax credit to

businesses that implement workplace safety measures and another which makes grants available for developing model programs for education and training on violence and the workplace.

Subtitle A - National Clearinghouse on Domestic Violence and Sexual Assault and the Workplace Grant

This subtitle authorizes a grant to a private, non-profit entity for the establishment and operation of a national clearinghouse and resource center on the intersection of violence against women and the workplace. Potential grantees must have nationally recognized expertise in and commitment to domestic violence and sexual assault, provide matching funds from non-Federal sources for at least 10% of the total grant, and submit an outreach plan.

Subtitle B - Victims' Employment Rights Act ("VERA")

This subtitle authorizes Congress to prohibit employers from taking adverse job actions against victims of crime on account of their status or experience as crime victims. Thus, women struggling to end an abusive relationship or suffering the aftermath of an incident of sexual assault or domestic violence will be provided with job protection to promote economic security during their time of crisis. Recoverable damages include wages, salary, benefits, punitive damages, job restoration, and other equitable relief. The employee must exhaust her administrative remedies under Title VII before pursuing a claim under VERA. Employer defenses include extraordinary threats to workplace safety, impairment of essential job functions, and undue hardship.

Subtitle C - Workplace Violence Against Women Prevention Tax Credit

This provision makes a tax credit available to employers for up to 40% of the costs incurred for implementing workplace safety programs to combat violence against women. The credit can neither be combined with other credits nor applied to business credits for any taxable year prior to the enactment of this bill. Use of the credit is not a defense in legal actions other than those taken by the Secretary of the Treasury under the Internal Revenue Code.

Subtitle D - Battered Women's Employment Protection

This provision amends various sections of the Internal Revenue Code of 1983, the Family and Medical Leave Act of 1993, and the Social Security Act to ensure eligibility for unemployment compensation to women separated from their jobs due to circumstances directly resulting from domestic violence. It requires employers who already provide leave to employees to allow employees to use that leave for the purpose of dealing with domestic violence and its aftermath. It allows women to use their family and medical leave or existing leave under state law or private benefits

program to deal with domestic abuse, including going to the doctor for domestic violence injuries, seeking legal remedies, including court appearances, seeking orders of protection or meeting with a lawyer. The bill also provides training for personnel involved in assessing unemployment claims based on domestic violence.

Subtitle E - Education and Training Grants to Promote Responses to Violence Against Women

This provision authorizes grants to public and private nonprofit nongovernmental entities to develop and disseminate model education and training programs for personnel likely to come into contact with victims of domestic violence or sexual assault due to their employment responsibilities, including campus personnel, social services employees, justice system professionals, clergy and health care professionals.

Subtitle F - Workers' Compensation

This is a Sense of Congress which states that workers' compensation benefits should be provided to women who have been injured in the workplace. It encourages compensation for physical and non-physical injuries, as well as the right for women who survive crimes such as rape, domestic violence and sexual assault at work to pursue other legal actions based on the employer's role in the workplace violence.

Title VIII - Educational Institutions and Violence Against Women

This title is directed at combating violence against women in coordination with educational institutions. The four subtitles include grants to reduce violent crimes against women on college campuses, the expansion of the category of people required to report crimes on campuses, and priority in funding to medical schools and training programs that require students to be trained in the identification and treatment of domestic violence and sexual assault. The title authorizes \$50 million to implement these programs.

Subtitle A - Grants to Reduce Violent Crimes Against Women on Campus

This subtitle provides grants to colleges and universities for the purpose of developing and strengthening security, investigation and victim services as they relate to violent crime against women on campuses. Grants can be used for personnel training, technical assistance, and data collection with a focus on coordinating efforts between campus administrators, campus security personnel and local law enforcement. It also authorizes the Secretary of Education to conduct a national baseline study to examine college and university procedures upon receiving a report of sexual assault.

Subtitle B - Student Safety

This provision amends various sections of the Higher Education Act related to campus crime reporting, data collection, crime logs, record keeping, and program participation requirements. It expands the persons from whom reports of campus crimes would be obtained for the purpose of data collection to include reports made to resident assistants, athletic officials, deans and other campus officials likely to receive reports of criminal activity. It also expands the types of crimes to be reported to include non-negligent manslaughter, negligent manslaughter, sexual assault as defined under Omnibus Crime Control Act, larceny, and hate crimes. In addition, it requires annual submission and publication of campus crime statistics and directs institutions to designate an official to be responsible for data collection, coordination and dissemination. The bill mandates the use of chronological logs to track all crimes reported to the police or campus security and requires monthly dissemination of crime reports through student networks absent any identifying information about the victim or perpetrator. It excludes from confidential records information regarding an individual's participation in or commission of criminal activity while a student, findings of campus disciplinary proceedings, imposition of sanctions, findings of guilt for criminal misconduct and criminal acts required to be reported under 20 U.S.C. §1092(f). An annual report identifying model campus safety programs which comply with new requirement is to be published and disseminated.

Subtitle C - Violence Training for Health Professions

This subtitle allows preferences in making awards of grants or contracts to health profession institutions which require significant training in identification of victims of domestic violence and sexual assault and referral to victim services if desired by the victim. It authorizes Congress to issue a report on the training programs of those institutions receiving preferences.

Subtitle D - Campus Hate Crimes Right to Know

This provision requires institutions to prepare, publish and distribute statistics of all criminal incidents of hate crimes based on race, gender, religion, sexual orientation, ethnicity, or disability that are reported to campus security or local police agencies.

Title IX - Violence Against Women Intervention, Prevention, and Education

The final title is a research component. VAWA I directed the National Research Council to develop a research agenda to help reduce violence against women. VAWA II carries out that agenda and addresses other research issues identified by advocates from the field and authorizes more than \$42 million to do so. It authorizes the following research initiatives: 1) the establishment of a multi-agency task force to coordinate research on violence against women; 2) grants for research to further understand the

causes of violent behavior against women; 3) grants for research on violence against women with an emphasis on underserved communities; 4) grants for the collection of data on the experiences of women and girls who become pregnant as a result of sexual assault within State health care, judicial and social services systems; 5) a national study to examine the status of the law with respect to rape and sexual assault offenses, and; 6) the establishment of three research centers to support the development of research and training programs which focus on violence against women.

For more information about the Violence Against Women Act of 1998, contact Andrea Williams in the NY NOW LDEF office at (212) 925-6635, or Pat Reuss or Juley Fulcher in the Washington, D.C. office at (202) 544-4470. Compiled by Andrea Williams and Juley Fulcher.

The Hate Crimes Task Force

HATE CRIMES PREVENTION ACT of 1998

Violence Against Women Act of 1998

“VAWA II” — H.R. 3514

Title III - Subtitle D

S. 1529: Senators Kennedy (D-MA), Specter (R- PA) and Wyden (D-OR)

H.R. 3081: Representatives Schumer (D-NY) and McCollum (R-FL)

Section 245 of Title 18 U.S. Code is one of the primary federal statutes used to combat racial and religious bias-motivated violence. The current statute prohibits intentional interference by force or threat of force with the enjoyment of a federal right or benefit, such as voting, going to school or employment, on the basis of race, color, religion or national origin. Under the current statute, the government must prove that the crime occurred because of a person’s membership in a protected group, such as race or religion, *and* because he/she was enjoying a federally-protected activity.

In its current form, the statute leaves federal prosecutors powerless to intervene in bias-motivated crimes when they cannot establish the victim’s involvement in a federally-protected activity. Nor can federal authorities step in and act upon cases involving death or serious bodily injury based on sexual orientation, gender or disability-based bias when local law enforcement is not available. While states continue to play the primary role in the prosecution of bias-motivated violence, the federal government must have jurisdiction to address those limited cases in which local authorities are either unable or unwilling to investigate and prosecute.

The HCPA would amend 18 U.S.C. §245 in two ways:

- Provide new authority for federal officials to investigate and prosecute cases in which the bias violence occurs because of the victim’s real or perceived sexual orientation, gender or disability.
- Remove the overly-restrictive obstacles to federal involvement by permitting prosecutions without having to prove that the victim was attacked because he/she was engaged in a federally-protected activity.

18 U.S.C. §245 should be updated to parallel the Hate Crimes Sentencing Enhancement Act

The Hate Crimes Sentencing Enhancement Act was included in the Violent Crime Control and Law Enforcement Act of 1994. In that law, a hate crime was defined as “a crime in which the defendant intentionally selects a victim...because of the actual or perceived race, color, religion, national origin, ethnicity, gender, disability or sexual orientation of any person.” Updating §245 would help bring uniformity to federal criminal hate crimes statutes.

Selective federal enforcement will assure effective use of federal resources

- Prosecutions under 18 U.S.C. §245 can only be brought if a crime is certified, in writing, by the Attorney General or her designee that an individual prosecution would be “in the public interest and necessary to secure substantial justice.”
- Justice Department prosecutors have historically used 18 U.S.C. §245 to prosecute hate crimes only in limited circumstances. Since its enactment in 1969, there have never been more than 10 indictments brought under §245 in any year.
- The HCPA would limit the federal government’s jurisdiction to only the most serious crimes.

Existing state laws are inadequate

Only twenty states include sexual orientation-based crimes in their hate crimes statutes, eighteen states include gender-based crimes, and twenty states include coverage for disability-based crimes.

***For more information, contact: Michael Lieberman, Anti-Defamation League, 1100 CT Ave, #1020, WDC 20036
(202) 452-8310 fax: (202) 296-2371.***

The Hate Crimes Prevention Act of 1998 is supported by the President, the Department of Justice and a broad range of national membership organizations.

Organizations that endorse this important legislative initiative include:

African-American Women's Clergy Association	National Asian Pacific American Legal Consortium
American Association of University Women	National Association of Commissions for Women
American Citizens for Justice	National Association of Protection & Advocacy Systems
American Ethical Union, Washington Office	National Black Women's Health Project
American Federation of Government Employees	National Coalition Against Domestic Violence
American Foundation for the Blind	National Coalition of Anti-Violence Programs
Americans for Democratic Action	National Congress of American Indians
American Friends Service Committee	National Council of Churches of Christ in the USA
American Jewish Committee	National Council of Jewish Women
American Jewish Congress	National Council of LaRaza
American Nurses Association	National Education Association
American Psychological Association	National Gay and Lesbian Task Force
Americans for Democratic Action	National Jewish Democratic Council
And Justice For All	National Mental Health Association
Anti-Defamation League	National Parent Network on Disabilities
Aplastic Anemia Foundation of America, Inc.	National Respite Network
Asian American Legal Defense & Education Fund	National Spinal Cord Injury Association
Asian Law Caucus	National Women's Law Center
Asian Pacific American Labor Alliance	NOW - National Organization for Women
Asian Pacific American Legal Center	NOW Legal Defense & Education Fund
AYUDA	Organization of Chinese Americans
Bi-Net	People For the American Way
Business and Professional Women, USA	Presbyterian Church (USA), Washington Office
Catholics for Free Choice	Service Employees International Union, AFL-CIO
Center for Democratic Renewal	Society for the Psychological Study of Social Issues
Center for Women Policy Studies	Southeast Asia Resource Action Center
Chinese Americans Citizens Alliance	Transgender Officers Protect and Serve
Church Women United	Union of American Hebrew Congregations
Disability Rights Education and Defense Fund	Union of Needletrades, Industrial & Textile Employees (UNITE)
Federally Employed Women	Unitarian Universalist Association
Gender Public Advocacy Coalition	United Church of Christ - Office of Church in Society
General Federation of Women's Clubs	United Methodist Church
Hadassah	United States Conference of Mayors
Hispanic National Law Enforcement Association	United States Student Association
Human Rights Campaign	The Woman Activist Fund, Inc.
Japanese American Citizens League	Women of Reform Judaism, Federation of Temple Sisterhoods
Jewish Council for Public Affairs	Women's Legal Defense Fund
Jewish War Veterans of the USA	Women Work!
Jewish Women International	YWCA
Labor Council for Latin American Advancement	
Learning Disabilities Association of America	
MALDEF - Mexican American Legal Defense & Education Fund	
MANA - A National Latina Organization	
NA'AMAT USA	
NAACP	
NAACP Legal Defense Fund, Inc.	

To add your group to this list, call Kris Pratt at the Human Rights Campaign, (202) 628-4160.

Consortium for Citizens with Disabilities

THE PROBLEM: Special issues arise when women with disabilities are the victims of abuse or violence, particularly if the abuser is someone close to them. Service providers and workers in the criminal justice system are often unaware of the unique issues facing women with disabilities and do not adequately identify and address such issues.

THE SOLUTION: Amend the Violence Against Women Act of 1994 ("VAWA '94") to focus attention on the needs of women with disabilities and to protect such women from violence and abuse.

- ◆ ***Educate law enforcement personnel and employees of the criminal justice system about the special issues that arise when women with disabilities are the victims of abuse and violence.*** Current law already encourages programs to educate police, prosecutors, judges, court personnel and victim services about domestic violence and sexual assault. This amendment would add to the lists of issues that should be addressed in these programs the special issues that arise when victims of violence have disabilities.
- ◆ ***Provide for research and data collection on violence against women with disabilities.*** The lack of complete and accurate information concerning violence against women with disabilities makes it a more difficult problem to solve. Studies must be done about the frequency and nature of abuse and violence against this highly vulnerable segment of the population. Research should include studies of women with disabilities in institutions and group homes.
- ◆ ***Create grants for technical assistance programs that provide information on how to comply with current law.*** The amendment would provide funding for groups to compile information on what is required under the Americans with Disabilities Act. This information would be sent to victims' services, battered women's shelters, and other facilities, along with suggestions on inexpensive ways to come into compliance.
- ◆ ***Authorize the development of programs to train health professionals, health service providers and social workers on how to identify and respond to the signs of abuse and violence.*** Under this bill, doctors, nurses, physician assistants, protective services workers and others who come into regular contact with women with disabilities would receive special training on the particular forms of abuse and violence that affect women with disabilities.

TITLE VI - PREVENTING VIOLENCE AGAINST WOMEN IN TRADITIONALLY UNDERSERVED COMMUNITIES
SUBTITLE B -- PROTECTION AGAINST VIOLENCE AND ABUSE FOR WOMEN WITH DISABILITIES

VAWA II Title/Subtitle	VAWA Section	VAWA Subsection	Current Law Cite	Summary of Current Law	Summary of VAWA 1998
Title VI - Preventing Violence Against Women in Traditionally Underserved Communities Subtitle B - Protection Against Violence and Abuse for Women With Disabilities	Sec. 611. Short Title				Subtitle is the "Protection Against Violence and Abuse for Women With Disabilities."
	Sec. 612 Findings				Women with disabilities are more likely to be victims of violence than women without disabilities because of their increased dependence on others. Violence and abuse against women with disabilities takes on many forms including withholding of equipment, medication, transportation or personal care assistance. Law enforcement and legal or victim services are often not equipped or trained effectively to identify or respond to abuse or violence against women with disabilities.
	Sec. 613 Omnibus Crime Control and Safe Streets Act		42 USC 3796gg(b)(5)	Establishes as the general purpose of grants to states: to develop or strengthen victim services programs and reporting of violent crimes against women, including crimes of sexual assault and domestic violence.	Adds to stated purposes of grants: reporting of forms of domestic violence, "and abuse particularly suffered by women with disabilities."
	Sec. 614 Public Health and Human Services Act		42 USC 300-w-10(a)(5)	Establishes block grants to states to increase awareness of, and to help prevent rape and sexual assault in underserved racial, ethnic, and language minority communities.	Adds "persons with disabilities," to the list of underserved communities.
	Sec. 615 Family Violence Prevention and Services Act		42 USC 10418(b)(2)	Provides grants to non-profit community organizations to help prevent domestic violence.	Includes "groups that provide services or advocate on behalf of persons with disabilities" in the list of representative community organizations.
	Sec. 616 Violence Against Women Act	(a) Safe Homes for Women Act of 1994	42 USC 13961(a)	Directs the Attorney General to contract with the National Academy of Sciences to convene a panel on violence against women that includes experts on domestic violence in diverse ethnic, social, and language minority communities.	Includes experts on domestic violence towards "persons with disabilities," on the National Academy of Sciences panel.
		(b) Equal Justice for Women in the Courts Act of 1994	42 USC 13992	Establishes educational grants for training of state court judges and court personnel; grants may include information on sex and racial stereotyping of rape and domestic violence victims and defendants, and the impact of such stereotyping.	Adds information about "stereotyping of persons with disabilities" to the list of educational grants. Also adds to the grant list information about: issues related to special vulnerabilities and types of violence and abuse of persons with disabilities; requirements to provide auxiliary aids and physical access; and stereotypes regarding fitness of persons with disabilities to retain child custody, especially in domestic violence cases.

TITLE VI - PREVENTING VIOLENCE AGAINST WOMEN IN TRADITIONALLY UNDERSERVED COMMUNITIES
SUBTITLE B -- PROTECTION AGAINST VIOLENCE AND ABUSE FOR WOMEN WITH DISABILITIES

VAWA II Title/Subtitle	VAWA Section	VAWA Subsection	Current Law Cite	Summary of Current Law	Summary of VAWA 1998
Title VI - Preventing Violence Against Women in Traditionally Underserved Communities Subtitle B - Protection Against Violence and Abuse for Women With Disabilities	Sec. 617 Training Programs for Social Service and Health Providers	(a) Sec. of Health of Human Services Authorization			Permits the Sec. of HHS to develop education programs for social service providers and disability-related service providers to improve their ability to recognize instances of domestic violence directed against women with disabilities.
		(b) Sec. of Health of Human Services Appropriation			Authorizes \$10 million in each year for fiscal years 1999 through 2003.
	Sec. 618 Training for Health Professionals on Screening for Abuse of Women With Disabilities	(a) Sec. of Health of Human Services Authorization			Permits the Sec. of HHS to develop education programs for social service providers and disability-related service providers to ensure they will receive training in how to screen for abuse of women with disabilities.
		(b) Sec. of Health of Human Services Appropriation			Authorizes \$10 million in each year for fiscal years 1999 through 2003.
	Sec. 619 Research About Sexual Abuse and Violence Against Women With Disabilities				Establishes research about the sexual abuse of, and violence against, women with disabilities as a research priority under the HHS and DOJ research grants authorized by Title IX of VAWA 1998.
	Sec. 619-1 Grants For Technical Assistance	(a) Attorney General Authorization			Permits the Attorney General to establish technical assistance programs to help battered women's shelters and other victim services organizations achieve compliance with the Americans With Disabilities Act and §504 of the Rehabilitation Act by: letting them know what the acts require, helping them find low cost ways of implementation, and providing information on the particular forms of abuse suffered by women with disabilities.
		(b) Attorney General Appropriation			Authorizes \$10 million in each year for fiscal years 1999 through 2003.

Conforming Amendments to the Violence Against Women Act (Underserved Populations Definition)

VAWA II Title/Subtitle	VAWA II Section	US Code Section	Summary of Current Law	Summary of Proposed Section
Title VI - Preventing Violence Against Women in Underserved Communities Subtitle D - Conforming Amendments to the Violence Against Women Act	Sec. 641 Law Enforcement and Prosecution Grants	42 USC 3796gg(b)(5) --Omnibus Crime Control and Law Enforcement Act of 1968	states that law enforcement and prosecution grants to combat violence against women can be used for the purpose of developing or improving delivery of victim services to racial, cultural, ethnic and language minorities	amends the language to conform the list of groups to the general definition of underserved populations
		42 USC 3796gg-1(d)(1)(D) --Omnibus Crime Control and Law Enforcement Act of 1968	requires that applications for grants for victim services under 42 USC 3796gg(b) (see above) demonstrate the demographics of the populations to be served including membership in specified groups	amends the language to conform the list of specified groups to the general definition of underserved populations
		42 USC 3796gg-2(7) --Omnibus Crime Control and Law Enforcement Act of 1968	defines "underserved population" to include geographic location, racial or ethnic populations, special needs such as language barriers and physical disabilities	modifies the definition to include age, sexual orientation, religion, alienage status, all disabilities, and any other population determined to be underserved by the State plan
		42 USC 3796gg-3(b)(3) --Omnibus Crime Control and Law Enforcement Act of 1968	includes, as a reporting requirement on grants for victim services, a statistical summary on the persons served including geographic distribution, race, ethnicity, language and disability	amends the language to conform the list of specified groups to the general definition of underserved populations
	Sec. 642 Family Violence Prevention and Services Act	42 USC 10402(a)(2)(C) --Family Violence Prevention and Services Act	requires that applications for grants under FVPSA contain a plan to address the needs of ethnic, racial, cultural, language diversity or geographic isolation underserved populations	conforms the list of groups to the general definition of "underserved population" by adding language requiring inclusion of information on age, disability, and other populations determined to be underserved
		42 USC 10410(a)(4) --Family Violence Prevention and Services Act	provides that one purpose of FVPSA grants to State Coalitions is to conduct public education campaigns including information aimed at underserved racial, ethnic or language minority populations	expands the groups to include the groups listed in the general definition of "underserved population"
		42 USC 10416(e)(4) --Family Violence Prevention and Services Act	requires that applications for a grant to operate the national domestic violence hotline demonstrate a commitment to the provision of services to ethnic, racial, and non-English speaking minorities, as well as older and disabled individuals	expands the groups to include the groups listed in the general definition of "underserved population"



U.S. Department of Justice



Washington, D.C. 20530

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COMMENTS:

Here is the draft proposal - hope
it is useful.

Pat.

U.S. DEPARTMENT OF JUSTICE
Washington, D.C. 20530

doj logo

DOMESTIC VIOLENCE POLICY AND GUIDANCE:

THE DOJ WORKPLACE RESPONSE

STOP THE CYCLE OF VIOLENCE
(graphic)

WHAT YOU CAN DO

Domestic Violence Prevention Policy and Guidance:**The DOJ Workplace Response****Contents****Page**

Message from the Attorney General

Workplace Domestic Violence Policy and Guidance Overview

Critical Incident Response Team

Threats

Workplace Safety Plans

Responsibilities

Managers

Employees

Employee Assistance Program

Human Resources

Security

Critical Incident Response Teams

Contents**Page****Domestic Violence Prevention Resources****Appendix A****Critical Incident Response Team Representatives****Appendix B****Workplace Safety Plans****Appendix C****Policy and Guidance Definitions****Appendix D**

Message to Managers

Much has been written and discussed in the media about loss of life, physical and psychological injury, and damage to property occurring as a result of domestic violence. However, little attention has been given to the serious and detrimental effects that domestic violence has on the workplace. As the incidence of domestic violence increases, so can we expect for the numbers associated specifically with workplace domestic violence to rise. Victims of domestic violence are typically trying desperately to maintain their on-the-job productivity and dignity, but, often feel alone and without resources. Without help, the victim's inaction may lead to lower job productivity, and acts of violence in the workplace perpetrated by the abuser against the primary victim, his or her coworkers, and/or Government property. The Department has developed this comprehensive plan to ensure that employees and managers will provide available support and assistance to employees who are experiencing domestic violence whether the abuse is occurring inside or outside the workplace or perpetrated by Departmental or non-Departmental persons. This support may include confidential means for coming forward for help, resource and referral information, additional security at the workplace, and other assistance base on individual need.

Violence, threats, harassment, intimidation, and other disruptive behavior associated with domestic violence will not be tolerated in our workplace; that is, all reports of incidents will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from premises and may be subject to disciplinary action and/or criminal penalties.

In light of the above, and in the Department's never ending quest to stay ahead of the curve on societal matters that spill over into the workplace, this comprehensive plan is aimed at maintaining a safe and healthful workplace for victims of domestic abuse and for providing support to employees who are being subjected to domestic violence outside the workplace. Please, carefully read the policy and guidance that follow.

Remember. Domestic violence is not just a family matter.

Janet Reno

WORKPLACE DOMESTIC VIOLENCE POLICY AND GUIDANCE OVERVIEW

The Department has a continuing commitment to promoting a safe and healthful work environment for our employees. Incidents associated with domestic violence that spill over into the workplace are no exception to this Departmental concern and commitment. Domestic violence includes stalking or other forms of coercive behavior used by one person to gain power and control over another by means of physical acts of aggression, psychological intimidation, verbal abuse and/or economic control. It may occur between persons married or unmarried, living together or separately, and in heterosexual or same sex relationships. Further, domestic violence occurs between people of all racial, economic, social, educational and religious backgrounds, and is a major cause of injury to women. Although we typically think of women as victims of such violence, we must be mindful that men can be victims of domestic violence as well.

This policy and guidance is specifically designed to respond to workplace domestic violence which includes assistance and support for employees who are abused off the job as well as those victimized while in the workplace. A definition of workplace domestic violence is included in Appendix D. Individual employees, supervisors and managers, and human resource, security and employee assistance program representatives (See Appendix D.) must all be integrally involved in the Department's response to incidents of workplace domestic violence involving our employees. The specific responsibilities of employees, supervisors and managers, and each of these representative is addressed later in this policy and guidance.

Employees Subjected to Domestic Violence Outside of the Workplace

Domestic violence occurring outside the workplace is the most common type of domestic violence but nevertheless has a major impact in the workplace. The domestic abuse an employee receives at home can lead to lost productivity, increased absenteeism, higher health care cost and increased stress for the victim and his or her coworkers, and thus, is a source of concern to Department employees and to the Department. Therefore, employees who identify themselves as victims of domestic abuse occurring outside of the workplace may expect the support of the Department in their attempts to resolve these often difficult problems.

Employees Subjected to Domestic Violence in the Workplace

The Department has a continuing commitment to protect its employees from acts of aggression including those associated with domestic violence while in the workplace. Employees who are victims of domestic abuse in the workplace may expect the full support of the Department aimed at ensuring that they are able to perform their job duties in an atmosphere free of the threats and stressors associated with domestic abuse.

Prevention and Early Intervention

graphic
(Two people angrily pulling on a rope)

Strategies the Department will use to deter or minimize the occurrence and effects of domestic violence in the workplace include prevention and early intervention techniques. Employees who are victims of domestic violence will be provided support and assistance by the Department regardless whether the violence occurred on or off the job. This support may include providing resource and referral information, additional security at the work site, work schedule adjustments, workplace relocation or appropriate leave to obtain medical, counseling or legal assistance. Other appropriate support and assistance should be provided based on the unique needs of an employee. Options that employees who are victims of domestic violence have in coming forward for help from the Department are outlined in Employee Responsibilities (page X). The privacy interests of an employee who comes forward should be protected to the extent practicable.

The Department will publish and post in locations of high visibility, such as bulletin boards, break rooms, phone directories and on-line data systems, a list of resources for both victims and perpetrators of domestic violence. A list of these resources is also included in this booklet at Appendix A. In addition, the Department will provide resource information to employees on the prevention of workplace domestic violence.

Administrative Response to Acts or Threats of Workplace Domestic Violence

The Department will ensure that mechanisms are in place to help employees who are victims of domestic violence no matter whether the abuse occurs on or off the job. These mechanisms will include having appropriate policies under which victims and perpetrators of domestic violence are able to receive assistance, Critical Incident Response Teams are formulated, and the responsibilities of supervisors, human resources, security and employee assistance representatives are made clear. Under this policy, the Department will not tolerate workplace domestic violence by a Department employee which includes but is not limited to harassment of any employee, client or contractor by a spouse, significant other or family member while in the Department offices, facilities, work sites, vehicles, or anywhere that an employee is conducting business on behalf of the Department. Discipline, including removal from the Federal Service will be considered for any employee who engages in workplace domestic violence. Engaging in any violent, aggressive, or threatening behavior, whether physical or verbal, that results in physical or emotional injury or otherwise

places a person's safety or productivity at risk, is considered an act of workplace domestic violence when the off-the-job relationship between the victim and perpetrator is a factor.

Performance and/or Conduct Issues Related to Domestic Violence

It is the responsibility of each employee to perform in an acceptable manner and to maintain proper conduct; however, the Department recognizes that a victim of domestic abuse may experience on-the-job problems such as chronic absenteeism or inability to concentrate as a result of the violence. When an employee subject to a performance based or conduct based action confides that domestic violence has caused the problem, a referral for appropriate assistance should be made.

The manager, in collaboration with the employee, employee assistance program and human resource professionals should allow a reasonable amount of time for the employee to get help for the domestic violence. Managers should be mindful that the effects of domestic violence may be severe and take extended periods of time to be fully addressed. Approved leave, as appropriate, should be granted to victims and perpetrators of workplace domestic violence for purposes of seeking assistance. Such leave must be requested and granted in accordance with the procedures of an employee's work unit, Department policy, and Federal leave statutes and regulations.

Critical Incident Response Team

Graphic

(concerned employees sitting
at table)

The Department recognizes the necessity of quick decisive responses on behalf of those affected by an incident of workplace domestic violence. In this regard, each of the Department's bureaus should establish one or more Critical Incident Response Teams (CIRT) that will respond as quickly as possible when an **emergency situation** arises as a result of an incident of workplace domestic violence. Methods of distinguishing between emergency and non-emergency situations are discussed below.

The manner in which a potentially violent act or crisis involving workplace domestic violence is handled is important to the resolution of trauma for affected employees. The short-term response involves guarding against a possible immediate threat until a long-term solution can be developed. The long-term solution should address the root causes of the problem and minimize the chances of a recurrence of the threatening situation. In order to adequately address emergency incidents of workplace domestic violence, it is important to receive input from a number of Department resources. These resources may include representatives from security and human resources staffs, an employee assistance program professional and a bureau senior management official with line authority over the CIRT members. In addition, and when appropriate, it is important to include the manager of the work unit in which the emergency situation occurred as an important resource in developing short and long-term solutions. Accordingly, the Department bureaus should appoint four standing members and an appropriate number of alternates to their respective CIRTs, from the resources mentioned above, who will respond to all **emergency** situations involving incidents of workplace domestic violence. In addition, the Department will provide training to CIRT members on their functions and roles. A CIRT membership chart is located at Appendix B.

A workplace domestic violence **emergency** situation is defined as one which involves an act or threat against life or Government property. Other acts or threats may be handled as **non-emergencies**. When an **emergency situation** arises, the manager in the work unit in which the critical incident occurred should contact the CIRT. When contacted, the CIRT should meet as soon as possible (sometimes via a telephone conference call) to plan a course of action to resolve the problem.

Threats

(Graphic)
(Danger with universal "no -
bar/circle across it)

Victims of domestic violence are often threatened by their abusers while the victim is at work (many times by telephone) and may report such threats to their supervisors or to co-workers. Concerned co-workers may then alert the supervisor. Either way, the supervisor is responsible for evaluating the situation to determine its seriousness.

Not all abusers who threaten, however, actually intend to carry out the threat. To distinguish serious threats from mere attention seeking or grandstanding, supervisors should seek the services of employee assistance program and human resources representatives. If after discussing the facts, the parties believe that someone has threatened domestic violence or has a genuine fear of it, or if the parties are unable to reach a consensus on whether a threat is real, appropriate action must be taken. The employee assistance program representative or human resources representative may decide to convene the CIRT in such situations.

Workplace domestic violence threats may come from several sources or categories of individuals and may require an immediate response. The following guidance applies.

Anyone witnessing a workplace domestic violence threat from a non DOJ employee should contact a security representative, the Federal Protective Service (FPS), the local police, and the CIRT, as appropriate. Managers of each work location covered by this policy should know their security coverages, i.e., whether it is appropriate to contact the FPS, local police, or another law enforcement entity when a domestic violence situation occurs in the workplace.

If one employee threatens another employee in a domestic violence situation, the supervisor should contact a security representative, if deemed advisable, to remove the employee/perpetrator from the work site. Approved leave, consistent with work unit procedures, Department policy and Federal leave statutes and regulations, may be granted to the perpetrator and/or the victim of the workplace domestic violence threat if he or she requests it. Approved leave is also appropriate if the perpetrator does not request leave, and circumstances warrant removing him or her from the work site. In addition, the supervisor must alert the CIRT when such threats occur.

Anyone who receives a workplace domestic violence threat from a contractor should promptly report the situation to his or her supervisor or manager who should contact a security representative to arrange for the immediate removal of the contractor from the work site. In addition, the contracting officer's representative must contact the appropriate CIRT.

Workplace Safety Plans

(Graphic)
(Security Officer or security
desk)

A workplace safety plan is designed for each incident of domestic violence to protect a particular employee from a specific threat. The CIRT, with appropriate input, designs the plan based on the employee's particular circumstances. The purpose of a workplace safety plan is guard against acts of domestic violence taking place in the workplace and to provide assistance and a supportive atmosphere to employees who are abused outside of the workplace. Elements that are commonly included in a workplace safety plan are located at Appendix C and each should be considered in the developing a plan for a victim based upon his or her individual needs.

A victim of workplace domestic violence should be a critical participant in the development of any workplace safety plan and with the assistance of Departmental resources, should decide what elements to include in the plan. However, if it is determined that other employees or customers are at risk because of the domestic violence situation, the Department will take the steps necessary to ensure their safety.

The Manager's/Supervisor's Responsibilities

(graphic)

(Group around a table)

- Immediately contact the CIRT when a workplace domestic violence emergency situation arises with an employee.
- Be aware of performance-related, physical or behavioral changes in employees and consult with human resources, employee assistance, security, and the chain of command, as appropriate. While supervisors should monitor employees for such changes, they should not attempt to diagnose the problem. In addition to possible bruises, symptoms associated with domestic violence include declining job performance, chronic absenteeism, repeated physical injuries, excessive clothing, obsession with time, emotional distress, excessive personal telephone calls, depression and isolation.
- If a supervisor observes symptoms of domestic violence, it is important for him or her to convey the concerns regarding those signs and symptoms to appropriate officials for advice and guidance. It is critical that supervisors respect the privacy interests of employees to the extent practicable. In short, the privacy interests of the employee must be balanced against the likelihood of an emergency workplace violence situation occurring.
- Work with the employee and other Department resources to develop a workplace safety plan. The elements of the plan may include relocating the employee, monitoring the employee's telephone calls, arranging a new telephone number for the employee, adjusting the employee's work schedule and granting approved leave, as appropriate, for medical assistance, legal assistance, therapeutic counseling, court appearances, relocation, or to make other arrangements to enhance the safety and well-being of the employee.
- Be responsive when an employee who is either a victim or perpetrator of domestic violence asks for help. Immediately contact human resources, employee assistance and security representatives, and the chain of command, as appropriate.
- Comply with all civil protection orders. If both the plaintiff and defendant in a civil protection order are employees of the Department, the supervisor must work with the CIRT to ensure that the defendant is relocated to a work location in which the defendant

will have no contact with the plaintiff. A supervisor who observes a violation of a civil protection order, must contact the CIRT immediately.

- The employee's boundaries and privacy must be respected, even if a supervisor thinks the employee is backsliding into the abusive relationship. A victim of domestic violence may make several attempts to leave the abusive situation before being able to leave the perpetrator. Leaving abusive relationships is often difficult for victims of domestic violence because of financial concerns, welfare of children and threats of violence.
- Consult with a human resources representative before taking disciplinary action against employees who violate workplace domestic violence policy.
- Inform subordinates periodically of the Department's policy and guidance on maintaining a work environment free from acts of workplace domestic violence.

Employee Responsibilities (Victims)

- Talk with a trusted co-worker, friend or manager about your situation.
- Contact the Employee Assistance Program at 202-514-8236, 1-800-626-0385, or the National Domestic Violence Hotline at 1-800-799-SAFE (Voice) and 1-800-787-3224 (TDD)
- Call the local police if you are in immediate danger.
- Coordinate approved absences from duty with your supervisor. Provide acceptable supporting documentation, be clear about your intention to return to work, and be sure to maintain contact with your supervisor during your absence.
- If your safety is a concern, submit a recent photograph of the perpetrator and a copy of your protection order to your supervisor, security and the police department. This will assist in identifying the perpetrator by allowing the Department to develop and implement precautions to tighten security should he or she attempt to enter the workplace.
- Work with your CIRT to develop or modify a workplace safety plan for each incident.

Employee Responsibilities (Perpetrators)

- If you want need/ want help, contact the Employee Assistance Program at 202-514-8236 or 1-800-626-0385 for confidential consultation and resources available to assist you.
- Contact a batterer's intervention program. (See Appendix A.)

Employee Responsibilities (Witnesses to Domestic Violence)

- Report any workplace domestic violence or threats that you experience, as an unintended victim, or witness, to your supervisor, human resources, security and/or an employee assistance program representative. Failure to do so may place a co-worker or you at greater risk of harm.

Employee Assistance Program Responsibilities

- Train Employee Assistance Program staff on identifying the warning signs of potential violence in both the perpetrator and the subject of domestic violence.
- Train Employee Assistance Program staff on effective means of intervening in cases of real or suspected domestic violence.
- Maintain up-to-date referral resources on domestic violence hotlines, advocacy groups, shelters, counseling services and legal services. Referral listings should include resources for perpetrators such as batterer's intervention programs.
- Conduct periodic site visits to referral resources to ensure that the quality of assistance provided by the resource is being maintained.
- Provide education on domestic violence through existing or new channels such as lunchtime seminars, newsletters, posters, pamphlets, and employee and management training sessions.
- Educate the Department about the Employee Assistance Program's ability to intervene in workplace domestic violence situations. Inform managers and supervisors of the need to contact an employee assistance program representative immediately with any concerns regarding workplace domestic violence victims or perpetrators.
- Work with victims of workplace domestic violence and the appropriate CIRT to formulate workplace safety plans.
- Maintain the confidentiality of clients experiencing domestic violence in accordance with law and Departmental procedures.
- With the victim's or perpetrator's permission, provide advice and consultation to supervisors to seek workplace cooperation concerning leaves of absence, correction of performance or conduct deficiencies, and safety needs.
- Participate as needed in assessing workplace domestic violence threats.
- Arrange for or conduct critical incident stress debriefings, as appropriate.
- Convene CIRTs, as appropriate.

Human Resources Responsibilities

- Maintain a list of services available to victims and perpetrators of domestic violence.
- Work with victims, supervisors and managers, employee assistance program and security representatives to develop workplace safety plans for victims of workplace domestic violence. Ensure that victims are integrally involved in the development of the workplace safety plan.
- Provide advice and assistance to supervisors and managers in assessing any domestic violence threat to harm Department employees or Government property through the CIRTs.
- Advise supervisors and managers on granting leave, adjusting work schedules, and attempting to find continued employment for victims of domestic violence.
- Protect the privacy interests of victims in any actions taken under the Department workplace domestic violence policy.
- Assist supervisors and managers in taking corrective action against employees who use Department resources such as telephones, mail, or faxes, etc. to perpetrate workplace domestic violence. Aid managers and supervisors in assessing the connection between employees convicted of a domestic violence crime and its impact on the efficient operation of the Department.
- Convene CIRTs, as appropriate.

Security Responsibilities

- Immediately respond to any incident of domestic violence in any Department of Justice workplace. Intervene to neutralize the situation, document the incident and contact the appropriate law enforcement agency for investigation.
- Provide security advice, consultation and reasonable assistance to employees who experience workplace domestic violence.
- Keep a certified copy of any civil protection orders provided by employee/victim on file.
- Document violations of the protection order at the workplace.
- Accept transferred, harassing telephone calls from the employee's abuser and document such calls.
- Work closely with the local police to ensure workplace safety.
- Convene the CIRT, as appropriate.
- Participate in the development of security portions of workplace safety plans.

Critical Incident Response Team Responsibilities

- Convene (can be telephonically) as quickly as possible when contacted and informed of an emergency situation that has arisen as a result of workplace domestic violence. When appropriate, include the manager of the work unit in which a workplace domestic violence situation has occurred in CIRT discussions and planning.
- Participate in the development of workplace safety plans, as appropriate.
- Aid supervisors and managers in the assessment of threats related to workplace domestic violence.
- Plan courses of action to resolve problems associated with workplace domestic violence.

Appendix A

DOMESTIC VIOLENCE PREVENTION RESOURCES

U.S. Department of Justice Employee Assistance Program	202-514-8236 1-800-626-0385 Business hours
	202-514-5000 Non-Business hours
U.S. Department of Justice Protective Security Office	202-514-3271
National Domestic Violence Hotline	1-800-799-SAFE (Voice) 1-800-787-3224 (TDD)
National Coalition Against Domestic Violence	303-839-1852
National Battered Women's Law Project	212-741-9480
National Resource Center on Domestic Violence	1-800-537-2238
Health Resource Center on Domestic Violence	1-800-313-1310
Center for the Prevention of Sexual and Domestic Violence	206-634-1903
National Network to End Domestic Violence	202-434-7405
D.C. Coalition Against Domestic Violence	202-783-5332

Appendix B

(Graphic note: make a pentagon, add
boxes and center)

CRITICAL INCIDENT RESPONSE TEAM REPRESENTATIVES

**Bureau Senior Management
Official with Line Authority Over CIRT Members**

**Human Resources
Representative**

**Employee Assistance Program
Representative**

Security Representative

Graphic: Blank box with "*" inside**

****Manager Where Critical Incident
Occurred-- at the Discretion of the Chair**

Appendix C

WORKPLACE SAFETY PLANS

The following human resources, security and employee assistance program issues should be considered in developing a workplace safety plan:

- The nature and seriousness of the threat.
- The vulnerabilities of the employee/victim while commuting to/from work, and while in his or her work space.
- The vulnerability of other employees and government equipment to injury or damage.
- Install additional security measures and devices for the victim and co-worker. These may include locking doors, installing cameras, silent alarms, cellular phones, posting security closer to the work area, and/or relocating the victim's work station.
- Obtain a copy of the victim's civil protection order and make certain that the order is current and available at all times.
- Provide a photograph of the perpetrator to reception areas and to security.
- Identify an emergency contact person in case the victim is unable to contact the Department.
- Provide guidance to the victim on how to enhance his or her personal safety during the commute to and from work.
- Have a security representative arrange for the local police or U.S. Marshall Service to escort the victim to and from parking areas or public transportation.
- Change the work schedule or work site of the victim if such changes are practicable and would enhance workplace safety.
- When possible and as requested, screen the victim's telephone calls at the workplace.
- Change the victim's work telephone number.
- Consult with the employee assistance program and human resources representatives, as appropriate.

Appendix D

DEFINITIONS

Employee assistance program representative: a DOJ or contract employee who provides EAP services to Department personnel. These services include intake, assessment, referral and follow-up on the full range of personal and family problems for Department employees and their immediate families including those problems associated with domestic violence.

Human resources representative: a DOJ employee in the program functions of employee relations and/or labor relations.

Security representative: a DOJ employee in the GS-080 series trained in various aspects of the security field, e.g., physical security, information security, personnel security, ect.

Workplace domestic violence: domestic violence that affects a Department employee on the job whether the abuse is occurring inside or outside of the workplace or perpetrated by Departmental or non-Departmental persons.

Workplace safety plan: a written plan specifically designed to provide against acts of domestic violence taking place in the workplace and to provide assistance and a supportive atmosphere to employees who are abused outside of the workplace.

(Poster)

(Department of
Justice Logo)

STOP THE CYCLE OF VIOLENCE GRAPHIC

What You Can Do

For more information contact:

The Employee Assistance Program	202-514-8236 or 1-800-626-0385(Business Hours) 202-514-5000 (Non-Business Hours)
The National Domestic Violence Hotline	1-800-799-SAFE (Voice) 1-800-787-3224 (TDD)

Or talk to a trusted co-worker, supervisor, or friend.

Tri-fold Panel 1

(Department of
Justice Logo)

STOP THE CYCLE OF VIOLENCE GRAPHIC

What You Can Do

The National Domestic Violence Hotline

1-800-799-SAFE (Voice)

1-800-787-3224 (TDD)

Department of Justice Employee Assistance Program

202-514-8236 or 1-800-626-0385

202-514-5000 (Non-Business Hours)

Tri-fold Panel 2**WHAT IS DOMESTIC VIOLENCE?**

Any form of coercive behavior by one person to gain power and control over another. It may include:

- physical aggression
- psychological intimidation
- verbal abuse
- stalking
- economic control
- prohibiting friendships and other normal activities
- harassment
- direct or indirect threats of physical harm

Tri-fold Panel 3

WHAT IS THE JUSTICE DEPARTMENT'S POLICY ON WORKPLACE DOMESTIC VIOLENCE?

Domestic violence can have a major impact on the workplace. The domestic abuse an employee receives at home or on the job can lead to lost productivity, increased absenteeism, higher health care cost and increased stress on the part of the victim and coworkers, and thus, is a source of concern to Department employees and to the Department.

Accordingly, violence, threats, harassment, intimidation, and other disruptive behavior associated with domestic violence will not be tolerated in our workplace; that is, all reports of incidents will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action and/or criminal penalties.

Tri-fold Panel 4

WHAT CAN I DO?

- Talk with a trusted co-worker, friend or manager about workplace domestic violence situations that you observe or encounter.
- Call the local police if you or your co-workers are in immediate danger as a result of a workplace domestic violence situation.
- If you are a perpetrator of workplace domestic violence and you want help, contact the Employee Assistance Program at 202-514-8236 or 1-800-626-0385, or the National Domestic Violence Hotline at 1-800-799-SAFE (Voice) and 1-800-787-3224 (TDD)
- If you are a victim of workplace domestic violence, coordinate approved absences from duty with your supervisor. Provide acceptable supporting documentation, be clear about your intention to return to work, and be sure to maintain contact with your supervisor during your absence.

WHAT WILL THE DEPARTMENT DO?

- Maintain a list of services available to victims and perpetrators of domestic violence.
- Each of the Department's bureaus will establish a Critical Incident Response Team(s) that will respond to emergency situations arising as a result of workplace domestic violence.
- Provide education on domestic violence through existing or new channels such as lunchtime seminars, newsletters, posters, pamphlets, and employee and management training sessions.
- Provide security advice, consultation and reasonable assistance to employees who experience workplace domestic violence.

Tri-fold Panel 5

WORKPLACE DOMESTIC VIOLENCE RESOURCES

U.S. Department of Justice Employee Assistance Program	202-514-8236 or 1-800-626-0385
U.S. Department of Justice Security Services	202-514-3271
National Domestic Violence Hotline	1-800-799-SAFE (Voice) 1-800-787-3224 (TDD)
National Coalition Against Domestic Violence	303-839-1852
National Battered Women's Law Project	212-741-9480
National Resource Center on Domestic Violence	1-800-537-2238
Health Resource Center on Domestic Violence	1-800-313-1310
Center for the Prevention of Sexual and Domestic Violence	206-634-1903
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1ST STORY of Level 1 printed in FULL format.

Copyright 1998 The Washington Post
The Washington Post

March 07, 1998, Saturday, Final Edition

SECTION: A SECTION; Pg. A01

LENGTH: 861 words

HEADLINE: Worker Kills Four At Conn. Lottery; Accountant Shoots Executives,
Self

BYLINE: Blaine Harden, Washington Post Staff Writer

DATELINE: NEWINGTON, Conn., March 6

BODY:

With lethal volleys of gunfire, a disgruntled accountant shot to death four senior executives at Connecticut lottery headquarters today and then killed himself, playing out a tragedy that has become dismayingly frequent in the American workplace.

Matthew Beck, armed with a semiautomatic 9mm pistol and apparently harboring a grievance about extra work without extra pay, first hunted down and then shot three lottery employees inside lottery headquarters, police said. Beck, 35, then chased lottery president Otho Brown outside into a gravel parking lot, they said, and when Brown tripped to the ground, shot him at point-blank range.

Beck then wandered onto a sports field at a nearby high school and, as police closed in, shot himself in the head.

The shooting in this bedroom suburb five miles south of Hartford fit a grisly American pattern of lethal violence in the workplace, a pattern that in recent years has claimed about 120 lives a year, according to Joseph Kinney, executive director of the nonprofit National Safe Workplace Institute in Charlotte, N.C.

Kinney, a leading researcher on workplace violence, said these kinds of killings are three to four times more likely to occur in a government or quasi-governmental organization than in a private corporation. He said shooters in workplace crimes are almost always individuals who, for various reasons, have "a profound sense of failure . . . so that anything that threatens their job, threatens them. For them, violence is the only way out."

Beck until last week had been on a five-month leave of absence from the lottery, which police described as "stress-related." He filed a job-related grievance in August.

Connecticut Public Safety Commissioner John Connelly said Beck, who had worked for the lottery for eight years and who last year was demoted to data processing work, apparently knew exactly who he was looking for this morning.

"The feeling is that because they were senior managers of the lottery, and his grievance was with the lottery in general, these people were sought out," Connelly said.

The Washington Post, March 07, 1998

After the shooting began, witnesses said lottery president Brown, 54, ran through the lottery building, warning nearly 100 people to get out. Many employees did so, hiding in the woods, as Beck chased Brown out to the parking lot.

Before killing Brown, Beck shot chief financial officer Linda Mlynarczyk; Rick Rubelmann, vice president of operations and administration; and Michael Logan, director of information systems.

Neighbors and friends of the gunman said he had a large collection of guns and was an enthusiastic fan of "paint ball," a cops-and-robbers game played in the woods in which gun enthusiasts shoot each with harmless bullets filled with paint.

At his home, in Ledyard, Conn., about an hour's drive from here, a sign on the house where Beck lived with his father says: "Trespassers will be shot. Survivors will be shot again."

Beck returned to work on Feb. 25 from the leave he had taken in October. Lottery employees told reporters that when he returned, he had a shaved head, sported a goatee and behaved more "strangely" than before his leave. In January friends called police to Beck's home because they thought he was depressed and suicidal, according to ABC News. A police report quoted friends as saying Beck was "sick of life."

Beck broadly fit the pattern of individuals who commit acts of violence in the workplace, according to Martin Blinder, a forensic psychiatrist in San Francisco who has investigated more than two dozen such crimes across the country. Blinder said the number of such incidents has grown tenfold in the past decade.

Attempting to explain the increase, Blinder said what seems to him most obvious is the ubiquity of guns. He also said that, with the breakdown of many families, the workplace often takes on the psychological importance of the home.

"The job becomes the focal point and, with downsizing, work in many cases has become a much less congenial and more stressful place than it used to be. The problems we once associated with a dysfunctional family get transferred to the unhappy workplace," Blinder said.

At the National Safe Workplace Institute in Charlotte, Kinney said the much higher rate of workplace homicide at state and quasi-state organizations is a function of both the jobs offered and the way employees regard those jobs.

"Often, these employers are the employers of last resort and the employees themselves often feel a sense of entitlement to their position," Kinney said.

Because workplace violence is increasingly common -- in 1992, the government estimated it cost employers \$ 4.2 billion in lost work and legal expenses -- a number of business consultants are advising that companies prepare for it much as they prepare for the possibility of fire.

Andy Borkin, president of Strategic Advancement, a consulting firm in New Jersey, advises that receptionists should have security buzzers under their desks, that executives install secure doors that can be quickly locked, that

The Washington Post, March 07, 1998

evacuation routes be worked out before trouble starts and that armed guards be on site.

GRAPHIC: Murder at Work The killing spree at the Connecticut lottery headquarters is one of several recent workplace shootings in the United States. Some of the rampages in 1997: Milwaukee: In December, a Postal Service worker shot and killed co-worker and wounded a supervisor before killing himself at the city's main post office, where he worked. Aiken, S.C.: In September, a gunman shot seven people at a manufacturing plant, killing four. Miami Beach: In September, a postal worker shot his ex-wife and her friend as they waited in line at the post office where he worked. The gunman then killed himself. Colebrook, N.H.: In August, a man killed two state troopers outside a supermarket, then walked into an office building and killed a newspaper editor and a judge. He was killed in a shootout with police. Los Angeles: In June, a plastics company employee shot six people, killing two, and later killed himself. Santa Fe Springs, Calif.: In June, a worker fired from an embroidery firm shot and wounded his former business partner, killed the partner's sister, then fatally shot himself.

LANGUAGE: ENGLISH

COUNTRY: UNITED STATES (59%);

LOAD-DATE: March 07, 1998



Department of Justice

FOR IMMEDIATE RELEASE
THURSDAY, NOVEMBER 13, 1997

OJP
202/307-0703

1.4 MILLION STALKING VICTIMS ANNUALLY **Justice Department Reports Latest Findings Regarding Stalking**

WASHINGTON, D.C. -- An estimated 1,006,970 American women are stalked annually and one out of every 12 women is stalked during her lifetime, according to the Justice Department's second annual report to Congress on domestic violence and stalking. The report, "Domestic Violence and Stalking," also shows that an estimated 370,992 men are stalked annually.

The report includes preliminary findings from the first national stalking survey conducted by the Center for Policy Research and jointly sponsored by the Justice Department's National Institute of Justice (NIJ) and the Centers for Disease Control. The survey provides information about the incidence of stalking, including who is being stalked and by whom, how many people have been stalked and the characteristics of stalking victims.

"Stalking is an act of terror that builds a prison of fear around its victims," said Attorney General Janet Reno. "This survey indicates that stalking is a bigger problem than we previously thought."

A just-released NIJ bulletin, "The Crime of Stalking: How Big is the Problem?," expands on the same survey. Victims reported being stalked because their assailant wanted to keep them in a relationship. Of the one-half of female victims stalked by current or former

(MORE)

-2-

partners, 80 percent had been physically assaulted by that partner. Twenty-five percent of the women studied had obtained restraining orders, but 80 percent of these orders were violated.

"All fifty states have passed anti-stalking legislation, which provides some protection for victims," said Bonnie Campbell, Director of the Violence Against Women Office. "Effective enforcement of the stalking laws can go a long way toward eliminating this crime."

The study noted that stalking victims can be either men or women, but most stalkers are men and most victims are women. The "Domestic Violence and Stalking" report also confirms that most stalking occurs within the context of a domestic violence situation. The violence tends to increase when a woman leaves her abuser, because her batterer often stalks her in an effort to regain control.

There has been a reported decline in the use of stalking statutes, according to the report, because law enforcement and prosecutors often intervene before the behavior is allowed to escalate to the level required under the anti-stalking laws. The study also reports that victims perceive protection orders as effective tools to stop or reduce domestic violence and stalking if they are an integral part of a coordinated justice system response.

The report contains information on stalking-related programs, strategies and protocols for law enforcement and prosecutors to better investigate and prosecute stalking cases, the Justice Department's response to stalking and domestic violence, data collection, evaluation of stalking-related programs and stalking in cyberspace.

"Stalking: Prosecutors Convict and Restrict," a report developed by the American Prosecutors Research Institute (APRI) funded by the Justice Department's Bureau of Justice Assistance (BJA), was also announced today. It describes initiatives used by local prosecutors to

(MORE)

-3-

successfully prosecute, convict and sentence stalkers. Two promising anti-stalking programs in Dover, New Hampshire, and Los Angeles, California demonstrate approaches to dealing with common stalking problems and the importance of multi-agency cooperation in both rural and urban settings.

"This report can help law enforcement agencies and prosecutors collaborate to hold offenders accountable and improve victim safety," said Nancy Gist, BJA's Director.

The report contains tips for prosecutors who work with stalking victims, information on federal and state anti-stalking statutes and other strategies to implement anti-stalking programs, such as education and training for law enforcement and prosecutors, centralized management and vertical prosecution of stalking cases and victim notification of a stalker's release.

The APRI report offers prosecutors a guide to using the Interstate Stalking Punishment and Prevention Act of 1996 and provides a summary of case law from states in which issues involving stalking legislation have arisen.

To obtain either report or the NIJ Bulletin, contact the National Criminal Justice Reference Service on 1-800/851-3420 or go to <http://www.ncjrs.org> on the Internet. For more information about Violence Against Women or Bureau of Justice Assistance programs, visit their respective homepages at <http://www.ojp.usdoj.gov/vawo> or <http://www.ojp.usdoj.gov/bja>, or the Office of Justice Programs webpage at <http://www.ojp.usdoj.gov>.

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After hours contact: Linda Mansour on 202/616-3534



Department of Justice

ADVANCE FOR RELEASE AT 4:30 P.M. EST
MONDAY, MARCH 16, 1998

BJS
202/307-0784

MURDER BY INTIMATES DECLINED 36 PERCENT SINCE 1976
DECREASE GREATER FOR MALE THAN FOR FEMALE VICTIMS

WASHINGTON, D.C. -- Intimates committed fewer murders in 1996 than in any other year since 1976, the Justice Department's Bureau of Justice Statistics (BJS) reported today. In 1996, just over 1,800 murders were attributable to intimates--down 36 percent from nearly 3,000 in 1976.

In 1996, three in every four victims of intimate murder were female. On average, the number of murders by intimates decreased by 5 percent per year for male victims and 1 percent per year for female victims over the past two decades.

For this report, based on new and previously reported data, intimate violence includes murder, rape, sexual assault, robbery, aggravated assault and simple assault committed by a current or former spouse, boyfriend or girlfriend.

Overall during the 1976-1996 period, intimate murder fell by 36 percent and spouse murder, its largest component, by 52

(MORE)

percent. The sharpest decrease in rates of intimate murder have been among black male victims. Since 1976, intimate murders with guns have declined, although in 1996, 65 percent of all intimate murders were committed with firearms.

The most recent declines in intimate murder have been mirrored by declines since 1993 in non-lethal intimate violence. During 1996 there were an estimated 840,000 female victims of violent crimes inflicted by an intimate, compared with 1.1 million in 1993. By contrast, intimate violence against males, about 150,000 in 1996, showed no significant fluctuations during the 4-year period.

In 1996, violence by an intimate accounted for about 21 percent of all violence experienced by female victims, compared to 2 percent for male victims. Women 16 to 24 years old experienced the highest per capita rates of intimate violence.

About half of the incidents of intimate violence experienced by women were reported to police. Black women were more likely to make these reports than were women of other races. The most common reasons given for not reporting such crimes to the authorities were that they were personal or private matters, the victim feared retaliation or that the police would not be able to do anything about it.

(MORE)

About one in 10 women victimized by a violent intimate sought medical treatment at a medical care facility. Women were about 84 percent of those seeking hospital emergency department treatment for intentional injury caused by an intimate assailant.

Those who committed a violent crime against an intimate represent about 25 percent of convicted violent offenders in local jails and about 7 percent of violent offenders in state prisons.

More than half of both prison and jail inmates serving times for violence against an intimate had been using drugs, alcohol or both at the time of the incident for which they were incarcerated. Nearly four in 10 offenders sentenced to local jail for intimate violence had a criminal justice status such as being on probation or under a restraining order at the time they committed the crime.

The factbook, "Violence by Intimates" (NCJ-167237), presents up-to-date analyses of intimate violence drawn from a number of BJS and Department of Justice statistical programs, including the National Crime Victimization Survey, a hospital emergency department study, BJS surveys of jail and prison inmates and the FBI's Uniform Crime Reporting Program. It was written by BJS statisticians as a contribution to further inform a joint effort

(MORE)

of the Department of Justice and the National Center for Injury Prevention and Control in the Department of Health and Human Services to study potential enhancements to the collection of domestic violence data. Single copies may be obtained from the BJS fax-on-demand system by dialing 301/519-5550, listening to the menu, and selecting document numbers 98, 99, and 100 or by calling the BJS Clearinghouse at 1-800/732-3277. BJS's home page address on the Internet is:

<http://www.ojp.usdoj.gov/bjs/>

Additional criminal justice materials can be obtained from the Office of Justice Programs homepage at:

<http://www.ojp.usdoj.gov>

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After hours contact: Stu Smith at 301/983-9354



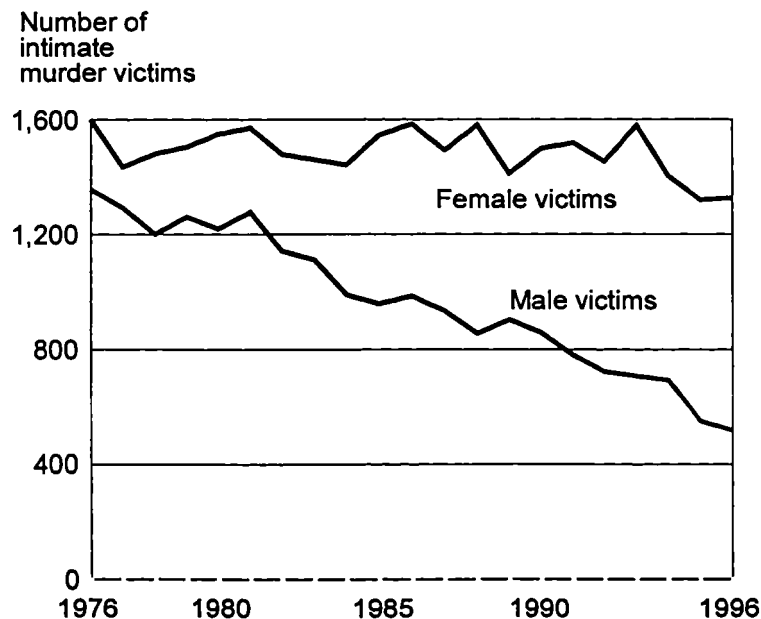
Bureau of Justice Statistics Factbook

Violence by Intimates

Analysis of Data on Crimes by Current or Former Spouses, Boyfriends, and Girlfriends

Intimates committed fewer murders in 1995 and 1996 than in any other year since 1976.

Between 1976 and 1996, for persons murdered by intimates, the number of male victims fell an average 5% per year, and the number of female victims went down an average 1%.



Note: Intimates include spouses, ex-spouses, common-law spouses, same sex partners, boyfriends, and girlfriends.



Violence by Intimates

Analysis of Data on Crimes by Current or Former Spouses, Boyfriends, and Girlfriends

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NCJ-167237 March 1998

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Bureau of Justice Statistics

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data that he had prepared from the Supplementary
Homicide Reports.

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Many people made valuable contributions to this
report, by providing data, reviewing early drafts, and
providing suggestions or comments. The authors ex-
press their appreciation to these people who include:

Kathleen Creighton, chief of Crime Surveys Branch,
and other staff at the U.S. Bureau of the Census

Victoria Major and other staff members of the Crimi-
nal Justice Information Services Branch of the FBI

Members of the Department of Justice Working
Group on Domestic Violence Statistics led by Deputy
Assistant Attorney General Noël Brennan

Dr. Mark Rosenberg, Director, and staff of the Na-
tional Center for Injury Prevention in the Centers for
Disease Control and Prevention.

In addition, Professor Michael Maltz, Ph.D., a BJS
Visiting Fellow from the University of Illinois, gave
helpful guidance.

This report and other reports and data are
available from the BJS Internet Web site:
<http://www.ojp.usdoj.gov/bjs/>

All of the data analyzed in this report may be
obtained from the National Archive of Criminal
Justice Data at the University of Michigan,
1-800-999-0960. Access to the archive may be
achieved through the BJS Web site or directly at
<http://www.icpsr.umich.edu/NACJD/archive.html>

Foreword

In a joint effort by the Justice Department and the Department of Health and Human Services, a comprehensive review is under way of the information available to Federal decisionmakers about domestic violence and possible needs for the government to undertake enhanced or improved surveillance for statistical data about violence between intimates. At the Department of Justice this effort is being coordinated by Noël Brennan, Deputy Assistant Attorney General for the Office of Justice Programs, and at the Centers for Disease Control and Prevention, by Dr. Mark Rosenberg, Director, National Center for Injury Prevention and Control.

This report prepared by the Bureau of Justice Statistics presents a summary of the statistical information about violence committed against intimates that is currently available and is based on information gathered from victims, law enforcement agencies, hospital emergency departments, and those convicted of crimes against intimates. For the purposes of this study, intimates were defined as those with whom the offender had a relationship as a current or former spouse or boyfriend or girlfriend. The kinds of violent crimes examined ranged from murder to simple assault.

I am particularly pleased that this valuable report represents the efforts of both BJS staff and Professor James Alan Fox of Northeastern University, a BJS Visiting Fellow. In addition, the FBI provided valuable support to this effort by supplying updated Supplementary Homicide Report data in a very timely fashion.

Jan M. Chaiken, Ph.D.
Director

Highlights

This report is a compilation of statistical data maintained by the Bureau of Justice Statistics (BJS) and the Federal Bureau of Investigation (FBI) on violence between people who have an intimate relationship — spouses, exspouses, boyfriends, girlfriends, and former boyfriends and girlfriends.

The violent offenses encompass crimes such as murder, rape, sexual assault, robbery, aggravated assault, and simple assault. Intimate violence predominantly affects women as victims. Violence by an intimate accounts for about 21% of the violent crime experienced by women and about 2% of the violence sustained by males.

Lethal

- In 1996 just over 1,800 murders were attributable to intimates; nearly 3 out of 4 of these had a female victim. In 1976 there were nearly 3,000 victims of intimate murder.
- The decline over the past two decades was larger for spouse killings, compared to the killings of other intimates.
- The percentage of female murder victims killed by intimates has remained at about 30% since 1976.
- There has been a sharp decrease in the rate of intimate murder of men, especially black men.
- The number of intimate murders with guns has declined. However, in 1996, 65% of all intimate murders were committed with a firearm.
- There is some evidence of a slight increase in the rate of white females killed by a boyfriend.

Nonlethal

- The number of female victims of intimate violence has been declining. In 1996 women experienced an estimated 840,000 rape, sexual assault, robbery, aggravated assault, and simple assault victimizations at the hands of an intimate, down from 1.1 million in 1993.

- Intimate violence against men did not vary significantly from 1992 to 1996. In 1996 men were victims of about 150,000 violent crimes committed by an intimate.
- Women age 16-24 experience the highest per capita rates of intimate violence.

Reporting to the police About half of the incidents of intimate violence experienced by women are reported to the police; black women are more likely than women of other races to report such victimizations to the police.

- The most common reasons given by victims for not contacting the police were that they considered the incident a private or personal matter, they feared retaliation, or they felt the police would not be able to do anything about the incident.

Police response According to victims, about 1 in 5 incidents reported to the police resulted in an arrest at the scene.

Presence of children Slightly more than half of female victims of intimate violence live in households with children under the age of 12. About 40% of imprisoned intimate offenders report that one or more children under age 18 resided with them at some time before the offenders entered prison.

Treatment of injuries About 1 in 10 women victimized by a violent intimate sought professional medical treatment.

- About half of victims of intimate violence report a physical injury; about 1 in 5 *injured* female victims of intimate violence sought professional medical treatment.
- Hospital emergency department data show women are about 84% of those seeking hospital treatment for an intentional injury caused by an intimate assailant.
- About half these injured intimate victims were treated for bruises or similar trauma.

-
- About half of those treated had sustained injuries to the head and face.

Incarcerated offenders Those who committed a violent crime against an intimate represent about 25% of convicted violent offenders in local jails and about 7% of violent offenders in State prisons.

- 3 in 4 offenders serving time in local jails for intimate violence had been convicted of assault; just over 40% of such offenders in State prisons had been convicted of murder.
- The criminal justice system has extensive prior contact with those convicted of intimate violence. Among those in jail 78% have a prior conviction history, though not necessarily for intimate violence.

- 4 in 10 jail inmates convicted of a violent crime against an intimate had a criminal justice status at the time of the crime: about 20% were on probation, 9% were under a restraining order, and just under 10% were on parole, pretrial release, or other status.

- More than half of both prison and jail inmates serving time for violence against an intimate had been using drugs or alcohol or both at the time of the incident for which they were incarcerated.
- The average prison sentence for those who victimized a spouse or other intimate appears similar to the average sentences for victimizing strangers or acquaintances. Prisoners who had assaulted their spouse, however, received longer sentences than offenders convicted of assault against other categories of victims.

Introduction

How we measure the incidence of intimate violence

Estimates from the National Crime Victimization Survey indicate that in 1996 there were about a million rapes, sexual assaults, robberies, aggravated assaults, and simple assaults in which the victim and offender had an intimate relationship. Intimate relationships include spouses, ex-spouses, boyfriends, girlfriends, and former boyfriends and girlfriends. More than 8 in 10 of these violent crimes involved a female victim.

National Crime Victimization Survey

The National Crime Victimization Survey (NCVS) is one of two statistical series maintained by the Department of Justice to learn about the extent to which crime is occurring. The NCVS, which gathers data on criminal victimization from a national sample of household respondents, provides annual estimates of crimes experienced by the public without regard to whether a law enforcement agency was called about the crime. Initiated in 1972, the NCVS was designed to complement what is known about crimes reported to local law enforcement agencies under the FBI's annual compilation known as the Uniform Crime Reports (UCR).

The NCVS gathers information about crime and its consequences from a nationally representative sample of U.S. residents age 12 or older about any crimes they may have experienced. For personal contact crimes the survey determines who the perpetrator was. Asking the victim about his/her relationship to the offender is critical to determining whether the crime occurred between intimates.

In the latter half of the 1980's, the Bureau of Justice Statistics (BJS), together with the Committee on Law and Justice of the American Statistical Association, sought to improve the NCVS components to enhance the measurement of crimes including rape, sexual assault, and intimate and family violence. The new questions and revised procedures were phased in from January 1992 through June 1993

in half the sampled households. Since July 1993 the redesigned methods have been used for the entire national sample.

Based on the half-sample, BJS determined that the new questionnaire would produce substantially higher estimated counts of incidents of intimate violence than the old questionnaire. The old questionnaire resulted in estimates of a half million incidents of intimate violence, compared to an estimate of nearly a million incidents with the new questionnaire. Such a difference demonstrated the increased ability of the NCVS to capture information on hard-to-measure crimes.

Uniform Crime Reporting Program

The Uniform Crime Reporting Program (UCR) of the FBI provides another opportunity to examine the issue of intimate violence. The summary-based component of the UCR, launched 70 years ago, gathers aggregate data on eight categories of crime from law enforcement agencies nationwide. The UCR does not, however, provide the detail necessary to identify violent crimes involving intimates. Two other incident-based components of the UCR, the National Incident-Based Reporting Program (NIBRS) and the Supplementary Homicide Reports (SHR), provide rich detail on the victim-offender relationship in violent crimes recorded by police agencies.

National Incident-Based Reporting Program

NIBRS represents the next generation of crime data from law enforcement agencies. Rather than being restricted to a group of 8 Index crimes that the summary-based program uses, NIBRS obtains information on 57 types of crimes. The information collected on each violent crime incident includes victim-offender demographics, victim-offender relationship, time and place of occurrence, weapon use, and victim injuries. As of the end of 1997, jurisdictions certified by the FBI as capable of reporting incident-based data in the required format account for just over 7% of the U.S. population (about 19 million Americans) and just over 6% of all Index crimes

(murders, rapes, robberies, aggravated assaults, burglaries, larcenies, and motor vehicle thefts). In those States with certified NIBRS systems, about 50% of the population is now covered by NIBRS reporting to the FBI. BJS is currently funding preliminary studies of NIBRS data and their utility for improving our knowledge of violence with special regard for such concerns as intimate violence, family violence, and domestic violence.

Supplementary Homicide Reports

The SHR is another component of the UCR program. Under SHR, incident-level homicide data from local law enforcement agencies have been collected annually since 1961. On average, the SHR obtains detailed information on about 92% of the homicides in the United States, including victim and offender demographics, victim-offender relationship, weapon use, and circumstances surrounding the homicide. The SHR reports received from law enforcement agencies describe the characteristics of perpetrators in an average of about 70% of all cases compiled at the national level. However, individual jurisdictions vary in the percentage of cases in which the perpetrator is either unknown or not described.

Study of Injured Victims of Violence

Another source for information on intimate violence is a special collection of hospital emergency department data during 1994. The BJS Study of Injured Victims of Violence obtained data on intentional injuries brought to the attention of hospital personnel. These data are part of a larger program carried out by the Consumer Product Safety Commission known as the National Electronic Injury Surveillance System (NEISS), which involves a national sample of hospitals where emergency department staff are asked to record information on patients. The BJS study sought information on intentional injury victims, including victim demographics, type of injury, type of weapon, place of occurrence, victim-offender relationship, and case disposition. The NEISS data reveal that a quarter of the 1.4 million intentional

injuries treated in emergency departments resulted from violence between intimates.

Surveys of jail and prison inmates

BJS also conducts national surveys of persons confined in local jails and State and Federal prisons. These nationally representative surveys are the principal source of information on those serving time following a conviction: their backgrounds, their prior criminal histories, and the circumstances surrounding the offense for which they had been incarcerated. Both jail and prison surveys obtain from violent offenders details about the offender's relationship to the victim and how the crime was carried out.

How we count violent victimizations of intimates

Variations in reported numbers

Sometimes estimates in the annual National Crime Victimization Survey (NCVS) reports differ from those in BJS topical reports based on special analyses of data. A major reason for these differences is the treatment of "series" victimizations.

Variations in defining the victim-offender relationship

The data series used in this report share the objective of measuring the extent to which victims and offenders know each other prior to the criminal incident. This is an important distinction not simply for law enforcement purposes but, more significantly, for considering the types of interventions most likely to help reduce the incidence of the problem and its consequences for victims.

Generally, all of the data collection programs used in this study obtain information on those violent offenses which affect spouses, ex-spouses, boyfriends, and girlfriends. While victimizations arising in same sex relationships are explicitly recognized in the FBI collection programs, none of the series excludes such criminal incidents, which are categorized as crimes against boyfriends or girlfriends.

Crimes committed against former boyfriends and girlfriends are not separately reported in any of the series but are combined with those victims with current relationships of this type, probably because of the difficulty of establishing whether such a relationship had been terminated prior to the incident.

Appendix 1 (pages 34-36) offers the details of how the relationship variables in each data series were classified in this study to create the general category of *intimate violence*.

Series victimizations

These victimizations in the NCVS are six or more incidents similar in nature and for which the victim is unable to furnish details of each incident separately. Information on only the most recent incident in the series is collected by the survey.

These crimes are problematic because it remains unclear how or whether these victimizations should be combined with the majority of crime incidents that are separately reported. BJS continues to study how these types of victimizations should be handled in our published estimates. As a result, series victimizations are excluded from the victimization estimates published in the annual BJS reports on the NCVS.

However, series victimizations are included for some special analyses, counted as "1" victimization to represent all the incidents in the series. This is done when repeat victimization is an important aspect of the subject being analyzed, as it is, for example, in domestic violence. For this reason, estimates published in reports on domestic violence have included series victimizations, and therefore differ from estimates published in the annual NCVS reports.

Generally, series victimizations represent about 6-7% of all violent victimizations measured by the NCVS, although variation exists across types of crime and characteristics of victims:

Average annual 1992-96

	Nonseries	Series	Total
Violent crime victimizations			
Number	10,137,384	680,604	10,817,989
Percent	93.7%	6.3%	100%
Rape/Sexual assault			
Number	434,566	27,191	461,757
Percent	93.1%	6.9%	100%
Robbery			
Number	1,227,550	36,845	1,264,395
Percent	97.5%	2.5%	100%
Aggravated assault			
Number	2,230,174	117,167	2,347,341
Percent	93.1%	5.1%	100%
Simple assault			
Number	6,245,095	499,402	6,744,496
Percent	93.1%	6.9%	100%

Intimate violence, 1992-96

	Non-series	Series	Total
Female victims	88.5%	11.5%	100%
Male victims	90.2	9.8	100

Contents

Foreword	iii
Highlights	v
Introduction	vii
Trends in violence against intimates	1
What have been the trends in: Violent victimization of intimates? Intimate murder?	
Characteristics of victims and incidents of intimate violence	11
Who has the highest rates of victimization by an intimate?	
Where and when does intimate violence occur?	
Responses to intimate violence	17
How often do victims of intimate violence: Defend themselves in attacks? Call the police for assistance? Seek assistance from victim service agencies?	
How often are victims injured in intimate violence?	
Profile of convicted intimate offenders	23
How many are incarcerated for intimate violence?	
What is the criminal history of convicted intimate offenders?	
What role do drugs and alcohol play in intimate violence?	
Appendix 1: Defining the victim-offender relationship	31
Appendix 2: Data for graphical figures	35

Trends in violence against intimates

More than 960,000 incidents of violence against a current or former spouse, boyfriend, or girlfriend occur each year, and about 85% of the victims are women. The number of female victims has been declining in recent years.

Source: **National Crime Victimization Survey, 1992-96**

In 1996 there were about 2,000 murders attributable to intimates, down substantially from the nearly 3,000 murders recorded two decades ago.

Decreases in intimate murders have occurred among men, among blacks (both male and female), and for murders involving firearms.

White females murdered by a nonmarital intimate represent the only category of victims to have experienced a small increase between 1976 and 1996.

Intimate murder now accounts for about 9% of the murders which occur nationwide.

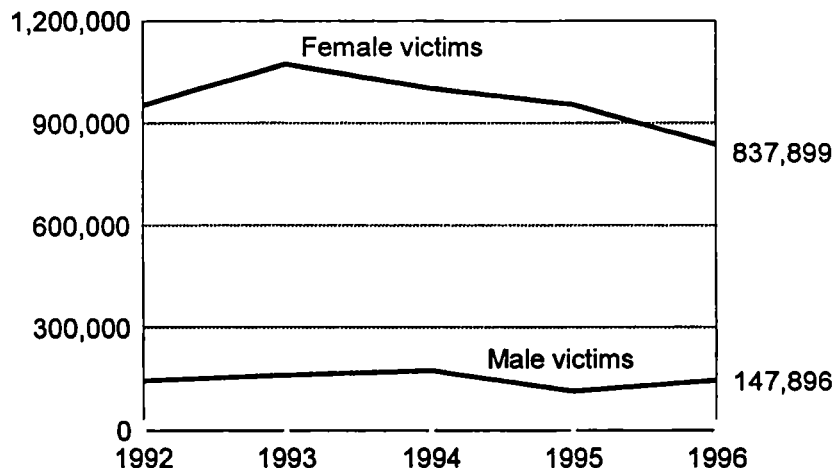
Source: **Supplementary Homicide Reports, 1976-96**

Trends in violence against intimates

On average each year from 1992 to 1996, there were more than 960,000 violent victimizations of women age 12 or older by an intimate (a current or former spouse, girlfriend, or boyfriend).

- The estimated number of violent victimizations of women by intimates declined from 1993 to 1996; the number of such victimizations of men did not vary significantly from 1992 to 1996.

Number of violent victimizations committed by intimates

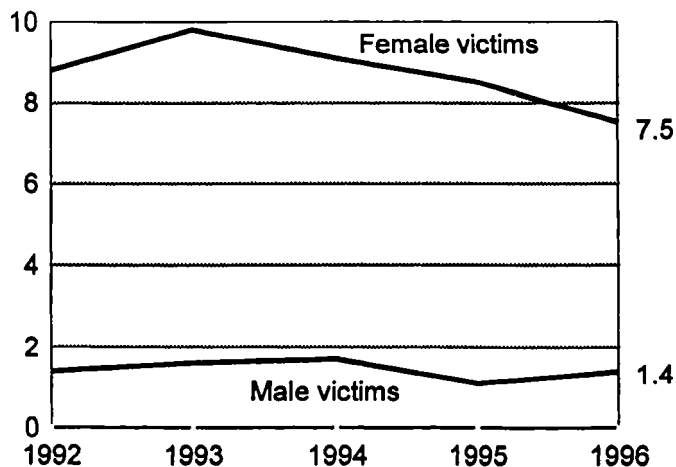


Note: Violent victimizations include murder, rape, sexual assault, robbery, and aggravated and simple assault. Intimates include current and former spouses, boyfriends, and girlfriends.

On average each year from 1992 to 1996, about 8 in 1,000 women and 1 in 1,000 men age 12 or older experienced a violent victimization inflicted by a current or former spouse, girlfriend, or boyfriend.

- The rate of violent victimization of women by an intimate declined from 1993 to 1996.

Rate of violent victimization by intimates per 1,000 persons of each sex age 12 or older



Although less likely than males to experience violent crime overall, females are 5 to 8 times more likely than males to be victimized by an intimate.

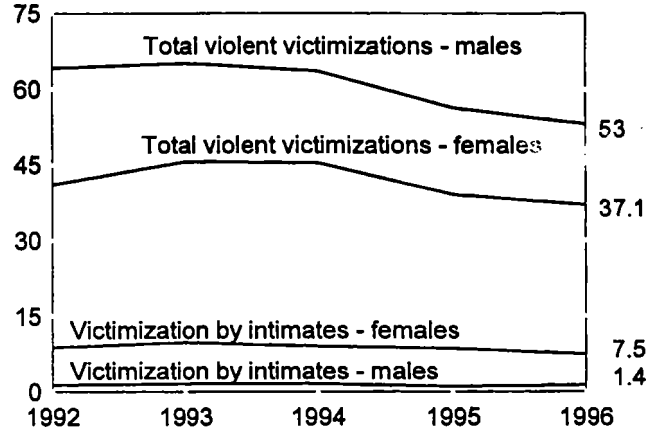
- From 1992 to 1996 victimization by an intimate accounted for about 21% of the violence experienced by females. It accounted for about 2% of the violent crime sustained by males.

- Overall violent victimization rates of both women and men declined from 1993 to 1996.

For female victims of violence, strangers and friends or acquaintances rather than intimates were responsible for the highest rates of crime.

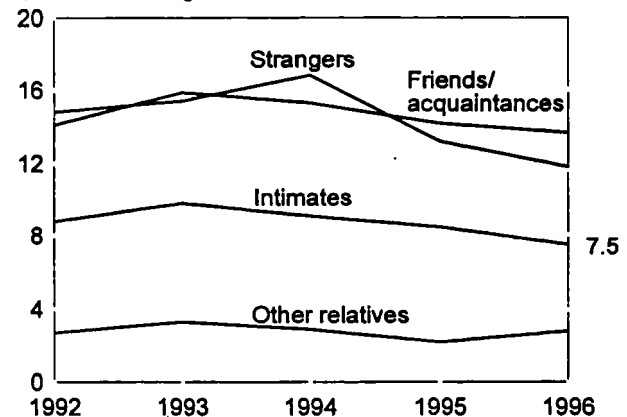
- Intimate violence accounts for about a fifth of all violence against females. The two categories of violence by friends and acquaintances and violence by strangers are each over a third of the victimizations. Violence by relatives other than intimates are less than a 10th of all violence that women, age 12 or older, experience.

Rate of violent victimizations per 1,000 persons of each group age 12 or older

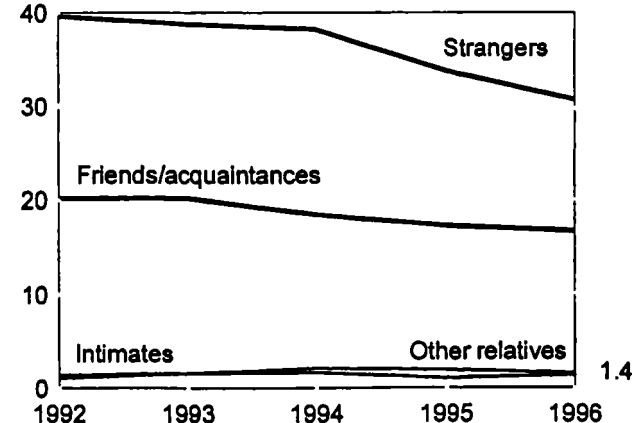


Note: Violent victimizations include murder, rape, sexual assault, robbery, and aggravated and simple assault. Intimates include current and former spouses, boyfriends, and girlfriends.

Rate of murder, rape, robbery, and assault per 1,000 females age 12 or older



Rate of murder, rape, robbery, and assault per 1,000 males age 12 or older



Analysis of trends in intimate murder, 1976-96

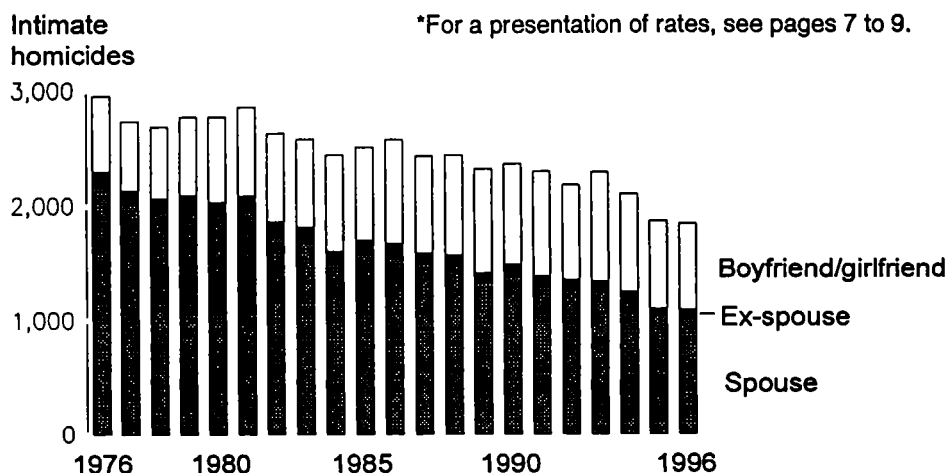
by James Alan Fox, Ph.D., BJS Visiting Fellow

The number, percentage, and per capita rate* of murders involving spouses, ex-spouses, or other intimates have declined over the past two decades.

The number of intimates killed has dropped from nearly 3,000 per year and 13.6% of all homicides in 1976 to fewer than 2,000 and 8.8% of all homicides in 1996.

In 1996 the number of intimate murders was 36% lower than in 1976. The number of spouse murders, the largest component of intimate murder, fell 52%.

*For a presentation of rates, see pages 7 to 9.

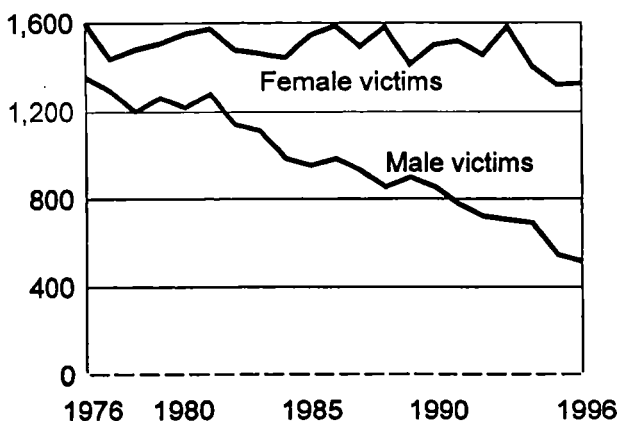


Female murder victims are substantially more likely than male murder victims to have been killed by an intimate.

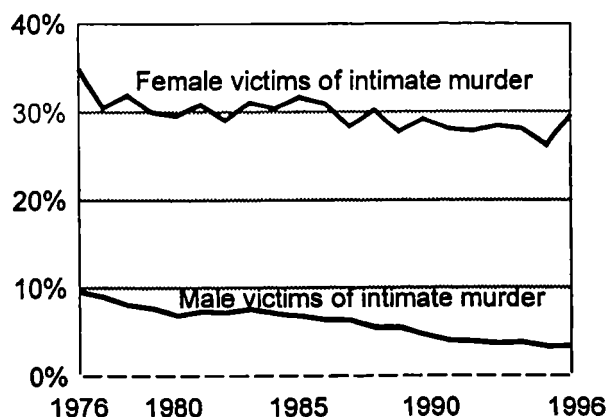
For 1976-96, 18.9% of women victims were murdered by husbands, 1.4% by ex-husbands, and 9.4%

by nonmarital partners (with an undetermined victim-offender relationship in 27.7% of the cases). Over the same period, 3.7% of male victims were killed by wives, 0.2% by ex-wives, and 2.0% by nonmarital partners (with an undetermined victim-offender relationship in 34.3% of the cases).

Number of intimate murder victims



Percent of all murders of each sex



Note: Analysis in this section is based on murders and nonnegligent manslaughters included in the Supplementary Homicide Reports. All percentages are based on the total number of murders, regardless of whether the perpetrator was known or unknown. Intimates include spouses, ex-spouses, common law spouses, same sex partners, boyfriends, and girlfriends.

Since 1976 nearly 52,000 men and women have been murdered by those with whom they shared an intimate relationship.

Intimate murders accounted for 30% of all female murders and 6% of all male murders. Of the 32,580 spouses who were murder victims between 1976 and 1996, about 6 in 10 were women.

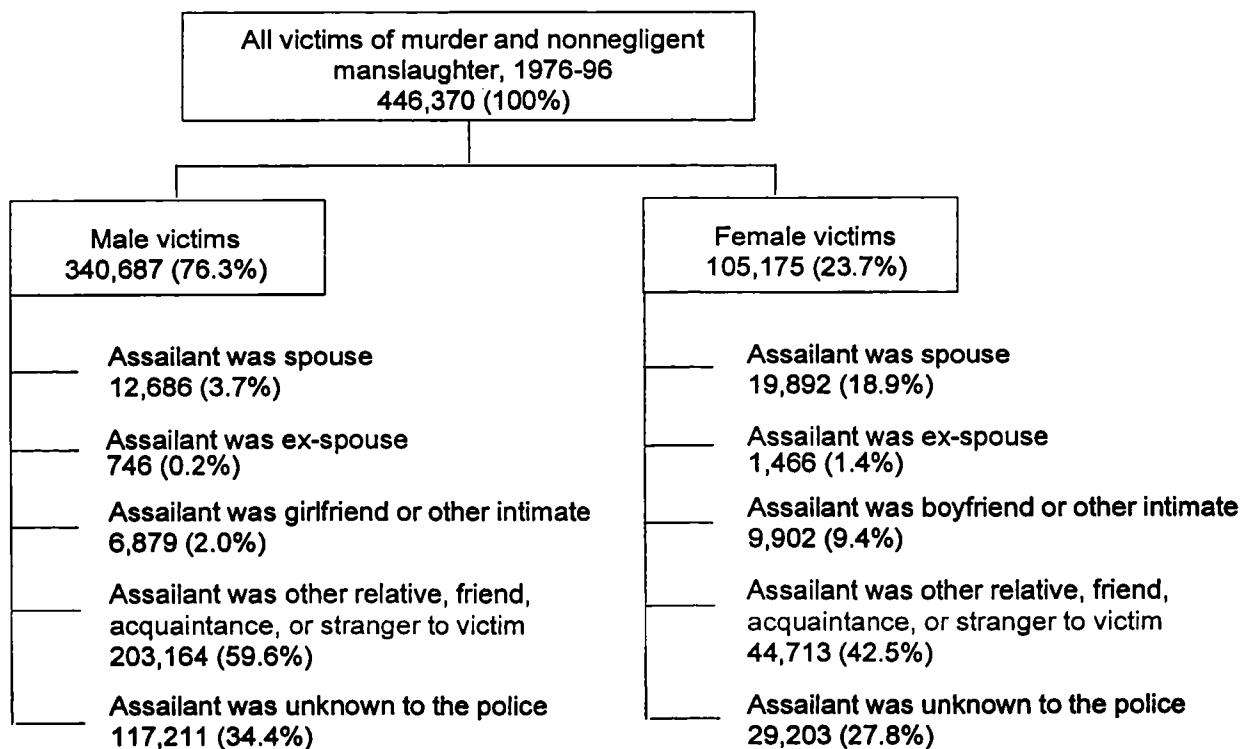
Murders of ex-spouses accounted for about 1 out of every 200 murders that occurred nationwide during the two decades. About 1 out of every 25 intimate murder victims were ex-spouses. About two-thirds of the ex-spouse murder victims were women.

A third of all intimate murders involved boyfriends and girlfriends. As with murders of spouses and ex-spouses, about two-thirds of these victims were women.

The distribution of categories of murderers was similar for the male and female victims of intimate murder between 1976 and 1996:

During the two decades 20,311 men were intimate murder victims —
62% killed by wives,
4% by ex-wives, and
34% by nonmarital partners such as girlfriends.

During the two decades 31,260 women were intimate murder victims —
64% killed by husbands,
5% by ex-husbands, and
32% by nonmarital partners such as boyfriends.



Over the last two decades intimate murder rates dropped far more rapidly among blacks than among whites.

In 1976 the per capita rate of intimate murders among blacks was nearly 11 times that among whites; in 1996 the black rate was just over 4 times higher than the white rate.

From 1976 to 1996 the number of murders of black spouses, ex-spouses, boyfriends, and girlfriends decreased from 14 per 100,000 blacks age 20-44 to just under 4 per 100,000. The murder rate decreased an average of 6% each year.

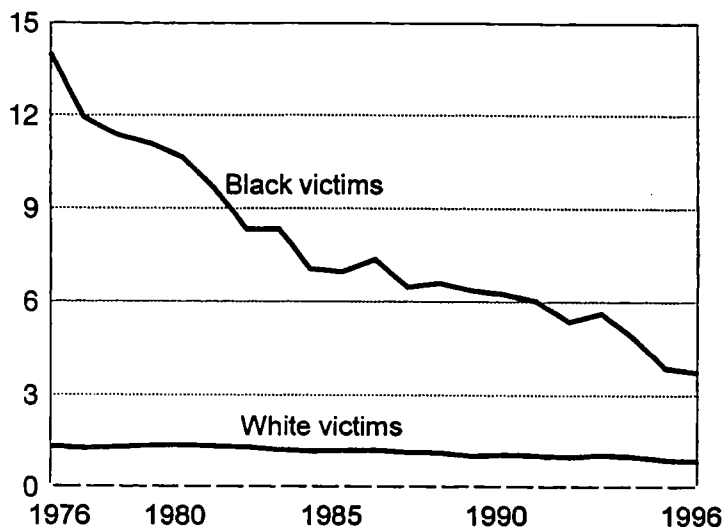
Intimate murder rates for whites during the same years decreased by an annual average of 2%. The rate declined from about 1.3 intimate murders per 100,000 whites age 20-44 to 0.85 murders per 100,000.

Since 1976 the sharpest decrease in per capita rates of intimate murder has been among black male victims.

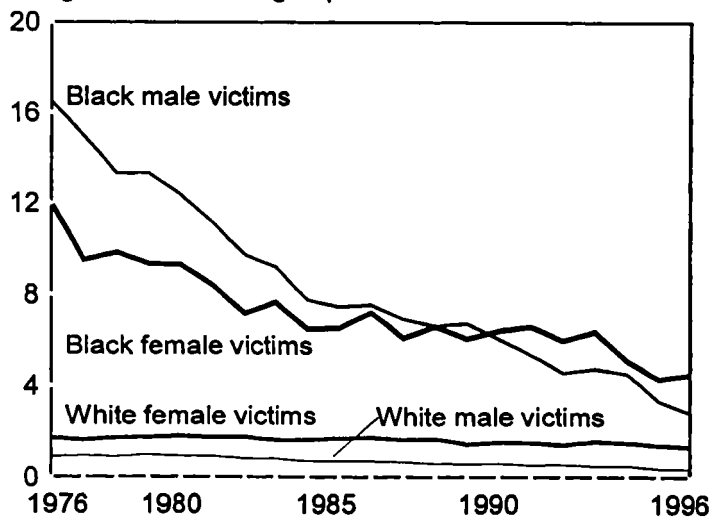
In 1976 the per capita rate of intimate murder of black men was nearly 19 times higher than that of white men. The rate among black females that year was 7 times higher than the rate among white females. In 1996 the black male rate was 8 times that of white males, and the black female rate was 3 times higher than the white female rate.

During the 20-year period after 1976, per capita rates of intimate murder declined an annual average of 8% among black males, 5% among black females, 4% among white males, and 1% among white females.

Rate of intimate murder per 100,000 persons age 20-44 in each group

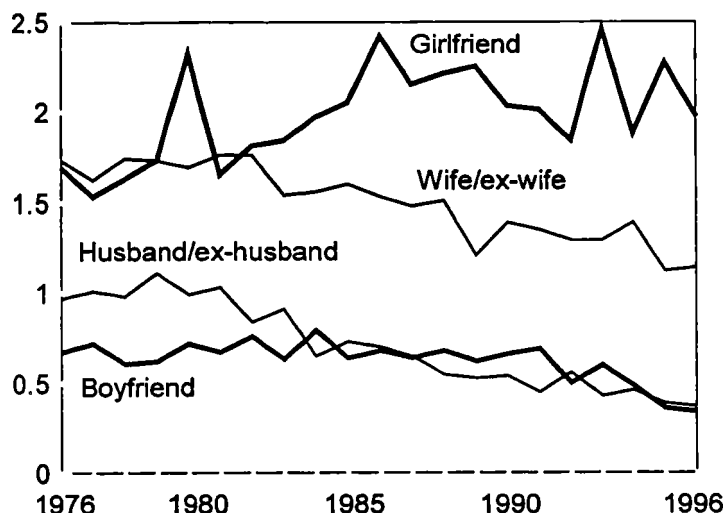


Rate of intimate murder per 100,000 persons age 20-44 in each group



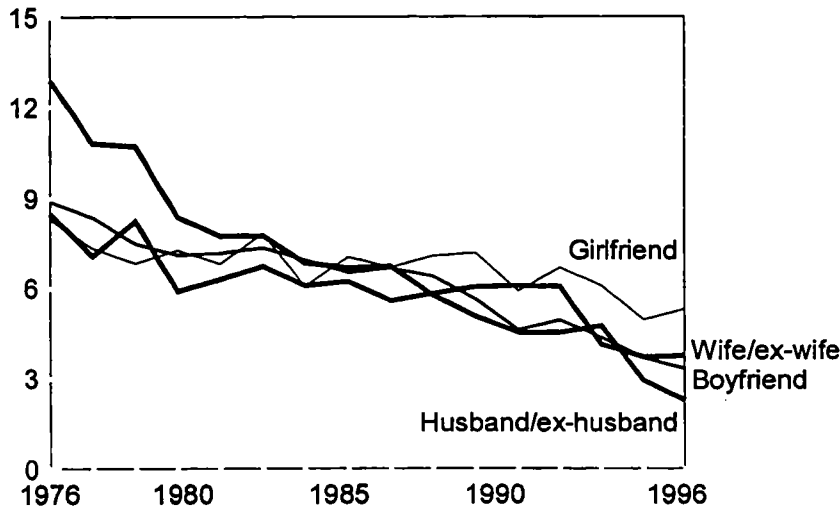
White victims of murder by an intimate

Rate per 100,000 persons
age 20-44*



Black victims of murder by an intimate

Rate per 100,000 persons
age 20-44*



*Rates are based on the following segments of the population for each race: married and divorced for spouse/ex-spouse rates and never married and widowed for boyfriend/girlfriend rates.

The decline in the rate of intimate murder among black husbands/ex-husbands has been greater than for any other category of intimate murder victims.

From 1976 to 1996 the per capita murder rate of black husbands and former husbands declined an average of 10% a year.

Between 1976 and 1989 more black men were killed by their wives than black women were killed by their husbands. After 1990 the order was reversed, and the murder rate among black wives and ex-wives was higher than that among black husbands and ex-husbands.

Only one category of intimate murder victims, white girlfriends, has increased over the past two decades.

In 1976 there were 1.69 murders of white women (shown as *girlfriends*) killed by their boyfriends or other non-marital intimates per 100,000 unmarried white women age 20-44 in the U.S. resident population. In 1996 the intimate murder rate for white girlfriends was 1.97 per 100,000.

The average annual percentage changes in the rates of intimate murder between 1976 and 1996, classified by victim-offender relationship, were as follows:

	Victims	
	White	Black
Husbands/ ex-husbands	-5%	-10%
Boyfriends	-3	-7
Wives/ex-wives	-2	-6
Girlfriends	+1	-3

The number of intimate murders has declined or remained fairly stable for all sex/race relationship groups except for white females murdered by non-marital partners. The incidence of intimate murder of white women by their boyfriend or other nonmarital intimate has increased.

Over 1976-96 the number of never-married white women ages 20-44 nearly doubled. Over the same period the number of intimate murders of victims of this age, race, sex, and marital background slightly more than doubled, resulting in a small increase in the per capita rate of murder. That is, while the number of such victims increased, unlike the case for other victim groups, the rate of murder has not changed greatly.

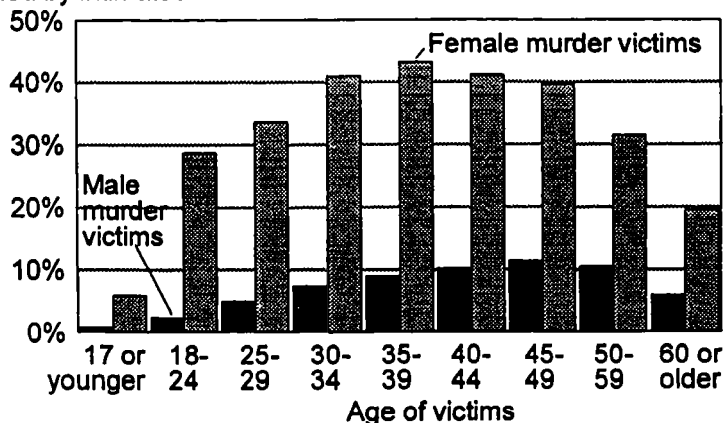
Year	Murders of white females (ages 20-44) by boyfriends or other nonmarital intimates	Population of never married or widowed white women, ages 20-44	Rate of murder per 100,000 white women
1976	90	5,329,000	1.7
1977	89	5,821,000	1.5
1978	102	6,239,000	1.6
1979	116	6,712,000	1.7
1980	163	7,014,000	2.3
1981	124	7,507,000	1.7
1982	145	7,999,000	1.8
1983	155	8,415,000	1.8
1984	173	8,782,000	2.0
1985	182	8,862,000	2.1
1986	219	9,056,000	2.4
1987	200	9,294,000	2.2
1988	209	9,442,000	2.2
1989	216	9,610,000	2.2
1990	198	9,742,000	2.0
1991	202	10,051,000	2.0
1992	187	10,174,000	1.8
1993	250	10,161,000	2.5
1994	195	10,361,000	1.9
1995	230	10,133,000	2.3
1996	199	10,133,000	2.0

Among murder victims for every age group, females are much more likely than males to have been murdered by an intimate.

For victims from age 30 to 49, intimates had committed over 4 in every 10 murders of women. About 1 in 10 murders of men of similar age were by intimates.

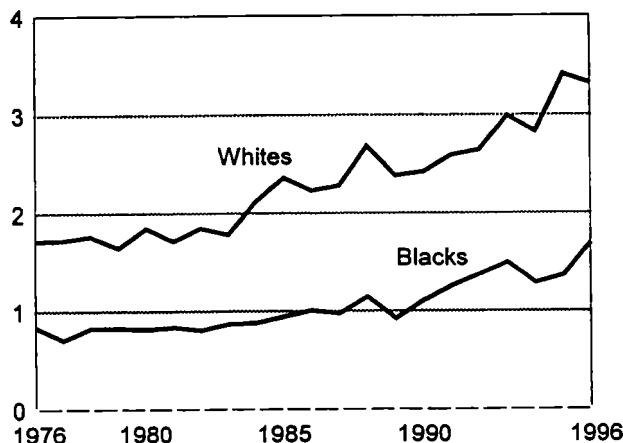
The difference between men and women was the largest in the 18-to-24 age bracket: Intimate offenders were responsible for the deaths of 2.5% of the male murder victims but 28.5% of the female victims.

Percent of murder victims killed by intimates



The female-to-male gender ratio has been climbing for both white and black victims of intimate murder. When intimate murder occurs, increasingly it is the female rather than the male who is the victim.

Ratio of females to males as victims of intimate murder



Because rates of intimate murder have declined faster among male than female victims, the ratio of female-to-male victims of intimate murder has risen among both whites and blacks. Prior to the mid-1980's, fewer than two white females were murdered by intimate partners for every white male; by the mid-1990's, this ratio surpassed three white females for every white male.

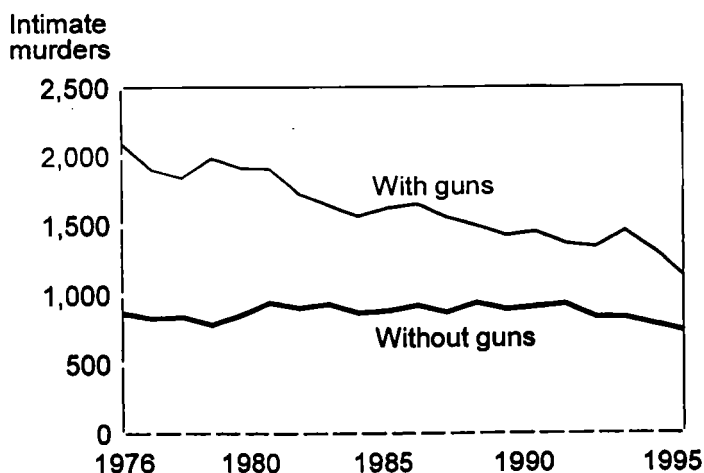
Among blacks the gender ratio was below 1.0 prior to the mid-1980's, as fewer black females than black males were murdered by intimate partners; by the mid-1990's, the ratio reached 1.5 black female victims for every black male.

Race-specific trends in the gender ratio have remained parallel over the past two decades, both having doubled over this period.

Among the nearly 52,000 men and women murdered by an intimate between 1976 and 1996, 65% were killed with a firearm. However, firearms accounted for a smaller share of intimate murders in 1996, about 61%, than they did in 1976 (71%).

Over the two decades more than 33,500 persons were murdered by a current or former spouse or by a current boyfriend, girlfriend, or other intimate using a firearm. In 1996 just over 1,100 people were murdered by intimates wielding a firearm, a thousand fewer than in 1976.

The decrease in the number of intimate murders between 1976 and 1996 is primarily attributable to the substantial drop in the number of such murders committed with a firearm — an average decline of 3% annually. The number of intimate murders committed by means other than a firearm, by contrast, has remained nearly constant over the period.



Characteristics of victims and of incidents of intimate violence

Rates of nonlethal intimate violence are highest among black women, women age 16 to 24, women in households in the lowest incomes categories, and women residing in urban areas.

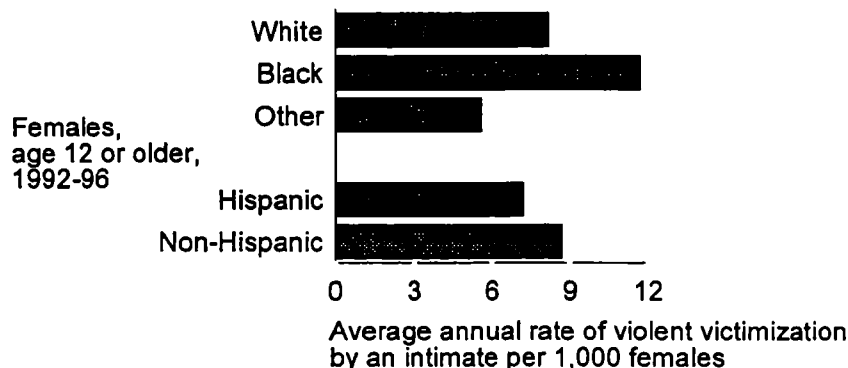
About 3 out of 4 women experiencing violence at the hands of an intimate report the offense occurred at or near their own home. Half report that it occurred between 6 pm and midnight.

About a third of female victims of intimate violence experienced such violence more than once during the 6 months preceding their interview.

Source: **National Crime Victimization Survey, 1992-96
National Incident-Based Reporting
System, 1995**

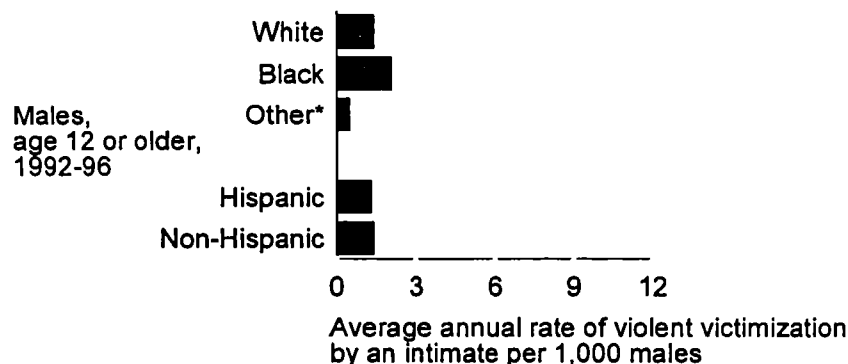
Characteristics of victims of violence by intimates

Among female victims of nonlethal intimate violence, blacks experienced higher rates than whites. White and black males experienced the same rates of intimate violence.



- On average each year between 1992 and 1996 about 12 per 1,000 black women experienced violence by an intimate, compared to about 8 per 1,000 white women.

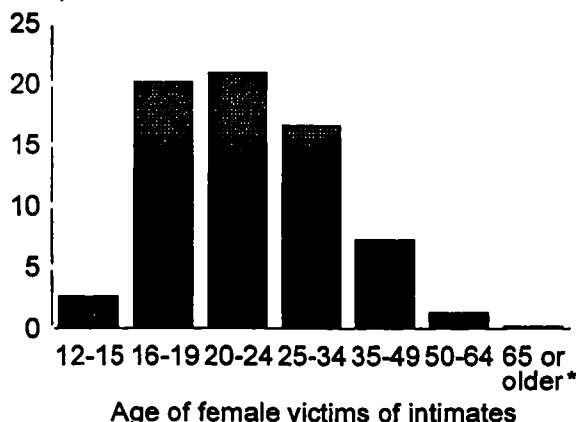
- For men the rate of victimization by an intimate was about a fifth of the rate for women.



Note: Nonlethal violent victimizations include rape, sexual assault, robbery, and aggravated and simple assault. Intimates include current and former spouses, boyfriends, and girlfriends.

*Fewer than 10 sample cases.

Average annual rate of violent victimization per 1,000 females, 1992-96



The highest rates of intimate violence affected women ages 16 to 24.

- Women age 16 to 19 and women age 20 to 24 had nearly identical rates of intimate victimization — about 1 violent victimization for every 50 women.

- Annual rates of intimate violence by age of female victims showed little change from 1992 to 1996.

Note: Violent victimizations include murder, rape, sexual assault, robbery, and aggravated and simple assaults. Intimates include current and former spouses, boyfriends, and girlfriends.

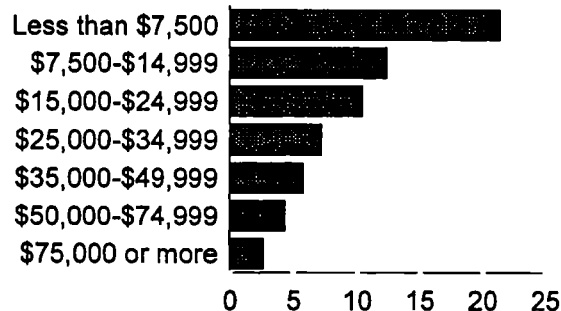
*Fewer than 10 sample cases.

Women in low-income households experienced a higher rate of nonlethal violence by an intimate than did women in households with larger incomes.

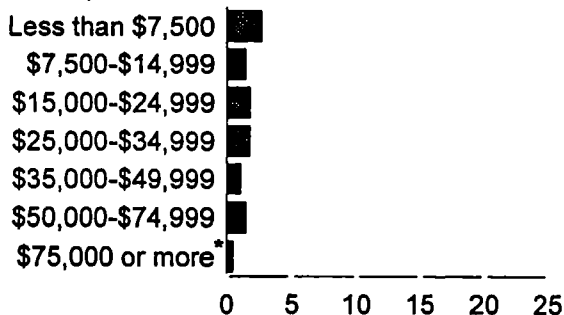
- The rate of intimate violence against women generally decreased as household income levels increased.

Females, 1992-96

Household income



Males, 1992-96



Average annual rate of violent victimization by an intimate per 1,000 persons of each sex

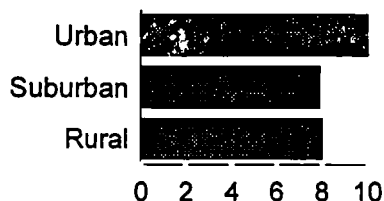
Note: Nonlethal violent victimizations are rape, sexual assault, robbery, and aggravated and simple assault. Intimates include current and former spouses, boyfriends, and girlfriends.

*Fewer than 10 sample cases.

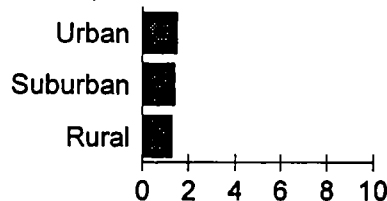
Urban women experienced a higher rate of nonlethal violence from an intimate than suburban and rural women.

- The rates of intimate violence experienced by urban, suburban, and rural men had little variation.

Females, 1996



Males, 1992-96



Rate of violent victimization by an intimate per 100,000 persons of each sex

Note: Nonlethal violent victimizations include rape, sexual assault, robbery, and aggravated and simple assault. Intimates are current and former spouses, boyfriends, and girlfriends.

About 7 in 10 female victims of intimate violence reported that they were physically attacked.

For the remainder, the attack was attempted or threatened — nearly a third of these victims saying that the offender threatened to kill them.

Victim hit, knocked down, or attacked 70%
Attempted or threatened attack* 29

Offender —

Threatened to kill	31%
Threatened to rape	1
Threatened other attack	53
Threatened with weapon	17
Threw object at victim	3
Followed/surrounded victim	5
Tried to hit, slap, or knock down victim	13

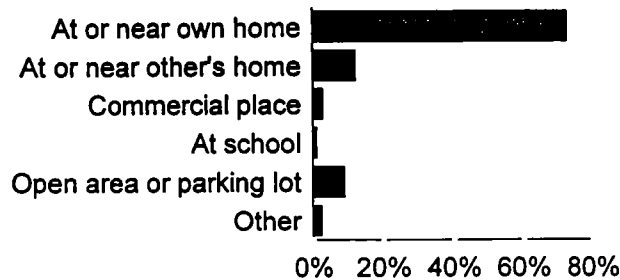
*Victims may report more than one type of threat.

Characteristics of violent victimizations by intimates

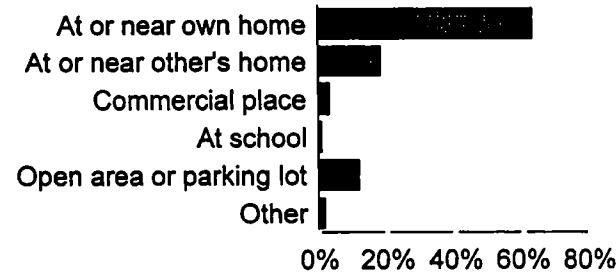
Three-quarters of the incidents of nonlethal intimate violence against women occur at or near the victim's home.

- The patterns are similar for men and women.

Female victims of violence by intimates



Male victims of violence by intimates



Note: Nonlethal violent victimizations include rape, sexual assault, robbery, and aggravated and simple assault. Intimates include current and former spouses, boyfriends, and girlfriends.

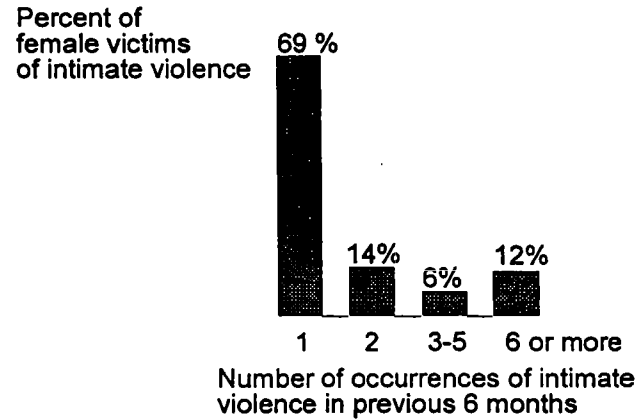
For both male and female victims, nonlethal intimate violence is most likely to occur between 6 pm and midnight.

	Percent of incidents of intimate violence against —	
	Female victims	Male victims
6 am - noon	11%	8%
Noon - 6 pm	24	30
6 pm - midnight	46	50
Midnight - 6 am	16	11
Don't know	4	2*

Note: Nonlethal violent victimizations include rape, sexual assault, robbery, and aggravated and simple assault. Intimates include current and former spouses, boyfriends, and girlfriends.

*Fewer than 10 sample cases, 1992-96.

Nearly a third of female victims of nonlethal intimate violence were victimized at least twice during the previous 6 months.



Note: Nonlethal violent victimizations include rape, sexual assault, robbery, and aggravated and simple assault. Intimates include current and former spouses, boyfriends, and girlfriends. Series victimizations involve 6 or more occurrences in one 6-month reporting period. See page 6.

A larger percentage of female than male victims of nonlethal intimate violence live in households with children under age 12.

Women: Slightly more than half of the female victims live in households with children under age 12. There is no information on whether the children witnessed any of the violence against these women.

Men: About 22% of the male victims of intimate violence live in households with young children.

About 4 in 10 violent offenders in State prisons for crimes against intimates were residing with their children (natural, adopted, or step-children) under age 18 prior to entering prison.

- The prisoners who were convicted of intimate violence and who had children under age 18 had an average of 2.2 young children.

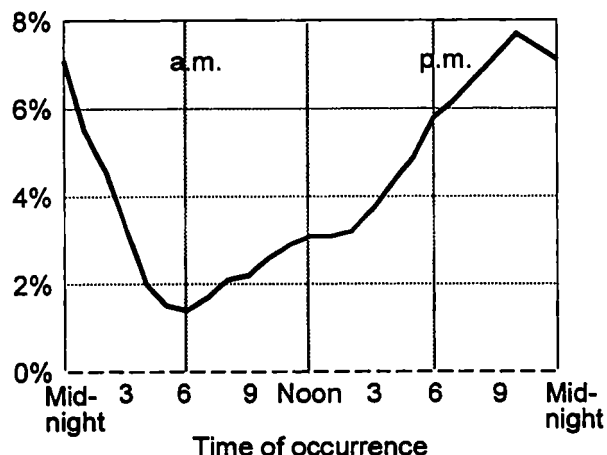
	Percent of State prisoners convicted of crimes against intimates
No children under age 18	36%
Children under age 18	64
Living with offender before prison	40%
Not living with offender	25

Incident-based data, from jurisdictions which maintained such records of crime in 1995, provide details on intimate violence not available from most law enforcement agencies —

- **3 in 4 intimate violence victims are between ages 20 and 39**
- **8 in 10 incidents occur in the home**
- **4 in 10 incidents occur on weekends**
- **1 in 4 incidents involved an offender who had been drinking**
- **3 in 10 incidents occur between 9 p.m. and midnight.**

The National Incident-Based Reporting System (NIBRS) represents the next generation of crime data from law enforcement agencies. It is designed to replace the nearly 70-year-old summary Uniform Crime Reporting Program of the FBI that compiles aggregate data on eight crimes. NIBRS utilizes information from individual crime reports recorded by police officers at the time of the incident. Rather than relying on a group of eight Index offenses to convey the overall crime situation, NIBRS collects information on 57 types of crimes.

Percent of intimate violence incidents



In addition, NIBRS provides the opportunity to analyze a wide array of contingencies of crime: who the victim was, the relationship of the victim to the offender, age of both victim and offender, where and when the incident occurred, and the consequences of the crime for the victim such as injuries and property loss.

A significant benefit of NIBRS is that it makes possible the ability to evaluate and monitor the incidence and prevalence of domestic violence, both family violence and intimate violence, nationally and at the jurisdiction level.

	Percent of incidents of intimate violence			
	All intimate assaults*	Aggravated assault	Simple assault	Intimidation
Victim/offender relationship				
Spouse	53.1%	52.5%	54.8%	41.0%
Ex-spouse	4.9	3.3	3.8	16.4
Other intimate	42.0	44.2	41.4	42.6
Age of victim				
Under 20	8.8%	7.1%	9.1%	9.1%
20-29	40.2	37.0	41.3	38.2
30-39	35.7	37.0	35.5	35.5
40 or older	15.2	18.9	14.2	17.2
Circumstances				
Argument	81.0%	81.2%	84.7%	76.4%
Lovers' quarrel	14.4	14.3	11.0	13.9
Other	4.6	4.5	4.3	9.7
Location				
Home	80.0%	78.2%	81.0%	75.6%
Bar/club	1.2	1.1	1.3	.7
Hotel	1.2	1.2	1.2	.7
Road/garage	8.1	10.6	7.5	7.5
Other	9.5	8.9	9.0	15.3
Day of the week				
Sunday	18.6%	18.9%	19.0%	14.8%
Monday	12.1	11.8	12.0	13.4
Tuesday	12.4	12.1	12.2	15.0
Wednesday	12.0	11.7	11.9	14.0
Thursday	12.2	12.0	12.0	13.6
Friday	13.9	14.0	13.7	14.9
Saturday	18.8	19.4	19.2	14.3
Alcohol use				
Evidence of offender drinking	24.9%	28.0%	25.8%	12.7%

Note: These data were obtained from law enforcement agencies in 9 States. Coverage for these data is estimated to be about 2% of murders, 4% of reported aggravated assaults, and an unknown percentage of simple assaults and intimidation offenses.

*All intimate assaults includes murder but excludes violent sex crimes.

Responses to nonlethal intimate violence

About 3 out of 4 female victims of intimate violence defended themselves during the incident.

About half the female victims reported the incident to law enforcement authorities — black female victims being more likely than others to call the police. Most victims reported that the police responded to their call for assistance and for a majority of those, within 10 minutes of the call. In about 20% of these cases, the victim reported that the offender was immediately arrested.

About 160,800 female victims of violence are estimated to receive services from a victim service agency each year.

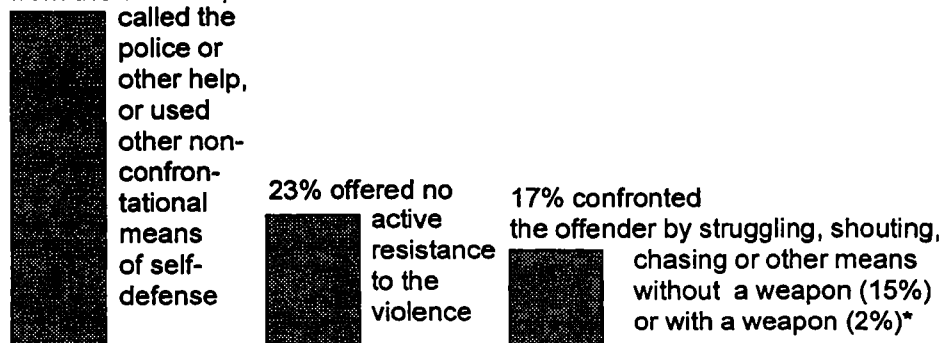
About half of all female victims of intimate violence report an injury of some type, and about 20% of these seek medical assistance. In 1994 hospitals recorded nearly a quarter million hospital visits resulting from intimate violence. Female victims of intimate violence suffer medical expenses and other costs of crime which total about \$150 million annually.

**Sources: National Crime Victimization Survey, 1992-96
Study of Injured Victims of Violence, 1994**

Responses to nonlethal intimate violence

Three-fourths of female victims of nonlethal intimate violence actively defended themselves against the offender.

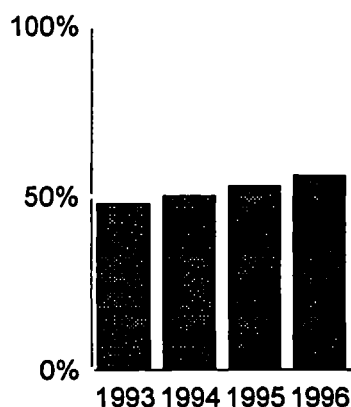
60% tried to escape from the offender, called the police or other help, or used other non-confrontational means of self-defense



*Fewer than 10 cases.

About half the women victimized by an intimate reported the violence to law enforcement.

Percent of female victims of intimate violence reporting the crime to the police



- For female victims of intimate violence, the likelihood of reporting an incident to the police did not change significantly between 1993 and 1996.

- 1 in 3 of the female victims of intimate violence who did not report their crime to the police (and 1 in 6 of all female victims of intimate violence) said that they had considered the victimization a "private or personal matter."

Female victims of intimate violence, 1992-96

Violent crime against an intimate reported to the police
52.1%

Violent crime against an intimate not reported to the police
47.8%

Among women victimized by a violent intimate, about two-thirds of the black women but about half of the white women report the crime to the police.

Percent of female victims of intimate violence

White	49%
Black	68
Other	44

Most important reasons given for not reporting

Private or personal matter	15.4%
Afraid of offender retaliation	7.3
Police would do nothing	4.4
Incident was not important enough	3.5
No one reason most important	1.7
Reported to another official	1.1
Don't know	.7*
Other	13.6

*Fewer than 10 cases.

When notified of the incident, the police responded to about 90% of the calls for assistance from intimate violence victims, according to the victims themselves.

Female victims of intimate violence, 1992-96

Violent crime against an intimate reported to the police 51%	Violent crime against an intimate not reported to the police 49%
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Police responded or victim went to the police 88%	Police did not respond 11%
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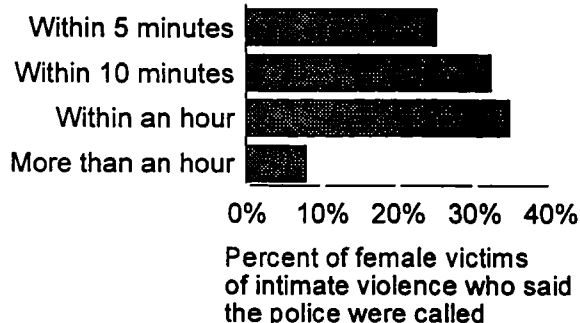
Actions taken by the police

Took an official report	70%
Questioned witness/suspect	29
Arrested the offender	20
Searched for/collected evidence	6
Promised surveillance/investigation	4

Ultimately, about 1 in 3 offenders identified by the victim were eventually arrested or charged for the victimization between the time of the incident and the interview with the victim.

Among female victims of intimate violence reporting that the police were called for assistance, nearly 6 in 10 said the police arrived within 10 minutes.

Police response time, according to the victims



Between 1992 and 1996 an estimated 800,000 female victims of intimate violence received assistance from a victim service agency shortly after the crime.

- An annual average of 160,800 women victimized by an intimate got help from victim service agencies — about half of which were governmental and half private. This average translates to about 1 in 6 of all female victims of intimate violence.

The estimate of the number of women receiving assistance from a victim service agency is probably too low. The NCVS obtains information only on a brief period following the incident.

- During or after an intimate victimization an annual average of nearly 500,300 female victims reported the victimization to a law enforcement agency.

More than half of female victims of intimate violence reported the incident to the police or had contact with a victim assistance agency shortly after the crime.

Annual average number of female victims of intimate violence
960,400

Female victims who reported the victimization to --	
51,000	A victim service agency (governmental or private)
390,500	The police or another law enforcement agency
109,800	Both a victim service agency and the police
411,000	Neither a victim service agency nor the police

Injuries and losses reported by victims of intimate violence

About half of the female victims of violence by an intimate were injured.

Female victims of intimate violence, 1992-96

Injured 51%				Not injured 49%			
Rape or sexual assault	6%	Gun, knife or stab wound	0.5%	Other serious injury*	4%	Other injury*	41%

*Categories of injuries: Serious injuries include broken bones, internal injuries, being knocked unconscious, and any injuries requiring 2 or more days in a hospital. Other injuries include bruises, black eyes, cuts, swelling, chipped teeth, and unspecified injuries requiring less than 2 days' hospitalization.

Among female victims of intimates, 1 in 10 sought treatment at a medical care facility for physical injury; among those injured 1 in 5 sought treatment.

Female victims of intimate violence, 1992-96

Physically injured 51%				No reported physical injury 49%			
Not treated	32%	Cared for at the scene or at home	9%	Treated at doctor's office or clinic	3%	Treated at an emergency room	7%
						Hospitalized	<1%*

Note: Nonlethal violent victimizations include rape, sexual assault, robbery, and aggravated and simple assault. Intimates include current and former spouses, boyfriends, and girlfriends.

*Fewer than 10 sample cases in the source data from the NCVS.

Based on the reports of female victims of nonlethal intimate violence, medical expenses from the physical trauma, broken or stolen property, and lost pay cost these victims nearly \$150 million a year.

Female victims of intimate violence, 1992-96

Type of expense or loss	Percent of victims experiencing an expense or loss	Average expense or loss per victim reporting a loss	Estimated total loss annually
Medical expenses	6.0%	\$1,075	\$61,800,000
Cash loss	1.1	455	4,900,000
Property			
Loss	4.3	734	30,300,000
Repair	5.8	189	10,500,000
Replacement	5.3	478	24,300,000
Lost pay from —			
Injury	4.3	261	10,800,000
Other causes	2.8	255	6,900,000

• Each year, on average, an estimated 57,500 female victims of intimate violence incurred over \$61 million in medical expenses. Medical expenses represented nearly 40% of all costs associated with incidents of intimate violence against a woman.

Medical expenses, however, may be substantially underestimated in the NCVS, based on findings from the National Electronic Injury Surveillance System (see page 27).

• On average, each year, female victims of intimate violence spent nearly \$35 million to replace or repair property that was stolen or broken during the violent incident.

• Property losses accounted for about 44% of all costs women face as a consequence of violence by an intimate.

Study of Injured Victims of Violence: Intimate violence and its health consequences

The National Electronic Injury Surveillance System, a data collection program in a national sample of hospital emergency departments, provides another source of information on intimate violence.

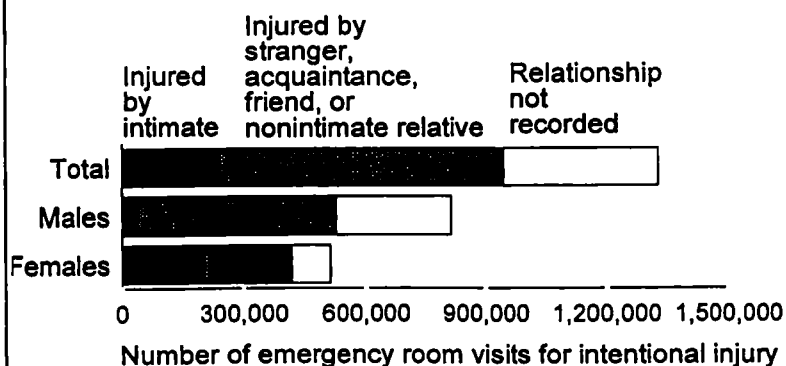
In 1994 about 1.4 million people, injured as a result of intentional violence, were examined in the emergency departments. About a quarter of all these intentional injuries had resulted from violence by an intimate. Intimates include current or former spouses and current boyfriends and girlfriends.

- About half of all persons treated for intimate violence were treated for bruises or similar injuries. About a fourth were treated for cuts, stab wounds or internal injuries.

- About half of the persons treated for intimate violence related injuries had head or facial injuries.

	Patients treated in hospital emergency departments	
	Victims of intimate violence	Victims of violence by nonintimate
Victim's age		
13-19	9.7%	29.7%
20-29	42.2	32.4
30-45	41.6	29.2
46 or older	6.5	8.7
Weapons used to injure victim		
No weapon used	73.5%	61.9%
Weapon used	21.0	32.0
Firearm	1.1	3.5
Knife/sharp object	7.4	6.6
Bat, or object used to hit	9.6	15.9
Other	2.9	6.0
Not recorded	5.6	6.1
Diagnosis of injury		
Bruise	48.6%	32.7%
Cut/stab wound/internal injury	24.1	31.3
Muscular/skeletal injury	16.9	20.6
Concussion/head injury	.9	1.4
Rape/sexual assault	2.2	4.1
Gunshot wound	1.0	3.4
All other	6.4	6.3
Part of body injured		
Head/face	51.1%	57.4%
Upper trunk	9.6	9.9
Lower trunk	4.8	3.5
Hands/arms	18.1	14.5
Feet/legs	4.5	5.1
Other	2.1	3.5
25%-50% of body	6.4	3.6
All parts of the body	2.5	2.2
Not recorded	.9	.3
Number	243,000	701,000

Note: The table excludes 384,000 patients who either could not or did not report the victim-offender relationship. Intimates include spouses, ex-spouses, boyfriends, and girlfriends.



Females accounted for 39% of the hospital emergency department visits for violence-related injuries in 1994 but 84% of the persons treated for injuries inflicted by intimates.

- Among those treated for violence-related injuries and with a known relationship to the offender, about 50% of the women and 8% of the men had been injured by an intimate.

Profile of convicted intimate offenders

About 24% of convicted violent offenders in local jails and 7% of violent offenders in State prisons nationwide committed their crime against an intimate.

Nearly 40% of convicted violent offenders in local jails who committed their crime against an intimate had a criminal justice status at the time of the offense: on probation or parole or under a restraining order.

More than half of prison and jail inmates with an intimate victim had been drinking or using drugs when they committed the violent crime. Among those drinking, half had been drinking for more than 6 hours before the violence and had consumed about 10 drinks.

Nearly 30% of State prisoners with intimate victims were armed with a firearm at the time of the incident.

Sentences received by intimate offenders did not differ substantially from other offenders for the same crimes.

Sources: **Survey of Inmates of State Correctional Facilities, 1991**
Survey of Inmates in Local Jails, 1995

Profile of convicted intimate offenders

About 1 in 4 convicted violent offenders in local jails said they had committed their offense against an intimate.

- For 3 in 4 jailed violent offenders whose victim was a current or former spouse, girlfriend, or boyfriend, the conviction offense was assault. Other crimes included murder, manslaughter, rape, sexual assault, kidnaping, robbery, and other violent offenses.
- Violent offenders with an intimate victim were about twice as likely as those who had committed their crime against a stranger to have been convicted of assault.

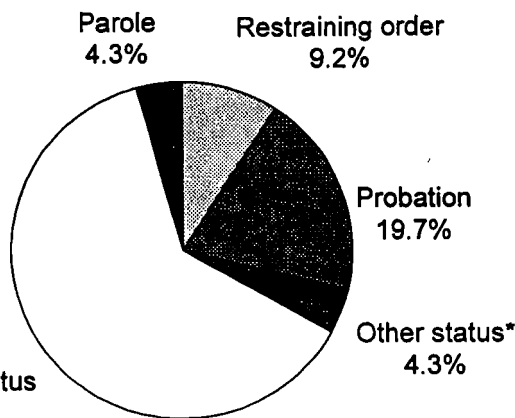
Convicted violent offenders in local jails 100%			
Intimate violence 23.6%	Other relatives violence 8.6%	Friend/acquaintance violence 25.9%	Stranger violence 41.9%
Homicide 4.7%	Homicide 2.0%	Homicide 8.6%	Homicide 7.5%
Rape/sexual assault 12.3%	Rape/sexual assault 52.4%	Rape/sexual assault 23.5%	Rape/sexual assault 3.6%
Robbery 2.4%	Robbery 3.7%	Robbery 14.1%	Robbery 46.8%
Assault 72.3%	Assault 34.4%	Assault 46.4%	Assault 36.6%

Note: Intimate violence includes violent offenses committed against current and former spouses, boyfriends, and girlfriends.

About half of all convicted inmates in local jails serving time for violence against an intimate had a history of having been placed under a restraining or protection order.

Convicted intimate violent offenders in local jails 100%		
Previously placed under a restraining or protection order 50.9%		No history of restraining or protection orders 49.1%
Who was the victim of the intimate violence?	Who took out the restraining or protection order?	Who was the victim of the intimate violence?
Spouse 39.3%	Spouse 39.9%	Spouse 33.9%
Boyfriend, girlfriend, or ex-spouse 60.7%	Boyfriend, girlfriend, or ex-spouse 42.4%	Boyfriend, girlfriend, or ex-spouse 66.1%
	Other relatives or acquaintances 17.7%	

Nearly 4 in 10 offenders sentenced to jail for violence against a current or former spouse, boyfriend, or girlfriend had a criminal justice status or a restraining order against them when they committed their crime.



- Among those who were in jail for violence against an intimate and who had been on probation or parole when they committed their crime, about 1 in 4 also had a restraining order against them.

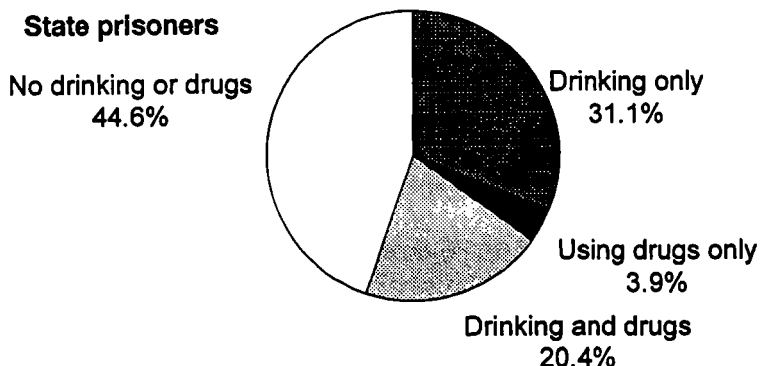
Note: Intimate violence includes violent offenses committed against current and former spouses, boyfriends, and girlfriends.

*"Other status" includes programs such as electronic monitoring, alcohol/drug diversion, and weekend sentences.

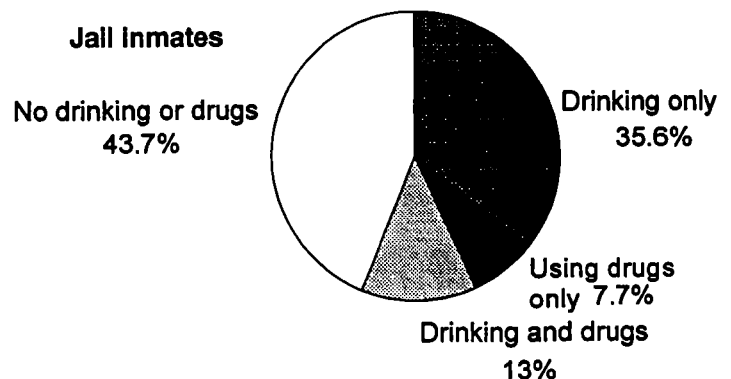
More than half of both prison and jail inmates convicted of a violent crime against an intimate were drinking or using drugs at the time of the offense.

- Less than a quarter of the State prisoners or jail inmates were using drugs, alone or in combination with alcohol.

State prisoners



Jail inmates



An estimated three-fourths of local jail inmates convicted of intimate violence had prior convictions, and most of these had a history of convictions for violence.

Criminal history	Inmates convicted of violence against an intimate	
	State prison	Local jail
Total	100%	100%
First conviction	33.4	21.8
Recidivist —		
Prior violence	33.2	58.0
No prior violence	33.4	20.2

- Among State prisoners serving time for intimate violence, about 2 out of 3 had a prior conviction history.
- Chronic violent offenders accounted for 3 in 10 of State prisoners serving time for violence against an intimate and nearly 6 in 10 local jail inmates convicted of intimate violence.

Among prisoners who had been drinking before they committed a crime against an intimate, about half of State prison inmates and a third of convicted jail inmates had been drinking for 6 or more hours.

Hours spent drinking before the offender committed the crime against an intimate	State prisoners	Convicted jail inmates
1 hour	9.4%	19.7%
2	14.4	21.2
3	11.1	4.5
4	7.3	11.6
5	8.9	9.1
6-12	20.9	24.5
More than 12 hours	28.1	9.4

Jail inmates who committed a violent crime against an intimate and who reported that they had been drinking at the time had consumed an average (median) of about 5 ounces of ethanol — equivalent to about 10 beers or mixed drinks.

Of jail inmates who were convicted of a violent crime against an intimate and who were drinking before the offense —

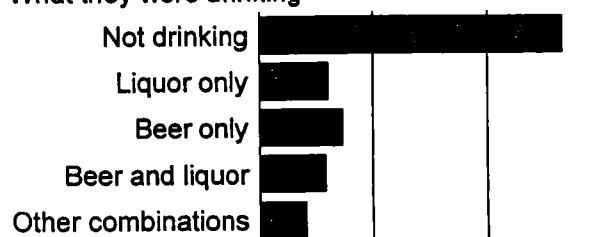
- about 4 in 10 reported consuming the equivalent of about one six-pack of beer before their crime.
- about 1 in 5 reported drinking the equivalent of two dozen or more beers before their crime.

Number of ounces of ethanol reported to have been consumed	Cumulative percentage of jail inmates who were drinking when they committed a violent crime against an intimate	Approximate number of drinks to equal the amount of ethanol consumed
1 oz. or less	25.5%	2 drinks
2 ozs. or less	35.6	4
3 ozs. or less	42.3	6
4 ozs. or less	44.4	8
5 ozs. or less	52.9	10
6 ozs. or less	56.6	12
7 ozs. or less	69.2	14
11 ozs. or less	79.6	22
15 ozs. or less	100	30

About half of prison and jail inmates were drinking beer or liquor when they committed a violent crime against an intimate companion.

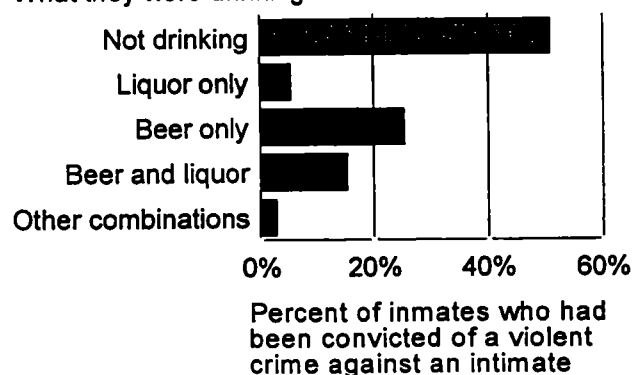
State prisoners

What they were drinking



Jail inmates

What they were drinking



Victim and Inmate surveys report similar estimates of offender alcohol and drug use in Intimate violence.

Nearly half the female victims of intimate violence report that the offender was drinking or using illegal drugs at the time of the crime. This is about the same pattern of alcohol and drug use reported from surveys of jail and prison inmates.

Offenders in State prisons convicted of a violent offense against an intimate were more likely than violent offenders with other types of victims to be serving a sentence for homicide.

Violent offenders
in State prisons
100%

- About 4 in 10 violent offenders in State prison who had intimate victims had killed their victim.

Intimate violence 7.3%	Other relative violence 9.8%	Friend/ acquaintance violence 26.9%	Stranger violence 56.0%
Homicide 41.6%	Homicide 16.7%	Homicide 33.8%	Homicide 24.0%
Rape/sexual assault 21.0%	Rape/sexual assault 66.0%	Rape/sexual assault 30.1%	Rape/sexual assault 8.2%
Robbery 2.8%	Robbery 1.9%	Robbery 13.5%	Robbery 48.5%
Assault 29.6%	Assault 10.0%	Assault 19.3%	Assault 16.1%

Note: Intimate violence includes violent offenses committed against current and former spouses, boyfriends, and girlfriends.

Among violent offenders in State prisons, women were about 3 times as likely as men to have committed their crime against an intimate.

Who was the victim?	Violent offenders in State prison	
	Male	Female
Intimate*	6.8%	20.1%
Not an intimate	93.2	79.9

*Intimates include current and former spouses, boyfriends, and girlfriends.

State inmates serving time for violence against an intimate were somewhat more likely to be white and less likely to be black or Hispanic.

- Offenders with intimate victims were also likely to be somewhat older than other violent offenders.

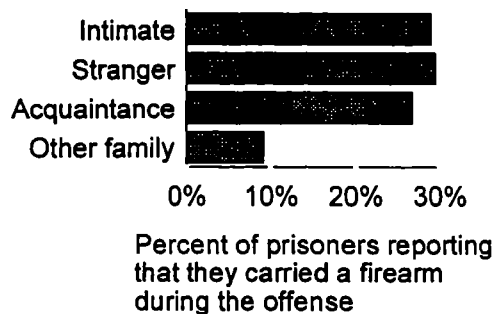
Characteristic of violent offenders in State prisons	When the victim was an intimate*	When the victim was not an intimate
Male	89.6%	96.8%
Female	10.4	3.2
White	46.8%	36.9%
Black	40.8	46.5
Hispanic	9.5	13.9
Other	2.9	2.6
Age 24 or younger	9.8%	19.5%
25-34	41.1	44.9
35 or older	49.1	35.6
8th grade or less	14.6%	14.3%
9th-11th grade	24.3	24.9
High school graduate	45.2	49.3
Some college	15.9	11.4

*Intimates include current and former spouses, boyfriends, and girlfriends.

An estimated 29% of State prisoners who committed a violent crime against an intimate — a current or former spouse, boyfriend, or girlfriend — were armed at the time with a gun.

- Whether against an intimate, an acquaintance, or a stranger — about the same percentage of State prison inmates convicted of a violent crime used a firearm in their crime.

Single victim of violent
State prisoner



Among victims of intimate violence, 17% of the female victims and 29% of the males reported that the offender had used a weapon.

- For those men who had faced an intimate wielding a weapon, the weapon was more likely to have been a sharp or blunt object rather than a knife or firearm.
- Among the women reporting violence by an armed intimate, firearms, knives, and objects used as weapons were mentioned with about the same frequency.

8 in 10 inmates serving time in State prison for violence against an intimate killed or injured their victim.

Victim injury	Victim's relation to the prisoner			
	Intimate ^a	Other relative	Acquaintance	Stranger
Any	79.2%	47.8%	69.8%	51.5%
Death	47.3	18.4	38.7	28.6
Rape/sexual assault	12.6	19.3	11.6	6.4
Stab wound	5.0	1.4	3.9	4.0
Gunshot wound	2.2	2.4	6.9	3.7
Severe internal injuries ^b	1.9	1.6	2.7	3.0
Bruises or cuts	7.9	2.5	5.0	4.8
Other	2.3	2.2	1.1	1.0

^aIntimates include current and former spouses, boyfriends, and girlfriends.

^bInjuries include broken bones, lost teeth, and being knocked unconscious.

- Among all victims of violent crime committed by State prisoners, the rate of death or injury was higher for intimates than for any other category.

The median sentence of State prisoners for assault was 4 years longer if the victim was the offender's spouse rather than a stranger.

Offense	All violent offenders	Victim's relation to the prisoner				
		Spouse	Ex-spouse, nonmarital intimate	Other relative	Friend/ acquaintance	Stranger
Median sentence						
All violent offenses	180 mo	180 mo	180 mo	144 mo	180 mo	168 mo
Homicide	264	300	240	240	264	300
Assault	120	168	120	108	108	120
Percent of prisoners						
With a life sentence	16.6%	32.5%	14.9%	10.3%	18.4%	18.3%
Having a life sentence, were convicted of homicide	46.8%	47.9%	29.7%	35.4%	41.2%	52.5%

Appendix 1: Defining the victim-offender relationship

Defining the victim-offender relationship

The various sources used in this report obtain data on the relationship between victims and the offenders who committed the violent crimes against them. While the series have slight differences in the level of specificity, they are generally quite similar in the types of relationships described. These relationship categories, when aggregated to more general groupings, result in a category of intimates which includes current and former spouses, boyfriends, and girlfriends. Each data series provides an option for coding an unknown relationship between the victim and offender.

The **NCVS** queries victims of personal contact crimes about their relationship to the offender, if any. The sequence of questions is similar for both those victims who report a single offender and attacked them and those who report multiple offenders attacked them. For purposes of this report, the victim/offender relationship categories contained in the questionnaire were grouped into the following:

Offender's relation to the victim was—			
Stranger	Acquaintance	Intimate	Other family
Known by sight only	Spouse	Parent/	
Casual	Ex-spouse	step-parent	
Friend/ex-friend	Boyfriend/	Own child/	
Roommate/boarder	girlfriend/	stepchild	
Schoolmate	ex-boyfriend/	Brother/sister	
Neighbor	ex-girlfriend	Other relative	
Someone at work/			
customer			
Other nonrelative			

The sex of offenders coded as intimates may be the same as or different from the victim's sex.

The Supplementary Homicide Reports of the FBI (SHR), which gathers data from local police departments on each homicide, provides 28 categories for the victim-offender relationship. These relationships were recoded to more general categories paralleling those used for the NCVS:

Victim's relation to the offender was—			
Stranger	Acquaintance	Intimate	Other family
	Acquaintance	Husband	Mother
	Friend	Common-law husband	Father
	Neighbor	Ex-husband	Son
	Employee	Wife	Daughter
	Employer	Common-law wife	Brother
	Other known	Ex-wife	Sister
		Boyfriend	In-law
		Girlfriend	Stepfather
		Homosexual relation	Stepmother
			Stepson
			Stepdaughter
			Other family

The victim segment of the FBI's National Incident-Based Reporting System (**NIBRS**) is much like the victim/offender component of the SHR. NIBRS relationship codes were recoded in this study as shown below:

Victim's relation to the offender was—			
Stranger	Acquaintance	Intimate	Other family
	Acquaintance	Spouse	Parent
	Friend	Common-law spouse	Step-parent
	Neighbor	Ex-spouse	Own child
	Babysitree (the child)	Boyfriend/	Stepchild
	Child of boyfriend/	girlfriend	Sibling
	girlfriend	Homosexual relationship	Stepsibling
	Employee		Grandparent
	Employer		Grandchild
	Other known		In-law
			Other family

This report also presents data gathered from hospital emergency departments under the Survey of Injured Victims of Violence (**SIVV**). Codes used in this collection to represent these relationships were as follows:

Offender's relation to the victim was—			
Stranger	Acquaintance	Intimate	Other family
	Friend	Spouse	Parent
	Inmate/patient	Ex-spouse	Child
	Other known	Boyfriend/	Sibling
		girlfriend	Other relative

The BJS Survey of Inmates in Local Jails and the Survey of Inmates in State Correctional Facilities provide for the collection of detailed victim information from convicted violent offenders. These data were recoded to the same four general categories of victim/offender relationship:

Offender's relation to the victim was—

Stranger	Acquaintance	Intimate	Other family
	Known by sight only	Spouse	Parent/
	Casual acquaintance	Ex-spouse	step-parent
	Well-known	Boyfriend/	Own child/
	Friend/ex-friend	ex-boyfriend	stepchild
	Other nonrelative	Girlfriend/	Sibling/stepsibling
		ex-girlfriend	Other relative

Appendix 2: Data for graphical figures

Cover and page 5. Intimates committed fewer murders in 1995 and 1996 than in any year since 1976

Year	Murders of an intimate	
	Male victims	Female victims
1976	1,357	1,600
1977	1,294	1,437
1978	1,202	1,482
1979	1,262	1,506
1980	1,220	1,550
1981	1,278	1,572
1982	1,141	1,480
1983	1,112	1,462
1984	989	1,443
1985	957	1,546
1986	985	1,586
1987	933	1,494
1988	855	1,582
1989	903	1,414
1990	858	1,500
1991	779	1,518
1992	722	1,456
1993	708	1,581
1994	692	1,405
1995	547	1,320
1996	516	1,326

Note: Intimates include spouses, ex-spouses, common-law spouses, same sex partners, boyfriends, and girlfriends. Murder includes nonnegligent manslaughter. Data are for all ages of victims.

Source: FBI, Supplementary Homicide Reports (SHR), 1976-96.

Page 3. Each year from 1992 to 1996 there were more than 960,000 victimizations of women by an intimate

	Number of violent victimizations committed by intimates				
	1992	1993	1994	1995	1996
Male	145,650	163,558	176,168	115,483	147,896
Female	952,188	1,072,072	1,003,167	953,683	837,899

Note: Intimates for the NCVS include current or former spouses, boyfriends, and girlfriends. Intimates for the SHR include spouses, ex-spouses, common-law spouses, same sex partners, boyfriends, and girlfriends. Violent victimizations include rape, sexual assault, robbery, and aggravated and simple assault, as measured by the NCVS, and murder as reported by law enforcement agencies to the FBI. Data are for victims age 12 or older.

Sources: BJS, National Crime Victimization Survey (NCVS), 1992-96, and FBI, Supplementary Homicide Reports (SHR), 1992-96.

Page 3. Each year from 1992 to 1996 about 8 in 1,000 women and 1 in 1,000 men experienced a violent victimization by an intimate

	Rate of violent victimization by intimates per 1,000 persons				
	1992	1993	1994	1995	1996
Male	1.4	1.6	1.7	1.1	1.4
Female	8.8	9.8	9.1	8.6	7.5

Note: Intimates for the NCVS include current or former spouses, boyfriends, and girlfriends. Intimates for the SHR include spouses, ex-spouses, common-law spouses, same sex partners, boyfriends, and girlfriends. Violent victimizations include rape, sexual assault, robbery, and aggravated and simple assault, as measured by the NCVS, and murder as reported by law enforcement agencies to the FBI. Data are for victims age 12 or older.

Sources: BJS, National Crime Victimization Survey (NCVS), 1992-96, and FBI, Supplementary Homicide Reports (SHR), 1992-96.

Page 4. Among female victims of violence, strangers and friends or acquaintances rather than intimates were responsible for the highest rates of crime

Victim-offender relationship	Rate of violent victimization per 1,000 women				
	1992	1993	1994	1995	1996
Intimates	8.8	9.8	9.1	8.6	7.5
Other relatives	2.7	3.3	2.9	2.2	2.8
Friend/acquaintances	14.1	15.9	15.3	14.2	13.7
Stranger	14.8	15.4	16.8	13.2	11.8

Note: Intimates for the NCVS include current or former spouses, boyfriends, and girlfriends. Intimates for the SHR include spouses, ex-spouses, common-law spouses, same sex partners, boyfriends, and girlfriends. Violent victimizations include rape, sexual assault, robbery, and aggravated and simple assault, as measured by the NCVS, and murder as reported by law enforcement agencies to the FBI. Data are for victims age 12 or older.

Sources: BJS, National Crime Victimization Survey (NCVS), 1992-96, and FBI, Supplementary Homicide Reports (SHR), 1992-96.

Page 4. Among male victims of violence, strangers and friends or acquaintances accounted for the highest rates of victimization

Victim-offender relationship	Rate of violent victimization per 1,000 men				
	1992	1993	1994	1995	1996
Intimates	1.4	1.6	1.7	1.1	1.4
Other relatives	1.1	1.6	2.2	2.0	1.6
Friend/acquaintances	20.2	20.3	18.5	17.3	16.7
Stranger	39.6	38.8	38.2	33.8	30.8

Note: Intimates for the NCVS include current or former spouses, boyfriends, and girlfriends. Intimates for the SHR include spouses, ex-spouses, common-law spouses, same sex partners, boyfriends, and girlfriends. Violent victimizations include rape, sexual assault, robbery, and aggravated and simple assault, as measured by the NCVS, and murder as reported by law enforcement agencies to the FBI. Data are for victims age 12 or older.

Sources: BJS, National Crime Victimization Survey (NCVS), 1992-96, and FBI, Supplementary Homicide Reports (SHR), 1992-96.

Page 4. Though less likely than males to experience violent crime overall, females are 5 to 8 times more likely than males to be victimized by an intimate

Victim	Rate of violent victimization per 1,000 persons				
	1992	1993	1994	1995	1996
Total violent victimization					
Males	64.2	65.2	63.6	56.4	53.0
Females	41.2	45.7	45.5	39.2	37.1
Victimization by intimates					
Males	1.4	1.6	1.7	1.1	1.4
Females	8.8	9.8	9.1	8.6	7.5

Note: Intimates for the NCVS include current or former spouses, boyfriends, and girlfriends. Intimates for the SHR include spouses, ex-spouses, common-law spouses, same sex partners, boyfriends, and girlfriends. Violent victimizations include rape, sexual assault, robbery, and aggravated and simple assault, as measured by the NCVS, and murder as reported by law enforcement agencies to the FBI. Data are for victims age 12 or older.

Sources: BJS, National Crime Victimization Survey (NCVS), 1992-96, and FBI, Supplementary Homicide Reports (SHR), 1992-96.

Page 5. The number of intimate murders declined 36% from 1976 to 1996 as the number of spouse murders went down 52%

Year	Number of intimate murder victims		
	Spouse	Ex-spouse	Boy/girlfriend
1976	2,174	123	662
1977	2,017	110	603
1978	1,940	116	629
1979	1,940	146	683
1980	1,911	115	744
1981	1,946	136	768
1982	1,722	136	763
1983	1,676	128	770
1984	1,501	97	833
1985	1,581	111	811
1986	1,542	127	901
1987	1,489	96	841
1988	1,467	100	869
1989	1,326	78	913
1990	1,371	110	879
1991	1,297	82	918
1992	1,262	81	834
1993	1,232	94	964
1994	1,145	91	861
1995	1,030	60	776
1996	987	73	749

Note: Murder includes nonnegligent manslaughter. Data are for all ages of victims.

Source: FBI, Supplementary Homicide Reports (SHR), 1976-96.

Page 5. Declines in the percentage of murders that are attributed to an intimate have been greater among male victims

Year	Percent of homicide victims killed by an intimate	
	Male	Female
1976	11.2%	31.3%
1977	11.0	29.3
1978	10.5	30.3
1979	10.8	30.3
1980	9.8	30.2
1981	9.5	29.7
1982	9.1	28.5
1983	9.7	29.4
1984	8.9	28.2
1985	8.6	29.5
1986	8.4	29.7
1987	8.3	28.1
1988	7.8	29.2
1989	7.7	28.0
1990	6.9	28.8
1991	6.3	28.7
1992	6.2	28.8
1993	6.1	28.6
1994	6.2	28.5
1995	5.4	27.8
1996	5.4	29.0

Note: Intimates include spouses, ex-spouses, common-law spouses, same sex partners, boyfriends, and girlfriends. Murder includes nonnegligent manslaughter. Data are for all ages of victims.

Source: FBI, Supplementary Homicide Reports (SHR), 1976-96.

Page 7. Over the last two decades intimate murder rates dropped far more rapidly among blacks than among whites, with the sharpest decreases among black male victims

Year	Rate of murder by an intimate per 100,000 persons age 20-44					
	White			Black		
	Total	Male	Female	Total	Male	Female
1976	1.31	0.89	1.72	14.01	16.51	12.01
1977	1.27	0.93	1.61	11.94	14.97	9.49
1978	1.30	0.88	1.72	11.38	13.32	9.83
1979	1.35	0.97	1.73	11.10	13.34	9.33
1980	1.37	0.91	1.81	10.66	12.36	9.30
1981	1.33	0.92	1.73	9.64	11.14	8.40
1982	1.30	0.82	1.77	8.33	9.72	7.17
1983	1.22	0.82	1.61	8.35	9.20	7.65
1984	1.17	0.69	1.65	7.06	7.75	6.47
1985	1.20	0.70	1.70	6.95	7.46	6.53
1986	1.21	0.70	1.73	7.36	7.55	7.19
1987	1.14	0.65	1.63	6.46	6.90	6.10
1988	1.13	0.59	1.68	6.60	6.62	6.58
1989	1.01	0.56	1.45	6.36	6.70	6.07
1990	1.06	0.58	1.54	6.24	6.08	6.39
1991	1.02	0.53	1.51	6.02	5.36	6.58
1992	0.98	0.54	1.42	5.35	4.59	6.00
1993	1.03	0.49	1.57	5.62	4.75	6.36
1994	0.99	0.47	1.51	4.84	4.55	5.09
1995	0.89	0.38	1.40	3.87	3.33	4.32
1996	0.85	0.36	1.34	3.74	2.83	4.51

Source: FBI, Supplementary Homicide Reports (SHR), 1976-96.

Page 8. The decline in the rate of intimate murder per 100,000 has been greater among black victims, especially black men killed by their spouses

Year	Rate of murder by an intimate per 100,000 persons in each population category							
	White				Black			
	Husband Ex-husband	Boyfriend	Wife/ Ex-wife	Girlfriend	Wife/ Exwife	Girlfriend	Husband Ex-husband	Boyfriend
1976	0.97	0.67	1.73	1.69	12.62	10.68	18.44	12.93
1977	1.01	0.72	1.62	1.53	10.26	7.81	16.92	11.67
1978	0.98	0.61	1.74	1.63	11.19	7.43	14.99	10.66
1979	1.11	0.62	1.73	1.73	9.74	8.64	15.90	9.62
1980	0.99	0.72	0.17	2.32	10.04	8.03	14.35	9.61
1981	1.03	0.67	1.76	1.65	8.47	8.29	12.89	8.89
1982	0.84	0.76	1.76	1.81	7.07	7.32	10.80	8.34
1983	0.91	0.63	1.54	1.84	8.23	6.83	10.71	7.47
1984	0.65	0.79	1.56	1.97	5.90	7.27	8.37	7.11
1985	0.73	0.64	1.60	2.05	6.31	6.81	7.73	7.18
1986	0.70	0.68	1.53	2.42	6.74	7.80	7.74	7.35
1987	0.65	0.64	1.48	2.15	6.10	6.09	6.86	6.95
1988	0.55	0.68	1.51	2.21	6.23	7.04	6.69	6.54
1989	0.53	0.62	1.21	2.25	5.58	6.71	6.73	6.67
1990	0.54	0.66	1.39	2.03	5.83	7.07	5.77	6.40
1991	0.45	0.69	1.35	2.01	6.04	7.16	5.08	5.63
1992	0.56	0.50	1.29	1.84	6.08	5.90	4.53	4.64
1993	0.43	0.60	1.29	2.46	6.05	6.70	4.53	4.94
1994	0.46	0.49	1.39	1.88	4.13	6.08	4.75	4.37
1995	0.39	0.39	1.12	2.27	3.72	4.97	2.93	3.69
1996	0.37	0.37	1.10	1.90	3.63	5.19	2.28	3.21

Source: FBI, Supplementary Homicide Reports (SHR), 1976-96.

Page 9. Females at every age are much more likely than males to be murdered by an intimate

Age of victim	Percent of murder victims killed by intimates	
	Male	Female
17 or younger	0.8%	5.8%
18-24	2.5	28.5
25-29	5.5	36.3
30-34	7.6	41.3
35-39	9.3	44.3
40-44	10.6	41.4
45-49	11.7	40.2
50-59	10.8	31.8
60 or older	6.9	19.3

Note: Intimates include spouses, ex-spouses, common-law spouses, same sex partners, boyfriends, and girlfriends. Murder includes nonnegligent manslaughter.

Source: FBI, Supplementary Homicide Reports (SHR), 1976-96.

Page 10. For both whites and blacks, when intimate murder occurs, increasingly the woman, not the man, is the victim

Year	Number of women who died for each male victim of intimate murder	
	White victims	Black victims
1976	1.72	0.84
1977	1.73	0.71
1978	1.77	0.83
1979	1.65	0.83
1980	1.85	0.82
1981	1.72	0.84
1982	1.85	0.81
1983	1.79	0.87
1984	2.12	0.88
1985	2.36	0.95
1986	2.23	1.01
1987	2.28	0.98
1988	2.68	1.15
1989	2.38	0.93
1990	2.42	1.11
1991	2.59	1.26
1992	2.64	1.38
1993	2.99	1.50
1994	2.83	1.29
1995	3.41	1.37
1996	3.32	1.70

Note: Intimates include spouses, ex-spouses, common-law spouses, same sex partners, boyfriends, and girlfriends. Murder includes nonnegligent manslaughter. Data are for all ages of victims.

Source: FBI, Supplementary Homicide Reports (SHR), 1976-96.

Page 10. In 1976 guns were used in about 71% of intimate murders; in 1996, in about 61%

Year	Murders of an intimate	
	With guns	Without guns
1976	2,113	846
1977	1,916	814
1978	1,863	822
1979	2,008	761
1980	1,939	831
1981	1,929	921
1982	1,738	883
1983	1,663	911
1984	1,578	853
1985	1,642	861
1986	1,673	897
1987	1,574	852
1988	1,515	921
1989	1,441	876
1990	1,477	883
1991	1,397	900
1992	1,378	799
1993	1,498	792
1994	1,342	755
1995	1,163	703
1996	1,168	640

Note: Intimates include spouses, ex-spouses, common-law spouses, same sex partners, boyfriends, and girlfriends. Data are for all ages of victims.

Source: FBI, Supplementary Homicide Reports (SHR), 1976-96.

Page 13. Among female victims of intimate violence, blacks experienced higher rates than whites in 1994, 1995, and 1996

Victim characteristic	Average annual rate of nonlethal violent victimization by an intimate per 1,000	
	Male	Female
White	1.4	8.2
Black	2.1	11.7
Other ^a	.5	5.6
Hispanic ^b	1.3	7.2
Non-Hispanic	1.4	8.7

Note: Nonlethal intimate violence includes rape, sexual assault, robbery, and aggravated and simple assault. Because it is based on interviews with victims, the NCVS does not include murder. Intimates include current and former spouses, boyfriends, and girlfriends.

^aDenotes Asians, Native Hawaiians or other Pacific Islanders, Alaska Natives, and American Indians.

^bHispanic or Latino persons could be of any race.

Source: BJS, National Crime Victimization Survey (NCVS), 1992-96.

Page 13. The highest rates of intimate violence affect women ages 16 to 24

Age of female victim	Average annual rate of nonlethal violent victimization by an intimate per 1,000 females
12-15	2.6
16-19	20.1
20-24	20.7
25-34	16.5
35-49	7.2
50-64	1.3
65 or older	.2

Note: Nonlethal intimate violence includes rape, sexual assault, robbery, and aggravated and simple assault. Because it is based on interviews with victims, the NCVS does not include murder. Intimates include current and former spouses, boyfriends, and girlfriends.

Source: BJS, National Crime Victimization Survey (NCVS), 1992-96.

Page 14. Women in low-income households experience a higher rate of nonlethal violence from an intimate than do women in households with larger incomes

Household income	Average annual rate of nonlethal intimate violence per 1,000 persons	
	Male	Female
Less than \$7,500	2.7	21.3
\$7,500-\$14,999	1.4	12.3
\$15,000-\$24,999	1.8	10.4
\$25,000-\$34,999	1.8	7.2
\$35,000-\$49,999	1.1	5.8
\$50,000-\$74,999	1.5	4.4
\$75,000 or more	0.5	2.7

Note: Nonlethal intimate violence includes rape, sexual assault, robbery, and aggravated and simple assault. Because it is based on interviews with victims, the NCVS does not include murder. Intimates include current and former spouses, boyfriends, and girlfriends.

Source: BJS, National Crime Victimization Survey (NCVS), 1992-96.

Page 14. Urban women experience a higher rate of nonlethal violence by an intimate than suburban and rural women

Average annual rate of nonlethal violence by an intimate per 1,000 persons

	Male	Female
Urban	1.5	10.0
Suburban	1.4	7.9
Rural	1.3	8.0

Note: Nonlethal intimate violence includes rape, sexual assault, robbery, and aggravated and simple assault. Because it is based on interviews with victims, the NCVS does not include murder. Intimates include current and former spouses, boyfriends, and girlfriends. "Urban" denotes central cities in Metropolitan Statistical Areas (MSA's). "Suburban" denotes the population outside the central cities in MSA's. "Rural" denotes nonmetropolitan areas.

Source: BJS, National Crime Victimization Survey (NCVS), 1992-96.

Page 15. Most intimate violence occurs in or near the victim's home

Percent of nonlethal violence by intimates

	Male	Female
At or near own home	63.0%	72.2%
At or near other's home	18.3	12.2
Commercial place	3.4	2.8
At school	1.1	1.2
Open area of parking lot	12.2	9.1
Other	2.0	2.5

Note: Nonlethal intimate violence includes rape, sexual assault, robbery, and aggravated and simple assault. Because it is based on interviews with victims, the NCVS does not include murder. Intimates include current and former spouses, boyfriends, and girlfriends.

Source: BJS, National Crime Victimization Survey (NCVS), 1992-96.

Page 16. Almost 30% of intimate violence occurs from 9 in the evening till midnight

Time	Percent of intimate violence reported to the police
Midnight	7.1%
1	5.5
2	4.6
3	3.3
4	2.0
5	1.5
6	1.4
7	1.7
8	2.1
9	2.2
10	2.6
11	2.9
Noon	3.1
1	3.1
2	3.2
3	3.7
4	4.3
5	4.9
6	5.8
7	6.2
8	6.7
9	7.2
10	7.7
11	7.4

Note: Intimates for NIBRS include spouses, ex-spouses, common-law spouses, same sex partners, boyfriends, and girlfriends. Violent crimes include murder, rape, sexual assault, kidnaping, robbery, assault, and other violence.

Source: FBI, National Incident-Based Reporting System (NIBRS), 1995.

Page 19. About half the women who are victimized by an intimate report the violence to law enforcement

Year	Percent of female victims of intimate violence who reported to the police
1993	48%
1994	50
1995	53
1996	56

Note: Intimates include current or former spouses, boyfriends, and girlfriends. Nonlethal violent victimizations include rape, sexual assault, robbery, and aggravated and simple assault.

Source: BJS, National Crime Victimization Survey (NCVS), 1993-96.

Page 20. Nearly 6 in 10 women who called the police when victimized by an intimate said that the police arrived within 10 minutes

Police arrived within —	Percent of female victims of intimate violence who reported to the police
5 minutes	25.2%
10 minutes	32.2
1 hour	34.6
More than 1 hour	7.9

Note: Intimates include current or former spouses, boyfriends, and girlfriends. Nonlethal violent victimizations include rape, sexual assault, robbery, and aggravated and simple assault.

Source: BJS, National Crime Victimization Survey (NCVS), 1992-96.

Page 22. Women injured by intimates accounted for about 1 in 5 visits to hospital emergency departments for injuries arising from intentional violence

	Number of injury cases treated in hospital emergency departments		
	Intimate violence	Other types of violence	Unrecorded relationship
Total	243,316	700,777	383,633
Males	38,958	487,814	287,233
Females	204,358	212,963	96,400

Note: Intimates for SIVV include current and former spouses and current boyfriends and girlfriends.

Source: BJS, Study of Injured Victims of Violence (SIVV), 1994.

Page 27. About half of prison and jail inmates were drinking beer or liquor when they committed a violent crime against an intimate companion

	Percent of inmates serving a sentence for a violent crime against an intimate	
	State prison	Local jail
Not drinking	53.1%	50.9%
Liquor only	12.1	5.5
Beer only	14.8	25.4
Beer and liquor	11.7	15.4
Other combinations	8.3	2.8

Note: Violent crimes for the surveys of inmates include murder, rape, sexual assault, kidnaping, robbery, assault, and other violence. Intimates include current and former spouses, boyfriends, and girlfriends.

Sources: BJS, Survey of Inmates in State Correctional Facilities, 1991, and Survey of Inmates in Local Jails, 1995

Page 29. Among State prisoners in prison for committing a violent crime against an intimate, 29% reported carrying a firearm at the time

Victim's relation to violent prisoner	Percent of prisoners who reported carrying a firearm during the offense
Intimate	28.9%
Stranger	29.4
Acquaintance	26.7
Other family member	9.2

Note: Violent crimes for the survey of inmates include murder, rape, sexual assault, kidnaping, robbery, assault, and other violence. Intimates include current and former spouses, boyfriends, and girlfriends.

Source: BJS, Survey of Inmates in State Correctional Facilities, 1991.

Nanda Chitre

02/27/98 02:46:09 PM

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Subject: Statement By The President: Violence Against Women Program

THE WHITE HOUSE

**Office of the Press Secretary
(Salt Lake City, Utah)**

For Immediate Release

February 27, 1998

STATEMENT BY THE PRESIDENT

Today, the Justice Department is awarding more than \$135 million in grants under the Violence Against Women program to help state and local authorities combat domestic violence, stalking, and sexual assault. This money will be used to train police, hire prosecutors and provide assistance to victims. Since I signed the Crime Act in 1994, we have begun to transform the way law enforcement deals with domestic violence. We should be proud of the efforts underway in communities across our nation to stop these serious crimes. These funds will help every state build and expand on the programs they have developed to ensure that abusers are captured, prosecuted and punished.

30-30-30

Message Sent To: _____



Department of Justice

ADVANCE FOR RELEASE AT 4:30 P.M. EST
MONDAY, MARCH 16, 1998

BJJS
202/307-0784

MURDER BY INTIMATES DECLINED 36 PERCENT SINCE 1976
DECREASE GREATER FOR MALE THAN FOR FEMALE VICTIMS

WASHINGTON, D.C. -- Intimates committed fewer murders in 1996 than in any other year since 1976, the Justice Department's Bureau of Justice Statistics (BJS) reported today. In 1996, just over 1,800 murders were attributable to intimates--down 36 percent from nearly 3,000 in 1976.

In 1996, three in every four victims of intimate murder were female. On average, the number of murders by intimates decreased by 5 percent per year for male victims and 1 percent per year for female victims over the past two decades.

For this report, based on new and previously reported data, intimate violence includes murder, rape, sexual assault, robbery, aggravated assault and simple assault committed by a current or former spouse, boyfriend or girlfriend.

Overall during the 1976-1996 period, intimate murder fell by 36 percent and spouse murder, its largest component, by 52

(MORE)

percent. The sharpest decrease in rates of intimate murder have been among black male victims. Since 1976, intimate murders with guns have declined, although in 1996, 65 percent of all intimate murders were committed with firearms.

The most recent declines in intimate murder have been mirrored by declines since 1993 in non-lethal intimate violence. During 1996 there were an estimated 840,000 female victims of violent crimes inflicted by an intimate, compared with 1.1 million in 1993. By contrast, intimate violence against males, about 150,000 in 1996, showed no significant fluctuations during the 4-year period.

In 1996, violence by an intimate accounted for about 21 percent of all violence experienced by female victims, compared to 2 percent for male victims. Women 16 to 24 years old experienced the highest per capita rates of intimate violence.

About half of the incidents of intimate violence experienced by women were reported to police. Black women were more likely to make these reports than were women of other races. The most common reasons given for not reporting such crimes to the authorities were that they were personal or private matters, the victim feared retaliation or that the police would not be able to do anything about it.

(MORE)

About one in 10 women victimized by a violent intimate sought medical treatment at a medical care facility. Women were about 84 percent of those seeking hospital emergency department treatment for intentional injury caused by an intimate assailant.

Those who committed a violent crime against an intimate represent about 25 percent of convicted violent offenders in local jails and about 7 percent of violent offenders in state prisons.

More than half of both prison and jail inmates serving times for violence against an intimate had been using drugs, alcohol or both at the time of the incident for which they were incarcerated. Nearly four in 10 offenders sentenced to local jail for intimate violence had a criminal justice status such as being on probation or under a restraining order at the time they committed the crime.

The factbook, "Violence by Intimates" (NCJ-167237), presents up-to-date analyses of intimate violence drawn from a number of BJS and Department of Justice statistical programs, including the National Crime Victimization Survey, a hospital emergency department study, BJS surveys of jail and prison inmates and the FBI's Uniform Crime Reporting Program. It was written by BJS statisticians as a contribution to further inform a joint effort

(MORE)

of the Department of Justice and the National Center for Injury Prevention and Control in the Department of Health and Human Services to study potential enhancements to the collection of domestic violence data. Single copies may be obtained from the BJS fax-on-demand system by dialing 301/519-5550, listening to the menu, and selecting document numbers 98, 99, and 100 or by calling the BJS Clearinghouse at 1-800/732-3277. BJS's home page address on the Internet is:

<http://www.ojp.usdoj.gov/bjs/>

Additional criminal justice materials can be obtained from the Office of Justice Programs homepage at:

<http://www.ojp.usdoj.gov>

#

After hours contact: Stu Smith at 301/983-9354



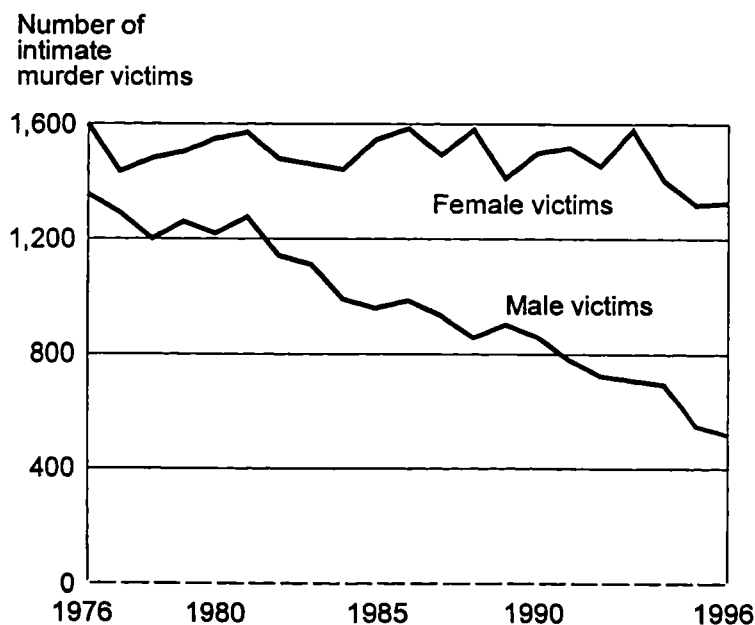
Bureau of Justice Statistics Factbook

Violence by Intimates

Analysis of Data on Crimes by Current or Former Spouses, Boyfriends, and Girlfriends

Intimates committed fewer murders in 1995 and 1996 than in any other year since 1976.

Between 1976 and 1996, for persons murdered by intimates, the number of male victims fell an average 5% per year, and the number of female victims went down an average 1%.



Note: Intimates include spouses, ex-spouses, common-law spouses, same sex partners, boyfriends, and girlfriends.



Violence by Intimates

Analysis of Data on Crimes by Current or Former Spouses, Boyfriends, and Girlfriends

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NCJ-167237 March 1998

U.S. Department of Justice
Bureau of Justice Statistics

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Homicide Reports.

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Many people made valuable contributions to this
report, by providing data, reviewing early drafts, and
providing suggestions or comments. The authors ex-
press their appreciation to these people who include:

Kathleen Creighton, chief of Crime Surveys Branch,
and other staff at the U.S. Bureau of the Census

Victoria Major and other staff members of the Crimi-
nal Justice Information Services Branch of the FBI

Members of the Department of Justice Working
Group on Domestic Violence Statistics led by Deputy
Assistant Attorney General Noël Brennan

Dr. Mark Rosenberg, Director, and staff of the Na-
tional Center for Injury Prevention in the Centers for
Disease Control and Prevention.

In addition, Professor Michael Maltz, Ph.D., a BJS
Visiting Fellow from the University of Illinois, gave
helpful guidance.

This report and other reports and data are
available from the BJS Internet Web site:
<http://www.ojp.usdoj.gov/bjs/>

All of the data analyzed in this report may be
obtained from the National Archive of Criminal
Justice Data at the University of Michigan,
1-800-999-0960. Access to the archive may be
achieved through the BJS Web site or directly at
<http://www.icpsr.umich.edu/NACJD/archive.html>

Foreword

In a joint effort by the Justice Department and the Department of Health and Human Services, a comprehensive review is under way of the information available to Federal decisionmakers about domestic violence and possible needs for the government to undertake enhanced or improved surveillance for statistical data about violence between intimates. At the Department of Justice this effort is being coordinated by Noël Brennan, Deputy Assistant Attorney General for the Office of Justice Programs, and at the Centers for Disease Control and Prevention, by Dr. Mark Rosenberg, Director, National Center for Injury Prevention and Control.

This report prepared by the Bureau of Justice Statistics presents a summary of the statistical information about violence committed against intimates that is currently available and is based on information gathered from victims, law enforcement agencies, hospital emergency departments, and those convicted of crimes against intimates. For the purposes of this study, intimates were defined as those with whom the offender had a relationship as a current or former spouse or boyfriend or girlfriend. The kinds of violent crimes examined ranged from murder to simple assault.

I am particularly pleased that this valuable report represents the efforts of both BJS staff and Professor James Alan Fox of Northeastern University, a BJS Visiting Fellow. In addition, the FBI provided valuable support to this effort by supplying updated Supplementary Homicide Report data in a very timely fashion.

Jan M. Chaiken, Ph.D.
Director

Highlights

This report is a compilation of statistical data maintained by the Bureau of Justice Statistics (BJS) and the Federal Bureau of Investigation (FBI) on violence between people who have an intimate relationship — spouses, exspouses, boyfriends, girlfriends, and former boyfriends and girlfriends.

The violent offenses encompass crimes such as murder, rape, sexual assault, robbery, aggravated assault, and simple assault. Intimate violence predominantly affects women as victims. Violence by an intimate accounts for about 21% of the violent crime experienced by women and about 2% of the violence sustained by males.

Lethal

- In 1996 just over 1,800 murders were attributable to intimates; nearly 3 out of 4 of these had a female victim. In 1976 there were nearly 3,000 victims of intimate murder.
- The decline over the past two decades was larger for spouse killings, compared to the killings of other intimates.
- The percentage of female murder victims killed by intimates has remained at about 30% since 1976.
- There has been a sharp decrease in the rate of intimate murder of men, especially black men.
- The number of intimate murders with guns has declined. However, in 1996, 65% of all intimate murders were committed with a firearm.
- There is some evidence of a slight increase in the rate of white females killed by a boyfriend.

Nonlethal

- The number of female victims of intimate violence has been declining. In 1996 women experienced an estimated 840,000 rape, sexual assault, robbery, aggravated assault, and simple assault victimizations at the hands of an intimate, down from 1.1 million in 1993.

- Intimate violence against men did not vary significantly from 1992 to 1996. In 1996 men were victims of about 150,000 violent crimes committed by an intimate.
- Women age 16-24 experience the highest per capita rates of intimate violence.

Reporting to the police About half of the incidents of intimate violence experienced by women are reported to the police; black women are more likely than women of other races to report such victimizations to the police.

- The most common reasons given by victims for not contacting the police were that they considered the incident a private or personal matter, they feared retaliation, or they felt the police would not be able to do anything about the incident.

Police response According to victims, about 1 in 5 incidents reported to the police resulted in an arrest at the scene.

Presence of children Slightly more than half of female victims of intimate violence live in households with children under the age of 12. About 40% of imprisoned intimate offenders report that one or more children under age 18 resided with them at some time before the offenders entered prison.

Treatment of injuries About 1 in 10 women victimized by a violent intimate sought professional medical treatment.

- About half of victims of intimate violence report a physical injury; about 1 in 5 *injured* female victims of intimate violence sought professional medical treatment.
- Hospital emergency department data show women are about 84% of those seeking hospital treatment for an intentional injury caused by an intimate assailant.
- About half these injured intimate victims were treated for bruises or similar trauma.

-
- About half of those treated had sustained injuries to the head and face.

Incarcerated offenders Those who committed a violent crime against an intimate represent about 25% of convicted violent offenders in local jails and about 7% of violent offenders in State prisons.

- 3 in 4 offenders serving time in local jails for intimate violence had been convicted of assault; just over 40% of such offenders in State prisons had been convicted of murder.
- The criminal justice system has extensive prior contact with those convicted of intimate violence. Among those in jail 78% have a prior conviction history, though not necessarily for intimate violence.

- 4 in 10 jail inmates convicted of a violent crime against an intimate had a criminal justice status at the time of the crime: about 20% were on probation, 9% were under a restraining order, and just under 10% were on parole, pretrial release, or other status.

- More than half of both prison and jail inmates serving time for violence against an intimate had been using drugs or alcohol or both at the time of the incident for which they were incarcerated.
- The average prison sentence for those who victimized a spouse or other intimate appears similar to the average sentences for victimizing strangers or acquaintances. Prisoners who had assaulted their spouse, however, received longer sentences than offenders convicted of assault against other categories of victims.

Introduction

How we measure the incidence of intimate violence

Estimates from the National Crime Victimization Survey indicate that in 1996 there were about a million rapes, sexual assaults, robberies, aggravated assaults, and simple assaults in which the victim and offender had an intimate relationship. Intimate relationships include spouses, ex-spouses, boyfriends, girlfriends, and former boyfriends and girlfriends. More than 8 in 10 of these violent crimes involved a female victim.

National Crime Victimization Survey

The National Crime Victimization Survey (NCVS) is one of two statistical series maintained by the Department of Justice to learn about the extent to which crime is occurring. The NCVS, which gathers data on criminal victimization from a national sample of household respondents, provides annual estimates of crimes experienced by the public without regard to whether a law enforcement agency was called about the crime. Initiated in 1972, the NCVS was designed to complement what is known about crimes reported to local law enforcement agencies under the FBI's annual compilation known as the Uniform Crime Reports (UCR).

The NCVS gathers information about crime and its consequences from a nationally representative sample of U.S. residents age 12 or older about any crimes they may have experienced. For personal contact crimes the survey determines who the perpetrator was. Asking the victim about his/her relationship to the offender is critical to determining whether the crime occurred between intimates.

In the latter half of the 1980's, the Bureau of Justice Statistics (BJS), together with the Committee on Law and Justice of the American Statistical Association, sought to improve the NCVS components to enhance the measurement of crimes including rape, sexual assault, and intimate and family violence. The new questions and revised procedures were phased in from January 1992 through June 1993

in half the sampled households. Since July 1993 the redesigned methods have been used for the entire national sample.

Based on the half-sample, BJS determined that the new questionnaire would produce substantially higher estimated counts of incidents of intimate violence than the old questionnaire. The old questionnaire resulted in estimates of a half million incidents of intimate violence, compared to an estimate of nearly a million incidents with the new questionnaire. Such a difference demonstrated the increased ability of the NCVS to capture information on hard-to-measure crimes.

Uniform Crime Reporting Program

The Uniform Crime Reporting Program (UCR) of the FBI provides another opportunity to examine the issue of intimate violence. The summary-based component of the UCR, launched 70 years ago, gathers aggregate data on eight categories of crime from law enforcement agencies nationwide. The UCR does not, however, provide the detail necessary to identify violent crimes involving intimates. Two other incident-based components of the UCR, the National Incident-Based Reporting Program (NIBRS) and the Supplementary Homicide Reports (SHR), provide rich detail on the victim-offender relationship in violent crimes recorded by police agencies.

National Incident-Based Reporting Program

NIBRS represents the next generation of crime data from law enforcement agencies. Rather than being restricted to a group of 8 Index crimes that the summary-based program uses, NIBRS obtains information on 57 types of crimes. The information collected on each violent crime incident includes victim-offender demographics, victim-offender relationship, time and place of occurrence, weapon use, and victim injuries. As of the end of 1997, jurisdictions certified by the FBI as capable of reporting incident-based data in the required format account for just over 7% of the U.S. population (about 19 million Americans) and just over 6% of all Index crimes

(murders, rapes, robberies, aggravated assaults, burglaries, larcenies, and motor vehicle thefts). In those States with certified NIBRS systems, about 50% of the population is now covered by NIBRS reporting to the FBI. BJS is currently funding preliminary studies of NIBRS data and their utility for improving our knowledge of violence with special regard for such concerns as intimate violence, family violence, and domestic violence.

Supplementary Homicide Reports

The SHR is another component of the UCR program. Under SHR, incident-level homicide data from local law enforcement agencies have been collected annually since 1961. On average, the SHR obtains detailed information on about 92% of the homicides in the United States, including victim and offender demographics, victim-offender relationship, weapon use, and circumstances surrounding the homicide. The SHR reports received from law enforcement agencies describe the characteristics of perpetrators in an average of about 70% of all cases compiled at the national level. However, individual jurisdictions vary in the percentage of cases in which the perpetrator is either unknown or not described.

Study of Injured Victims of Violence

Another source for information on intimate violence is a special collection of hospital emergency department data during 1994. The BJS Study of Injured Victims of Violence obtained data on intentional injuries brought to the attention of hospital personnel. These data are part of a larger program carried out by the Consumer Product Safety Commission known as the National Electronic Injury Surveillance System (NEISS), which involves a national sample of hospitals where emergency department staff are asked to record information on patients. The BJS study sought information on intentional injury victims, including victim demographics, type of injury, type of weapon, place of occurrence, victim-offender relationship, and case disposition. The NEISS data reveal that a quarter of the 1.4 million intentional

injuries treated in emergency departments resulted from violence between intimates.

Surveys of jail and prison inmates

BJS also conducts national surveys of persons confined in local jails and State and Federal prisons. These nationally representative surveys are the principal source of information on those serving time following a conviction: their backgrounds, their prior criminal histories, and the circumstances surrounding the offense for which they had been incarcerated. Both jail and prison surveys obtain from violent offenders details about the offender's relationship to the victim and how the crime was carried out.

How we count violent victimizations of intimates

Variations in reported numbers

Sometimes estimates in the annual National Crime Victimization Survey (NCVS) reports differ from those in BJS topical reports based on special analyses of data. A major reason for these differences is the treatment of "series" victimizations.

Variations in defining the victim-offender relationship

The data series used in this report share the objective of measuring the extent to which victims and offenders know each other prior to the criminal incident. This is an important distinction not simply for law enforcement purposes but, more significantly, for considering the types of interventions most likely to help reduce the incidence of the problem and its consequences for victims.

Generally, all of the data collection programs used in this study obtain information on those violent offenses which affect spouses, ex-spouses, boyfriends, and girlfriends. While victimizations arising in same sex relationships are explicitly recognized in the FBI collection programs, none of the series excludes such criminal incidents, which are categorized as crimes against boyfriends or girlfriends.

Crimes committed against former boyfriends and girlfriends are not separately reported in any of the series but are combined with those victims with current relationships of this type, probably because of the difficulty of establishing whether such a relationship had been terminated prior to the incident.

Appendix 1 (pages 34-36) offers the details of how the relationship variables in each data series were classified in this study to create the general category of *intimate violence*.

Series victimizations

These victimizations in the NCVS are six or more incidents similar in nature and for which the victim is unable to furnish details of each incident separately. Information on only the most recent incident in the series is collected by the survey.

These crimes are problematic because it remains unclear how or whether these victimizations should be combined with the majority of crime incidents that are separately reported. BJS continues to study how these types of victimizations should be handled in our published estimates. As a result, series victimizations are excluded from the victimization estimates published in the annual BJS reports on the NCVS.

However, series victimizations are included for some special analyses, counted as "1" victimization to represent all the incidents in the series. This is done when repeat victimization is an important aspect of the subject being analyzed, as it is, for example, in domestic violence. For this reason, estimates published in reports on domestic violence have included series victimizations, and therefore differ from estimates published in the annual NCVS reports.

Generally, series victimizations represent about 6-7% of all violent victimizations measured by the NCVS, although variation exists across types of crime and characteristics of victims:

Average annual 1992-96

	Nonseries	Series	Total
Violent crime victimizations			
Number	10,137,384	680,604	10,817,989
Percent	93.7%	6.3%	100%
Rape/Sexual assault			
Number	434,566	27,191	461,757
Percent	93.1%	6.9%	100%
Robbery			
Number	1,227,550	36,845	1,264,395
Percent	97.5%	2.5%	100%
Aggravated assault			
Number	2,230,174	117,167	2,347,341
Percent	93.1%	5.1%	100%
Simple assault			
Number	6,245,095	499,402	6,744,496
Percent	93.1%	6.9%	100%

Intimate violence, 1992-96

	Non-series	Series	Total
Female victims	88.5%	11.5%	100%
Male victims	90.2	9.8	100

Contents

Foreword	iii
Highlights	v
Introduction	vii
Trends in violence against intimates	1
What have been the trends in: Violent victimization of intimates? Intimate murder?	
Characteristics of victims and incidents of intimate violence	11
Who has the highest rates of victimization by an intimate?	
Where and when does intimate violence occur?	
Responses to intimate violence	17
How often do victims of intimate violence: Defend themselves in attacks? Call the police for assistance? Seek assistance from victim service agencies?	
How often are victims injured in intimate violence?	
Profile of convicted intimate offenders	23
How many are incarcerated for intimate violence?	
What is the criminal history of convicted intimate offenders?	
What role do drugs and alcohol play in intimate violence?	
Appendix 1: Defining the victim-offender relationship	31
Appendix 2: Data for graphical figures	35

Trends in violence against intimates

More than 960,000 incidents of violence against a current or former spouse, boyfriend, or girlfriend occur each year, and about 85% of the victims are women. The number of female victims has been declining in recent years.

Source: **National Crime Victimization Survey, 1992-96**

In 1996 there were about 2,000 murders attributable to intimates, down substantially from the nearly 3,000 murders recorded two decades ago.

Decreases in intimate murders have occurred among men, among blacks (both male and female), and for murders involving firearms.

White females murdered by a nonmarital intimate represent the only category of victims to have experienced a small increase between 1976 and 1996.

Intimate murder now accounts for about 9% of the murders which occur nationwide.

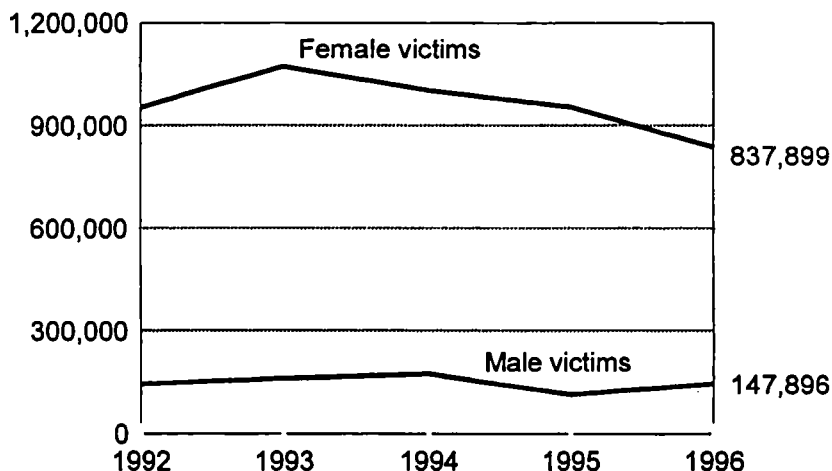
Source: **Supplementary Homicide Reports, 1976-96**

Trends in violence against intimates

On average each year from 1992 to 1996, there were more than 960,000 violent victimizations of women age 12 or older by an intimate (a current or former spouse, girlfriend, or boyfriend).

- The estimated number of violent victimizations of women by intimates declined from 1993 to 1996; the number of such victimizations of men did not vary significantly from 1992 to 1996.

Number of violent victimizations committed by intimates

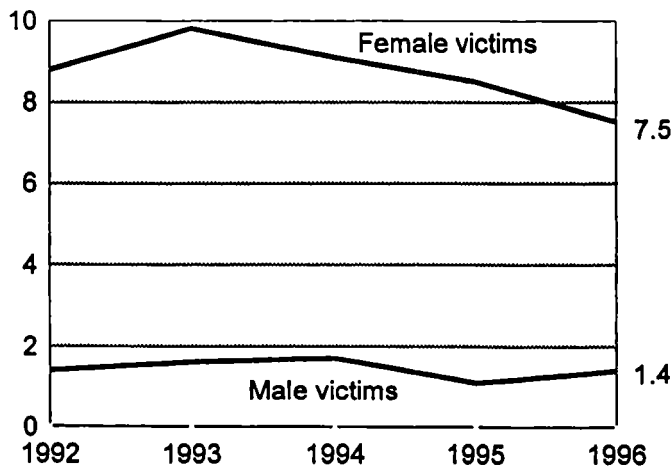


Note: Violent victimizations include murder, rape, sexual assault, robbery, and aggravated and simple assault. Intimates include current and former spouses, boyfriends, and girlfriends.

On average each year from 1992 to 1996, about 8 in 1,000 women and 1 in 1,000 men age 12 or older experienced a violent victimization inflicted by a current or former spouse, girlfriend, or boyfriend.

- The rate of violent victimization of women by an intimate declined from 1993 to 1996.

Rate of violent victimization by intimates per 1,000 persons of each sex age 12 or older



Although less likely than males to experience violent crime overall, females are 5 to 8 times more likely than males to be victimized by an intimate.

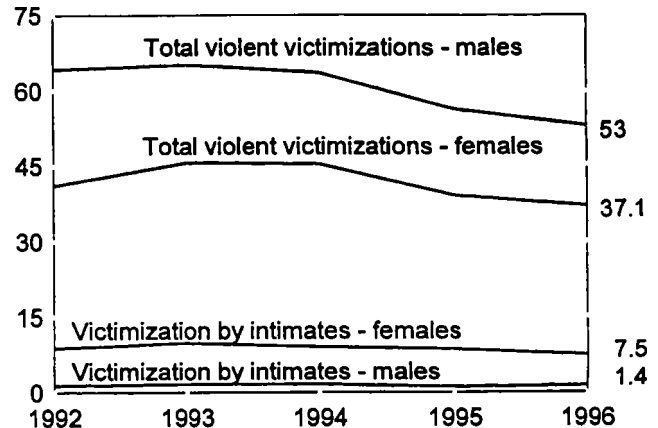
- From 1992 to 1996 victimization by an intimate accounted for about 21% of the violence experienced by females. It accounted for about 2% of the violent crime sustained by males.

- Overall violent victimization rates of both women and men declined from 1993 to 1996.

For female victims of violence, strangers and friends or acquaintances rather than intimates were responsible for the highest rates of crime.

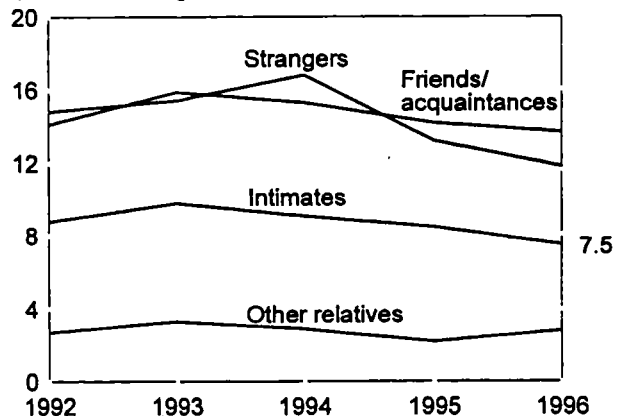
- Intimate violence accounts for about a fifth of all violence against females. The two categories of violence by friends and acquaintances and violence by strangers are each over a third of the victimizations. Violence by relatives other than intimates are less than a 10th of all violence that women, age 12 or older, experience.

Rate of violent victimizations per 1,000 persons of each group age 12 or older

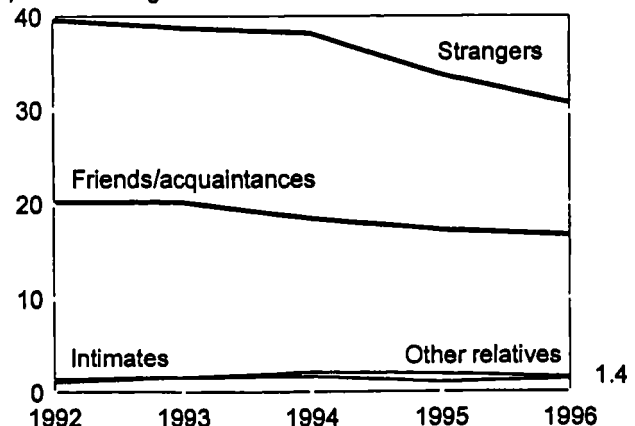


Note: Violent victimizations include murder, rape, sexual assault, robbery, and aggravated and simple assault. Intimates include current and former spouses, boyfriends, and girlfriends.

Rate of murder, rape, robbery, and assault per 1,000 females age 12 or older



Rate of murder, rape, robbery, and assault per 1,000 males age 12 or older



Analysis of trends in intimate murder, 1976-96

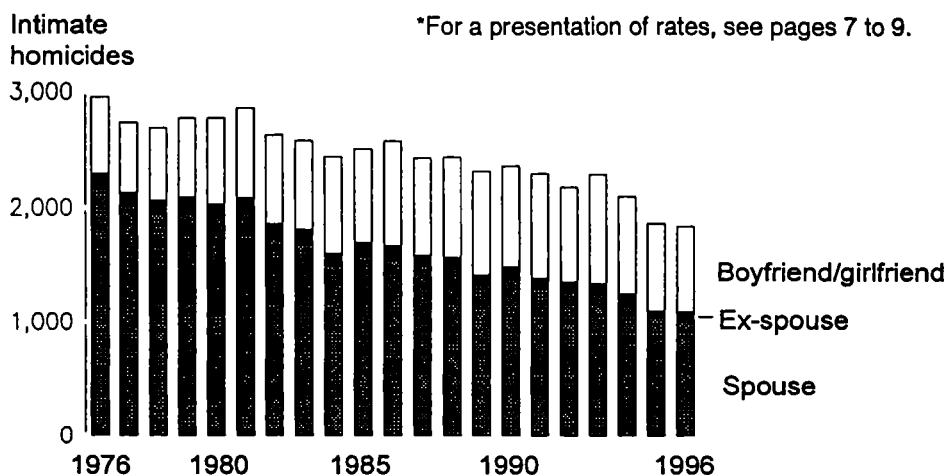
by James Alan Fox, Ph.D., BJS Visiting Fellow

The number, percentage, and per capita rate* of murders involving spouses, ex-spouses, or other intimates have declined over the past two decades.

The number of intimates killed has dropped from nearly 3,000 per year and 13.6% of all homicides in 1976 to fewer than 2,000 and 8.8% of all homicides in 1996.

In 1996 the number of intimate murders was 36% lower than in 1976. The number of spouse murders, the largest component of intimate murder, fell 52%.

*For a presentation of rates, see pages 7 to 9.

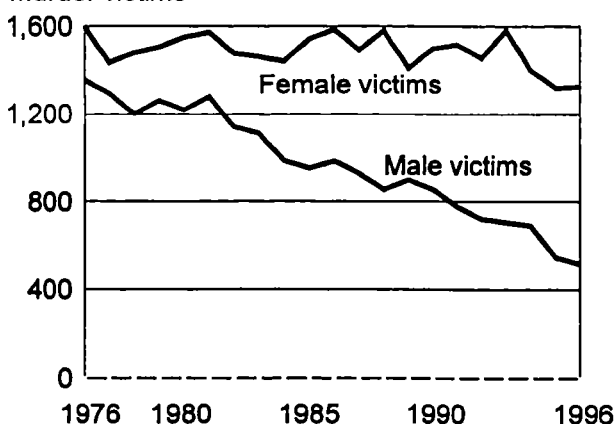


Female murder victims are substantially more likely than male murder victims to have been killed by an intimate.

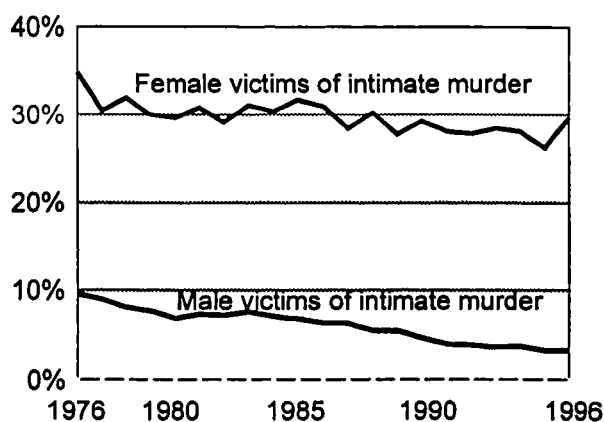
For 1976-96, 18.9% of women victims were murdered by husbands, 1.4% by ex-husbands, and 9.4%

by nonmarital partners (with an undetermined victim-offender relationship in 27.7% of the cases). Over the same period, 3.7% of male victims were killed by wives, 0.2% by ex-wives, and 2.0% by nonmarital partners (with an undetermined victim-offender relationship in 34.3% of the cases).

Number of intimate murder victims



Percent of all murders of each sex



Note: Analysis in this section is based on murders and nonnegligent manslaughters included in the Supplementary Homicide Reports. All percentages are based on the total number of murders, regardless of whether the perpetrator was known or unknown. Intimates include spouses, ex-spouses, common law spouses, same sex partners, boyfriends, and girlfriends.

Since 1976 nearly 52,000 men and women have been murdered by those with whom they shared an intimate relationship.

Intimate murders accounted for 30% of all female murders and 6% of all male murders. Of the 32,580 spouses who were murder victims between 1976 and 1996, about 6 in 10 were women.

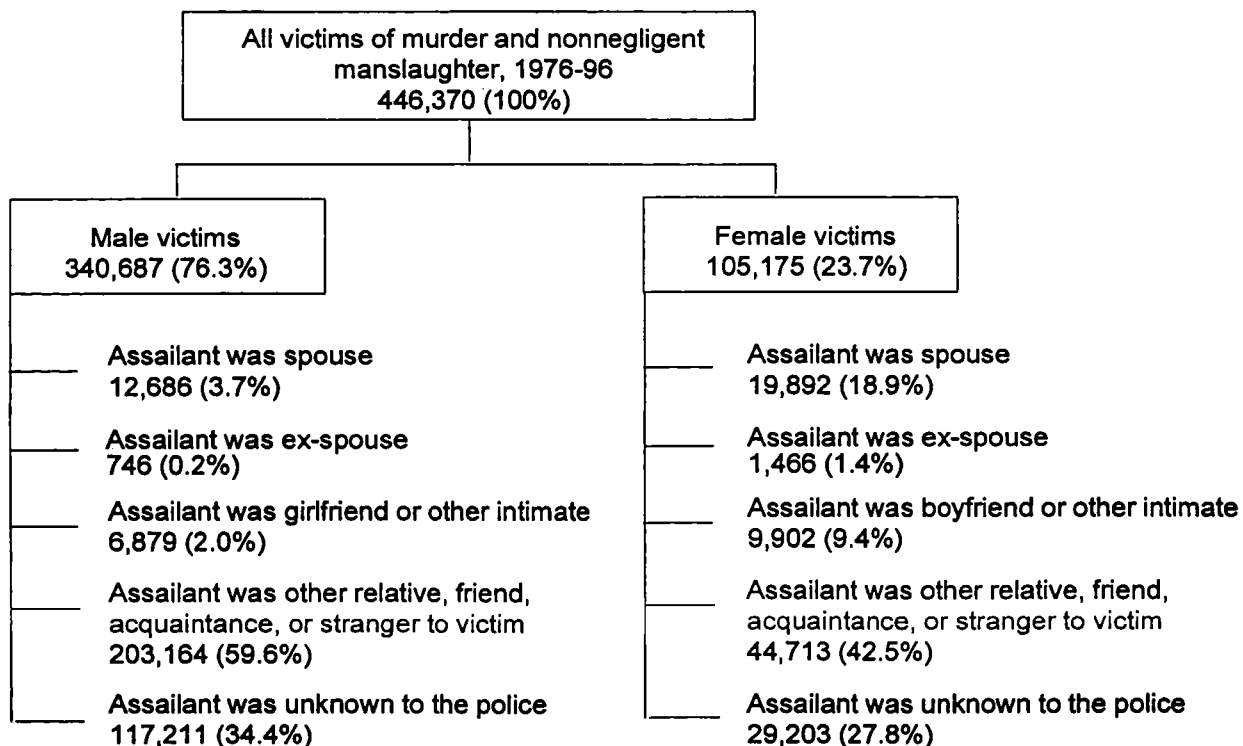
Murders of ex-spouses accounted for about 1 out of every 200 murders that occurred nationwide during the two decades. About 1 out of every 25 intimate murder victims were ex-spouses. About two-thirds of the ex-spouse murder victims were women.

A third of all intimate murders involved boyfriends and girlfriends. As with murders of spouses and ex-spouses, about two-thirds of these victims were women.

The distribution of categories of murderers was similar for the male and female victims of intimate murder between 1976 and 1996:

During the two decades 20,311 men were intimate murder victims —
62% killed by wives,
4% by ex-wives, and
34% by nonmarital partners such as girlfriends.

During the two decades 31,260 women were intimate murder victims —
64% killed by husbands,
5% by ex-husbands, and
32% by nonmarital partners such as boyfriends.



Over the last two decades intimate murder rates dropped far more rapidly among blacks than among whites.

In 1976 the per capita rate of intimate murders among blacks was nearly 11 times that among whites; in 1996 the black rate was just over 4 times higher than the white rate.

From 1976 to 1996 the number of murders of black spouses, ex-spouses, boyfriends, and girlfriends decreased from 14 per 100,000 blacks age 20-44 to just under 4 per 100,000. The murder rate decreased an average of 6% each year.

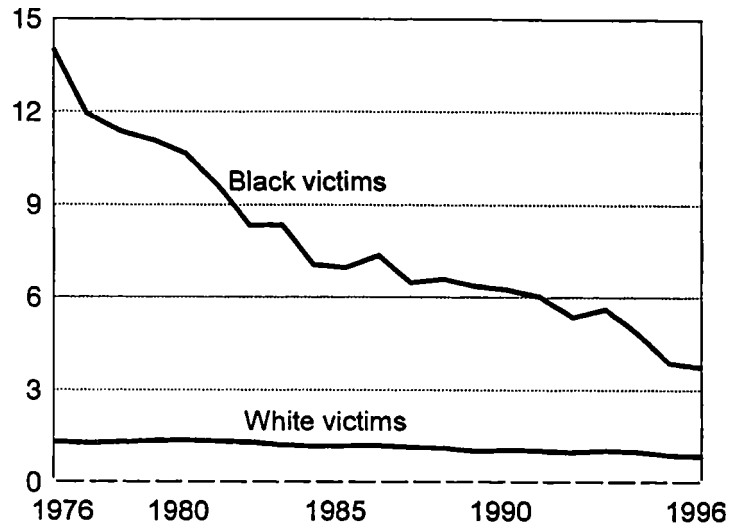
Intimate murder rates for whites during the same years decreased by an annual average of 2%. The rate declined from about 1.3 intimate murders per 100,000 whites age 20-44 to 0.85 murders per 100,000.

Since 1976 the sharpest decrease in per capita rates of intimate murder has been among black male victims.

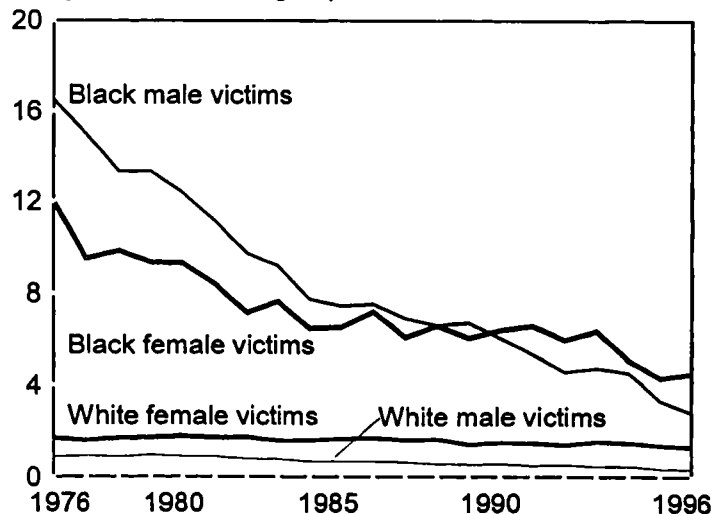
In 1976 the per capita rate of intimate murder of black men was nearly 19 times higher than that of white men. The rate among black females that year was 7 times higher than the rate among white females. In 1996 the black male rate was 8 times that of white males, and the black female rate was 3 times higher than the white female rate.

During the 20-year period after 1976, per capita rates of intimate murder declined an annual average of 8% among black males, 5% among black females, 4% among white males, and 1% among white females.

Rate of intimate murder per 100,000 persons age 20-44 in each group

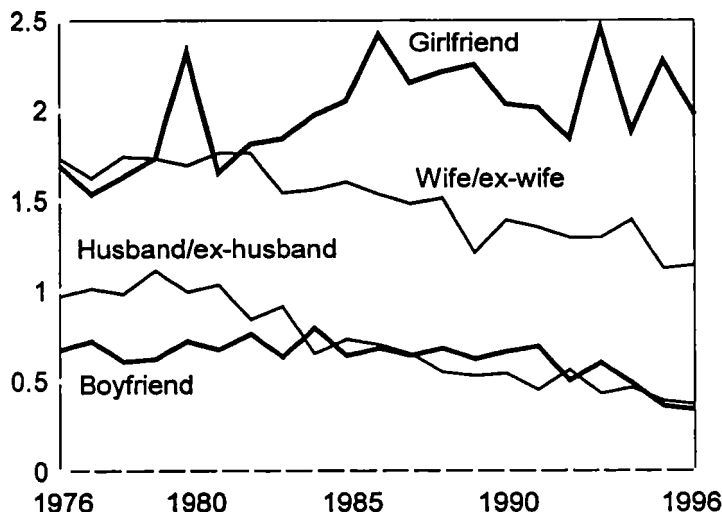


Rate of intimate murder per 100,000 persons age 20-44 in each group



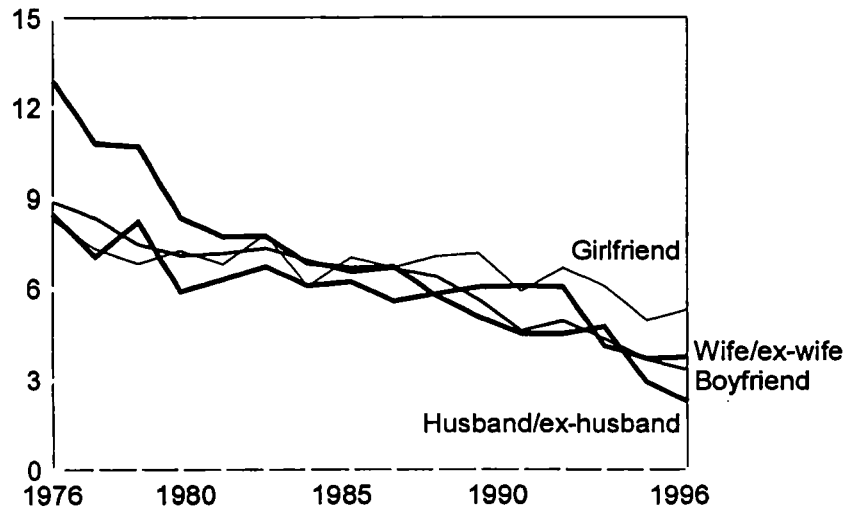
White victims of murder by an intimate

Rate per 100,000 persons
age 20-44*



Black victims of murder by an intimate

Rate per 100,000 persons
age 20-44*



*Rates are based on the following segments of the population for each race: married and divorced for spouse/ex-spouse rates and never married and widowed for boyfriend/girlfriend rates.

The decline in the rate of intimate murder among black husbands/ex-husbands has been greater than for any other category of intimate murder victims.

From 1976 to 1996 the per capita murder rate of black husbands and former husbands declined an average of 10% a year.

Between 1976 and 1989 more black men were killed by their wives than black women were killed by their husbands. After 1990 the order was reversed, and the murder rate among black wives and ex-wives was higher than that among black husbands and ex-husbands.

Only one category of intimate murder victims, white girlfriends, has increased over the past two decades.

In 1976 there were 1.69 murders of white women (shown as *girlfriends*) killed by their boyfriends or other non-marital intimates per 100,000 unmarried white women age 20-44 in the U.S. resident population. In 1996 the intimate murder rate for white girlfriends was 1.97 per 100,000.

The average annual percentage changes in the rates of intimate murder between 1976 and 1996, classified by victim-offender relationship, were as follows:

	Victims	
	White	Black
Husbands/ ex-husbands	-5%	-10%
Boyfriends	-3	-7
Wives/ex-wives	-2	-6
Girlfriends	+1	-3

The number of intimate murders has declined or remained fairly stable for all sex/race relationship groups except for white females murdered by non-marital partners. The incidence of intimate murder of white women by their boyfriend or other nonmarital intimate has increased.

Over 1976-96 the number of never-married white women ages 20-44 nearly doubled. Over the same period the number of intimate murders of victims of this age, race, sex, and marital background slightly more than doubled, resulting in a small increase in the per capita rate of murder. That is, while the number of such victims increased, unlike the case for other victim groups, the rate of murder has not changed greatly.

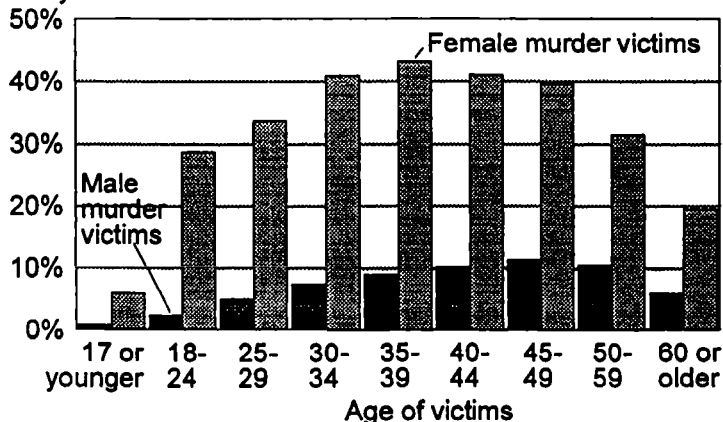
Year	Murders of white females (ages 20-44) by boyfriends or other nonmarital intimates	Population of never married or widowed white women, ages 20-44	Rate of murder per 100,000 white women
1976	90	5,329,000	1.7
1977	89	5,821,000	1.5
1978	102	6,239,000	1.6
1979	116	6,712,000	1.7
1980	163	7,014,000	2.3
1981	124	7,507,000	1.7
1982	145	7,999,000	1.8
1983	155	8,415,000	1.8
1984	173	8,782,000	2.0
1985	182	8,862,000	2.1
1986	219	9,056,000	2.4
1987	200	9,294,000	2.2
1988	209	9,442,000	2.2
1989	216	9,610,000	2.2
1990	198	9,742,000	2.0
1991	202	10,051,000	2.0
1992	187	10,174,000	1.8
1993	250	10,161,000	2.5
1994	195	10,361,000	1.9
1995	230	10,133,000	2.3
1996	199	10,133,000	2.0

Among murder victims for every age group, females are much more likely than males to have been murdered by an intimate.

For victims from age 30 to 49, intimates had committed over 4 in every 10 murders of women. About 1 in 10 murders of men of similar age were by intimates.

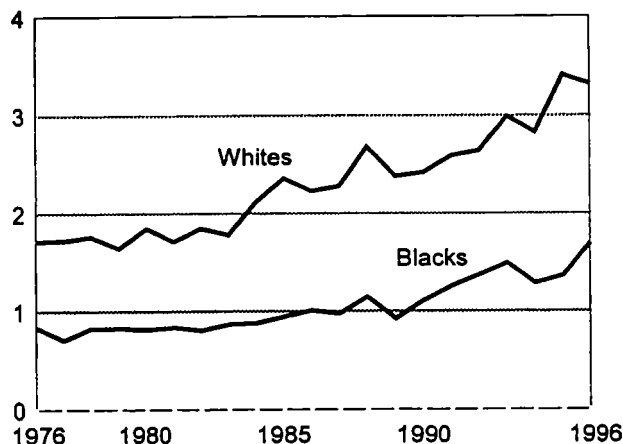
The difference between men and women was the largest in the 18-to-24 age bracket: Intimate offenders were responsible for the deaths of 2.5% of the male murder victims but 28.5% of the female victims.

Percent of murder victims killed by intimates



The female-to-male gender ratio has been climbing for both white and black victims of intimate murder. When intimate murder occurs, increasingly it is the female rather than the male who is the victim.

Ratio of females to males as victims of intimate murder



Because rates of intimate murder have declined faster among male than female victims, the ratio of female-to-male victims of intimate murder has risen among both whites and blacks. Prior to the mid-1980's, fewer than two white females were murdered by intimate partners for every white male; by the mid-1990's, this ratio surpassed three white females for every white male.

Among blacks the gender ratio was below 1.0 prior to the mid-1980's, as fewer black females than black males were murdered by intimate partners; by the mid-1990's, the ratio reached 1.5 black female victims for every black male.

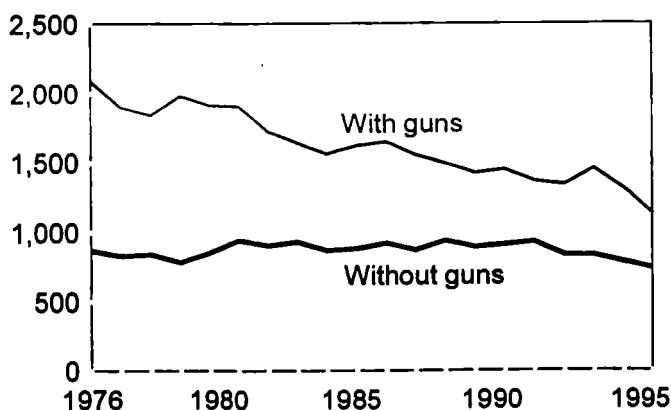
Race-specific trends in the gender ratio have remained parallel over the past two decades, both having doubled over this period.

Among the nearly 52,000 men and women murdered by an intimate between 1976 and 1996, 65% were killed with a firearm. However, firearms accounted for a smaller share of intimate murders in 1996, about 61%, than they did in 1976 (71%).

Over the two decades more than 33,500 persons were murdered by a current or former spouse or by a current boyfriend, girlfriend, or other intimate using a firearm. In 1996 just over 1,100 people were murdered by intimates wielding a firearm, a thousand fewer than in 1976.

The decrease in the number of intimate murders between 1976 and 1996 is primarily attributable to the substantial drop in the number of such murders committed with a firearm — an average decline of 3% annually. The number of intimate murders committed by means other than a firearm, by contrast, has remained nearly constant over the period.

Intimate murders



Characteristics of victims and of incidents of intimate violence

Rates of nonlethal intimate violence are highest among black women, women age 16 to 24, women in households in the lowest incomes categories, and women residing in urban areas.

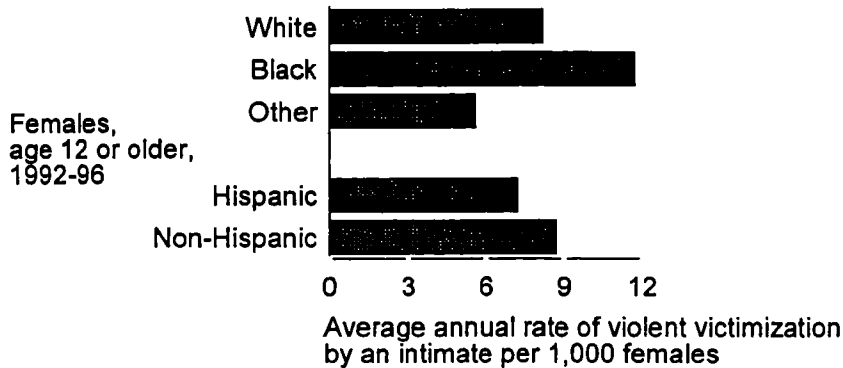
About 3 out of 4 women experiencing violence at the hands of an intimate report the offense occurred at or near their own home. Half report that it occurred between 6 pm and midnight.

About a third of female victims of intimate violence experienced such violence more than once during the 6 months preceding their interview.

Source: **National Crime Victimization Survey, 1992-96**
National Incident-Based Reporting
System, 1995

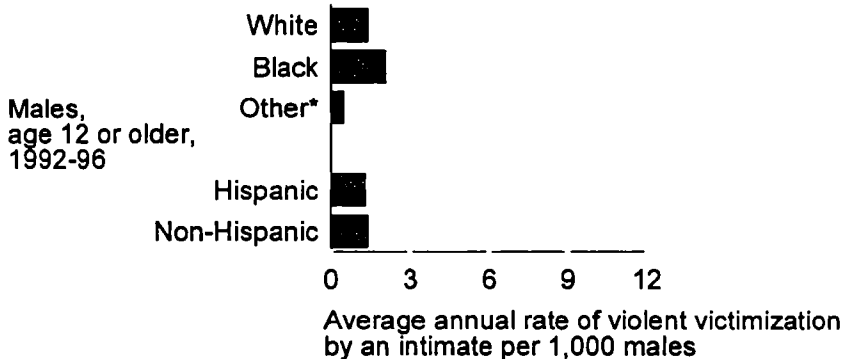
Characteristics of victims of violence by intimates

Among female victims of nonlethal intimate violence, blacks experienced higher rates than whites. White and black males experienced the same rates of intimate violence.



- On average each year between 1992 and 1996 about 12 per 1,000 black women experienced violence by an intimate, compared to about 8 per 1,000 white women.

- For men the rate of victimization by an intimate was about a fifth of the rate for women.



Note: Nonlethal violent victimizations include rape, sexual assault, robbery, and aggravated and simple assault. Intimates include current and former spouses, boyfriends, and girlfriends.

*Fewer than 10 sample cases.

Average annual rate of violent victimization per 1,000 females, 1992-96



The highest rates of intimate violence affected women ages 16 to 24.

- Women age 16 to 19 and women age 20 to 24 had nearly identical rates of intimate victimization — about 1 violent victimization for every 50 women.

- Annual rates of intimate violence by age of female victims showed little change from 1992 to 1996.

Note: Violent victimizations include murder, rape, sexual assault, robbery, and aggravated and simple assaults. Intimates include current and former spouses, boyfriends, and girlfriends.

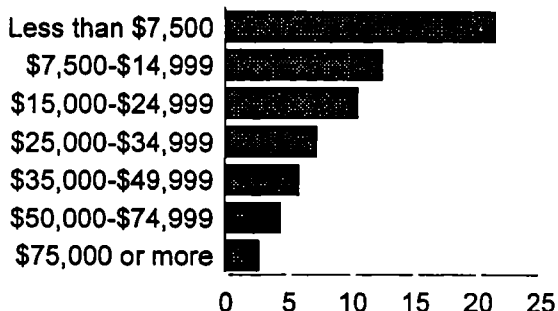
*Fewer than 10 sample cases.

Women in low-income households experienced a higher rate of nonlethal violence by an intimate than did women in households with larger incomes.

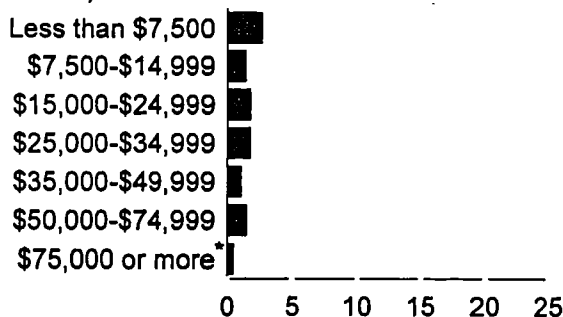
- The rate of intimate violence against women generally decreased as household income levels increased.

Females, 1992-96

Household income



Males, 1992-96



Average annual rate of violent victimization by an intimate per 1,000 persons of each sex

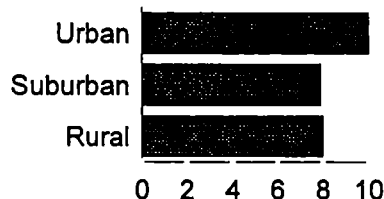
Note: Nonlethal violent victimizations are rape, sexual assault, robbery, and aggravated and simple assault. Intimates include current and former spouses, boyfriends, and girlfriends.

*Fewer than 10 sample cases.

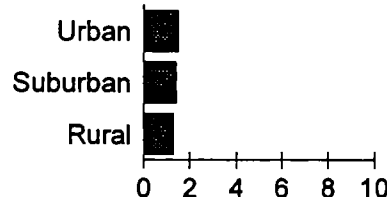
Urban women experienced a higher rate of nonlethal violence from an intimate than suburban and rural women.

- The rates of intimate violence experienced by urban, suburban, and rural men had little variation.

Females, 1996



Males, 1992-96



Rate of violent victimization by an intimate per 100,000 persons of each sex

Note: Nonlethal violent victimizations include rape, sexual assault, robbery, and aggravated and simple assault. Intimates are current and former spouses, boyfriends, and girlfriends.

About 7 in 10 female victims of intimate violence reported that they were physically attacked.

For the remainder, the attack was attempted or threatened — nearly a third of these victims saying that the offender threatened to kill them.

Victim hit, knocked down, or attacked 70%
Attempted or threatened attack* 29

Offender —	
Threatened to kill	31%
Threatened to rape	1
Threatened other attack	53
Threatened with weapon	17
Threw object at victim	3
Followed/surrounded victim	5
Tried to hit, slap, or knock down victim	13

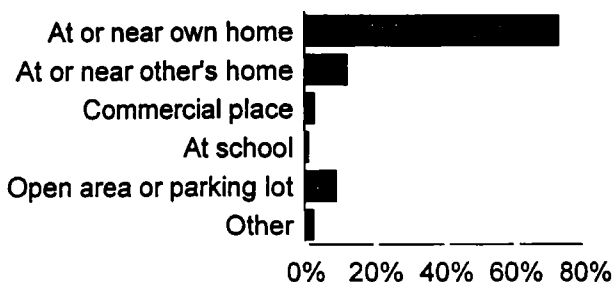
*Victims may report more than one type of threat.

Characteristics of violent victimizations by intimates

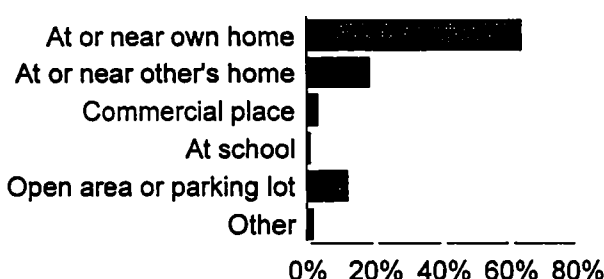
Three-quarters of the incidents of nonlethal intimate violence against women occur at or near the victim's home.

- The patterns are similar for men and women.

Female victims of violence by intimates



Male victims of violence by intimates



Note: Nonlethal violent victimizations include rape, sexual assault, robbery, and aggravated and simple assault. Intimates include current and former spouses, boyfriends, and girlfriends.

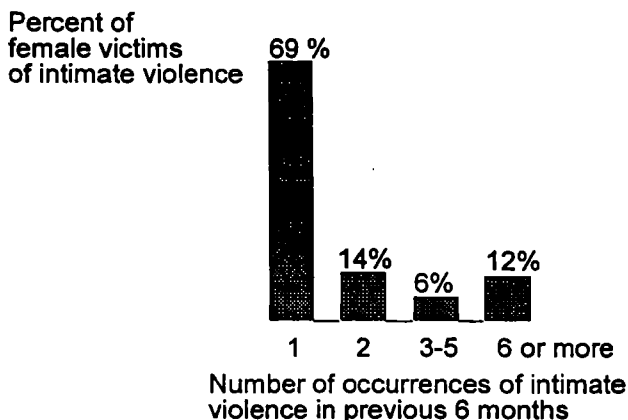
For both male and female victims, nonlethal intimate violence is most likely to occur between 6 pm and midnight.

	Percent of incidents of intimate violence against —	
	Female victims	Male victims
6 am - noon	11%	8%
Noon - 6 pm	24	30
6 pm - midnight	46	50
Midnight - 6 am	16	11
Don't know	4	2*

Note: Nonlethal violent victimizations include rape, sexual assault, robbery, and aggravated and simple assault. Intimates include current and former spouses, boyfriends, and girlfriends.

*Fewer than 10 sample cases, 1992-96.

Nearly a third of female victims of nonlethal intimate violence were victimized at least twice during the previous 6 months.



Note: Nonlethal violent victimizations include rape, sexual assault, robbery, and aggravated and simple assault. Intimates include current and former spouses, boyfriends, and girlfriends. Series victimizations involve 6 or more occurrences in one 6-month reporting period. See page 6.

A larger percentage of female than male victims of nonlethal intimate violence live in households with children under age 12.

Women: Slightly more than half of the female victims live in households with children under age 12. There is no information on whether the children witnessed any of the violence against these women.

Men: About 22% of the male victims of intimate violence live in households with young children.

About 4 in 10 violent offenders in State prisons for crimes against intimates were residing with their children (natural, adopted, or step-children) under age 18 prior to entering prison.

- The prisoners who were convicted of intimate violence and who had children under age 18 had an average of 2.2 young children.

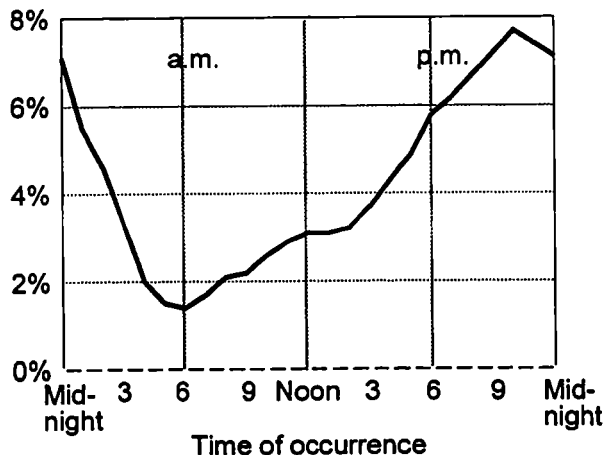
	Percent of State prisoners convicted of crimes against intimates
No children under age 18	36%
Children under age 18	64
Living with offender before prison	40%
Not living with offender	25

Incident-based data, from jurisdictions which maintained such records of crime in 1995, provide details on intimate violence not available from most law enforcement agencies —

- 3 in 4 intimate violence victims are between ages 20 and 39
- 8 in 10 incidents occur in the home
- 4 in 10 incidents occur on weekends
- 1 in 4 incidents involved an offender who had been drinking
- 3 in 10 incidents occur between 9 p.m. and midnight.

The National Incident-Based Reporting System (NIBRS) represents the next generation of crime data from law enforcement agencies. It is designed to replace the nearly 70-year-old summary Uniform Crime Reporting Program of the FBI that compiles aggregate data on eight crimes. NIBRS utilizes information from individual crime reports recorded by police officers at the time of the incident. Rather than relying on a group of eight Index offenses to convey the overall crime situation, NIBRS collects information on 57 types of crimes.

Percent of intimate violence incidents



In addition, NIBRS provides the opportunity to analyze a wide array of contingencies of crime: who the victim was, the relationship of the victim to the offender, age of both victim and offender, where and when the incident occurred, and the consequences of the crime for the victim such as injuries and property loss.

A significant benefit of NIBRS is that it makes possible the ability to evaluate and monitor the incidence and prevalence of domestic violence, both family violence and intimate violence, nationally and at the jurisdiction level.

	Percent of incidents of intimate violence			
	All intimate assaults*	Aggravated assault	Simple assault	Intimidation
Victim/offender relationship				
Spouse	53.1%	52.5%	54.8%	41.0%
Ex-spouse	4.9	3.3	3.8	16.4
Other intimate	42.0	44.2	41.4	42.6
Age of victim				
Under 20	8.8%	7.1%	9.1%	9.1%
20-29	40.2	37.0	41.3	38.2
30-39	35.7	37.0	35.5	35.5
40 or older	15.2	18.9	14.2	17.2
Circumstances				
Argument	81.0%	81.2%	84.7%	76.4%
Lovers' quarrel	14.4	14.3	11.0	13.9
Other	4.6	4.5	4.3	9.7
Location				
Home	80.0%	78.2%	81.0%	75.6%
Bar/club	1.2	1.1	1.3	.7
Hotel	1.2	1.2	1.2	.7
Road/garage	8.1	10.6	7.5	7.5
Other	9.5	8.9	9.0	15.3
Day of the week				
Sunday	18.6%	18.9%	19.0%	14.8%
Monday	12.1	11.8	12.0	13.4
Tuesday	12.4	12.1	12.2	15.0
Wednesday	12.0	11.7	11.9	14.0
Thursday	12.2	12.0	12.0	13.6
Friday	13.9	14.0	13.7	14.9
Saturday	18.8	19.4	19.2	14.3
Alcohol use				
Evidence of offender drinking	24.9%	28.0%	25.8%	12.7%

Note: These data were obtained from law enforcement agencies in 9 States. Coverage for these data is estimated to be about 2% of murders, 4% of reported aggravated assaults, and an unknown percentage of simple assaults and intimidation offenses.

*All intimate assaults includes murder but excludes violent sex crimes.

Responses to nonlethal intimate violence

About 3 out of 4 female victims of intimate violence defended themselves during the incident.

About half the female victims reported the incident to law enforcement authorities — black female victims being more likely than others to call the police. Most victims reported that the police responded to their call for assistance and for a majority of those, within 10 minutes of the call. In about 20% of these cases, the victim reported that the offender was immediately arrested.

About 160,800 female victims of violence are estimated to receive services from a victim service agency each year.

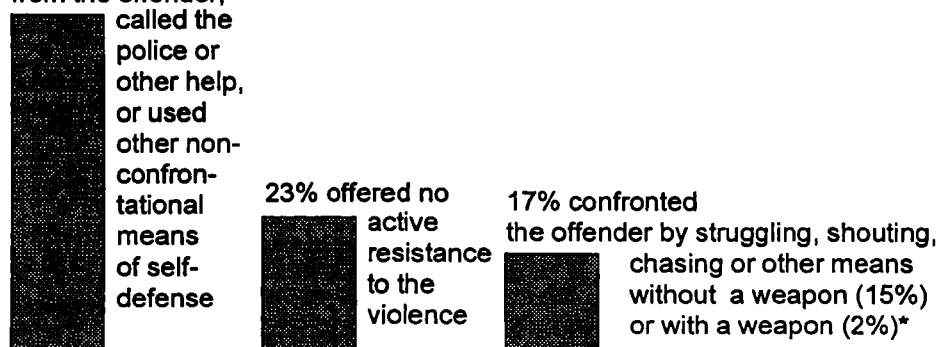
About half of all female victims of intimate violence report an injury of some type, and about 20% of these seek medical assistance. In 1994 hospitals recorded nearly a quarter million hospital visits resulting from intimate violence. Female victims of intimate violence suffer medical expenses and other costs of crime which total about \$150 million annually.

**Sources: National Crime Victimization Survey, 1992-96
Study of Injured Victims of Violence, 1994**

Responses to nonlethal intimate violence

Three-fourths of female victims of nonlethal intimate violence actively defended themselves against the offender.

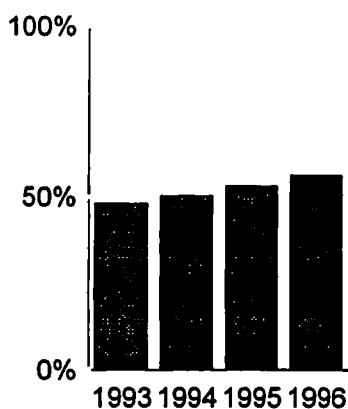
60% tried to escape from the offender, called the police or other help, or used other non-confrontational means of self-defense



*Fewer than 10 cases.

About half the women victimized by an intimate reported the violence to law enforcement.

Percent of female victims of intimate violence reporting the crime to the police



• For female victims of intimate violence, the likelihood of reporting an incident to the police did not change significantly between 1993 and 1996.

• 1 in 3 of the female victims of intimate violence who did not report their crime to the police (and 1 in 6 of all female victims of intimate violence) said that they had considered the victimization a "private or personal matter."

Female victims of intimate violence, 1992-96

Violent crime against an intimate reported to the police
52.1%

Violent crime against an intimate not reported to the police
47.8%

Among women victimized by a violent intimate, about two-thirds of the black women but about half of the white women report the crime to the police.

Percent of female victims of intimate violence

White	49%
Black	68
Other	44

Most important reasons given for not reporting

Private or personal matter	15.4%
Afraid of offender retaliation	7.3
Police would do nothing	4.4
Incident was not important enough	3.5
No one reason most important	1.7
Reported to another official	1.1
Don't know	.7*
Other	13.6

*Fewer than 10 cases.

When notified of the incident, the police responded to about 90% of the calls for assistance from intimate violence victims, according to the victims themselves.

Female victims of intimate violence, 1992-96

Violent crime against an intimate reported to the police
51%

Violent crime against an intimate not reported to the police
49%

Police responded or victim went to the police
88%

Police did not respond
11%

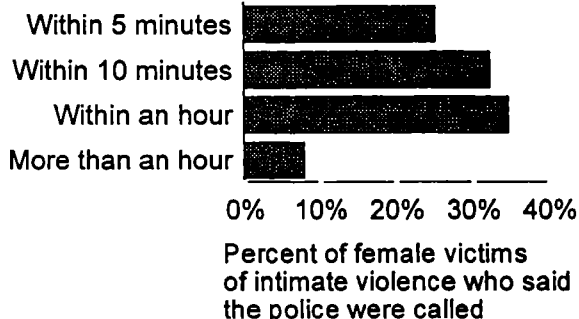
Actions taken by the police

Took an official report	70%
Questioned witness/suspect	29
Arrested the offender	20
Searched for/collected evidence	6
Promised surveillance/investigation	4

Ultimately, about 1 in 3 offenders identified by the victim were eventually arrested or charged for the victimization between the time of the incident and the interview with the victim.

Among female victims of intimate violence reporting that the police were called for assistance, nearly 6 in 10 said the police arrived within 10 minutes.

Police response time, according to the victims



Between 1992 and 1996 an estimated 800,000 female victims of intimate violence received assistance from a victim service agency shortly after the crime.

- An annual average of 160,800 women victimized by an intimate got help from victim service agencies — about half of which were governmental and half private. This average translates to about 1 in 6 of all female victims of intimate violence.

The estimate of the number of women receiving assistance from a victim service agency is probably too low. The NCVS obtains information only on a brief period following the incident.

- During or after an intimate victimization an annual average of nearly 500,300 female victims reported the victimization to a law enforcement agency.

More than half of female victims of intimate violence reported the incident to the police or had contact with a victim assistance agency shortly after the crime.

Annual average number of female victims of intimate violence
960,400

Female victims who reported the victimization to --	
51,000	A victim service agency (governmental or private)
390,500	The police or another law enforcement agency
109,800	Both a victim service agency and the police
411,000	Neither a victim service agency nor the police

Injuries and losses reported by victims of intimate violence

About half of the female victims of violence by an intimate were injured.

Female victims of intimate violence, 1992-96

Injured 51%				Not injured 49%			
Rape or sexual assault	6%	Gun, knife or stab wound	0.5%	Other serious injury*	4%	Other injury*	41%

*Categories of injuries: Serious injuries include broken bones, internal injuries, being knocked unconscious, and any injuries requiring 2 or more days in a hospital. Other injuries include bruises, black eyes, cuts, swelling, chipped teeth, and unspecified injuries requiring less than 2 days' hospitalization.

Among female victims of intimates, 1 in 10 sought treatment at a medical care facility for physical injury; among those injured 1 in 5 sought treatment.

Female victims of intimate violence, 1992-96

Physically injured 51%					No reported physical injury 49%				
Not treated	32%	Cared for at the scene or at home	9%	Treated at doctor's office or clinic	3%	Treated at an emergency room	7%	Hospitalized	<1%*

Note: Nonlethal violent victimizations include rape, sexual assault, robbery, and aggravated and simple assault. Intimates include current and former spouses, boyfriends, and girlfriends.

*Fewer than 10 sample cases in the source data from the NCVS.

Based on the reports of female victims of nonlethal intimate violence, medical expenses from the physical trauma, broken or stolen property, and lost pay cost these victims nearly \$150 million a year.

Type of expense or loss	Female victims of intimate violence, 1992-96		
	Percent of victims experiencing an expense or loss	Average expense or loss per victim reporting a loss	Estimated total loss annually
Medical expenses	6.0%	\$1,075	\$61,800,000
Cash loss	1.1	455	4,900,000
Property Loss	4.3	734	30,300,000
Repair	5.8	189	10,500,000
Replacement	5.3	478	24,300,000
Lost pay from —			
Injury	4.3	261	10,800,000
Other causes	2.8	255	6,900,000

- Each year, on average, an estimated 57,500 female victims of intimate violence incurred over \$61 million in medical expenses. Medical expenses represented nearly 40% of all costs associated with incidents of intimate violence against a woman.

Medical expenses, however, may be substantially underestimated in the NCVS, based on findings from the National Electronic Injury Surveillance System (see page 27).

- On average, each year, female victims of intimate violence spent nearly \$35 million to replace or repair property that was stolen or broken during the violent incident.

- Property losses accounted for about 44% of all costs women face as a consequence of violence by an intimate.

Study of Injured Victims of Violence: Intimate violence and its health consequences

The National Electronic Injury Surveillance System, a data collection program in a national sample of hospital emergency departments, provides another source of information on intimate violence.

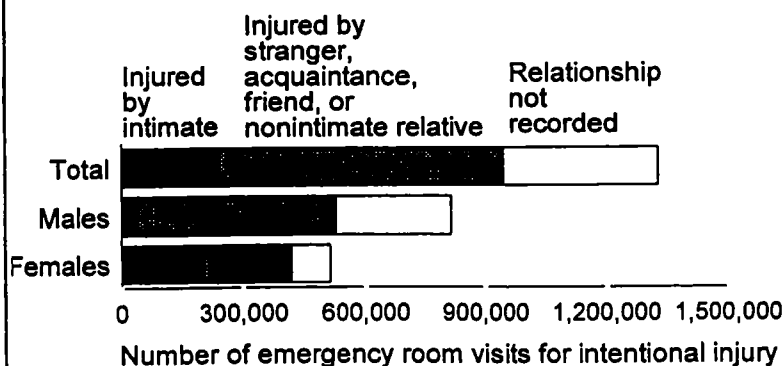
In 1994 about 1.4 million people, injured as a result of intentional violence, were examined in the emergency departments. About a quarter of all these intentional injuries had resulted from violence by an intimate. Intimates include current or former spouses and current boyfriends and girlfriends.

- About half of all persons treated for intimate violence were treated for bruises or similar injuries. About a fourth were treated for cuts, stab wounds or internal injuries.

- About half of the persons treated for intimate violence related injuries had head or facial injuries.

	Patients treated in hospital emergency departments	
	Victims of intimate violence	Victims of violence by nonintimate
Victim's age		
13-19	9.7%	29.7%
20-29	42.2	32.4
30-45	41.6	29.2
46 or older	6.5	8.7
Weapons used to injure victim		
No weapon used	73.5%	61.9%
Weapon used	21.0	32.0
Firearm	1.1	3.5
Knife/sharp object	7.4	6.6
Bat, or object used to hit	9.6	15.9
Other	2.9	6.0
Not recorded	5.6	6.1
Diagnosis of injury		
Bruise	48.6%	32.7%
Cut/stab wound/internal injury	24.1	31.3
Muscular/skeletal injury	16.9	20.6
Concussion/head injury	.9	1.4
Rape/sexual assault	2.2	4.1
Gunshot wound	1.0	3.4
All other	6.4	6.3
Part of body injured		
Head/face	51.1%	57.4%
Upper trunk	9.6	9.9
Lower trunk	4.8	3.5
Hands/arms	18.1	14.5
Feet/legs	4.5	5.1
Other	2.1	3.5
25%-50% of body	6.4	3.6
All parts of the body	2.5	2.2
Not recorded	.9	.3
Number	243,000	701,000

Note: The table excludes 384,000 patients who either could not or did not report the victim-offender relationship. Intimates include spouses, ex-spouses, boyfriends, and girlfriends.



Females accounted for 39% of the hospital emergency department visits for violence-related injuries in 1994 but 84% of the persons treated for injuries inflicted by intimates.

- Among those treated for violence-related injuries and with a known relationship to the offender, about 50% of the women and 8% of the men had been injured by an intimate.

Profile of convicted intimate offenders

About 24% of convicted violent offenders in local jails and 7% of violent offenders in State prisons nationwide committed their crime against an intimate.

Nearly 40% of convicted violent offenders in local jails who committed their crime against an intimate had a criminal justice status at the time of the offense: on probation or parole or under a restraining order.

More than half of prison and jail inmates with an intimate victim had been drinking or using drugs when they committed the violent crime. Among those drinking, half had been drinking for more than 6 hours before the violence and had consumed about 10 drinks.

Nearly 30% of State prisoners with intimate victims were armed with a firearm at the time of the incident.

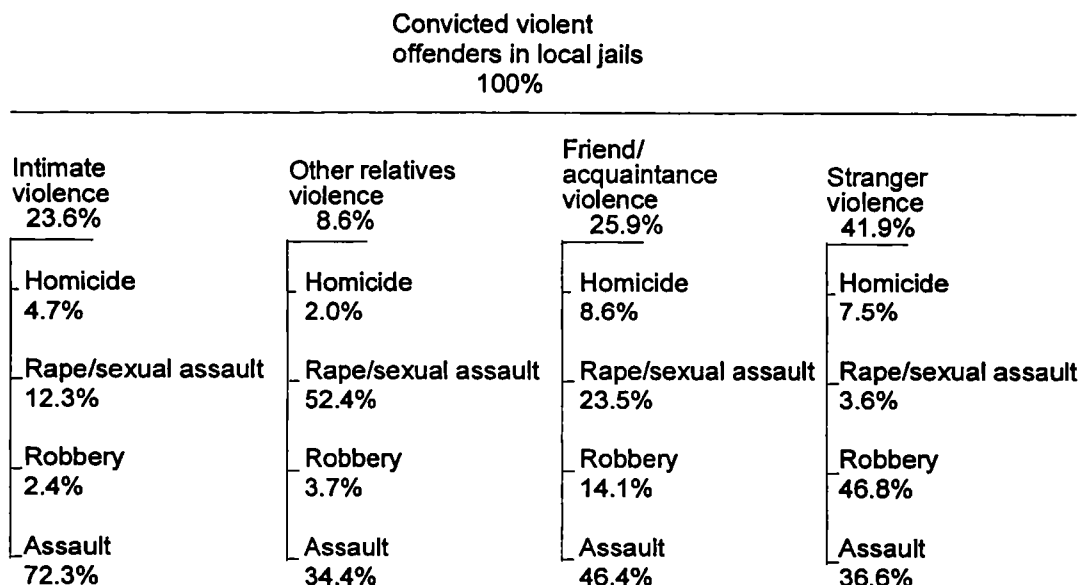
Sentences received by intimate offenders did not differ substantially from other offenders for the same crimes.

Sources: **Survey of Inmates of State Correctional Facilities, 1991**
Survey of Inmates in Local Jails, 1995

Profile of convicted intimate offenders

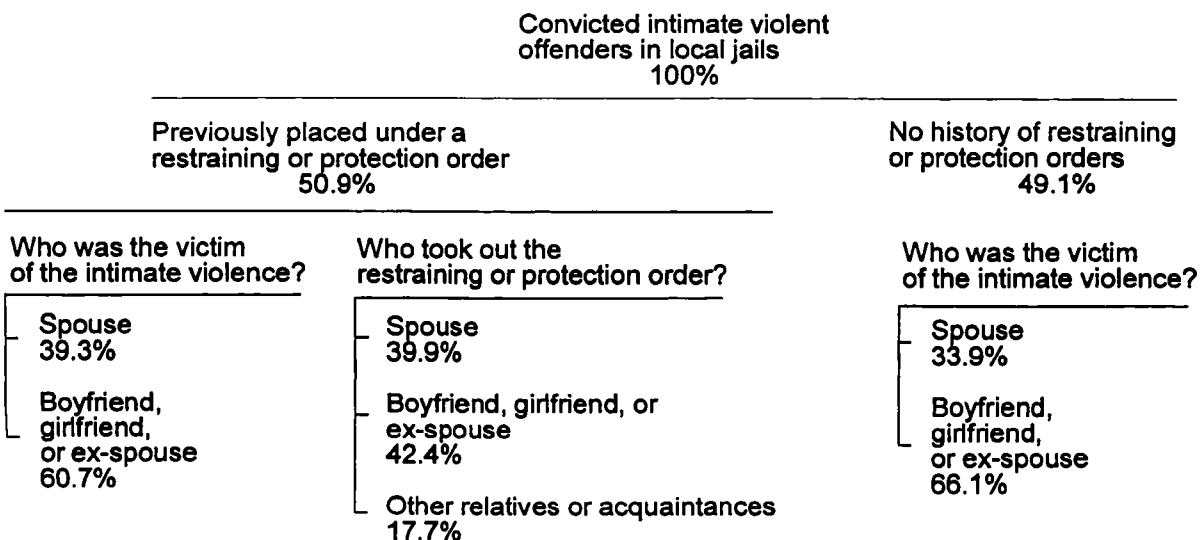
About 1 in 4 convicted violent offenders in local jails said they had committed their offense against an intimate.

- For 3 in 4 jailed violent offenders whose victim was a current or former spouse, girlfriend, or boyfriend, the conviction offense was assault. Other crimes included murder, manslaughter, rape, sexual assault, kidnapping, robbery, and other violent offenses.
- Violent offenders with an intimate victim were about twice as likely as those who had committed their crime against a stranger to have been convicted of assault.

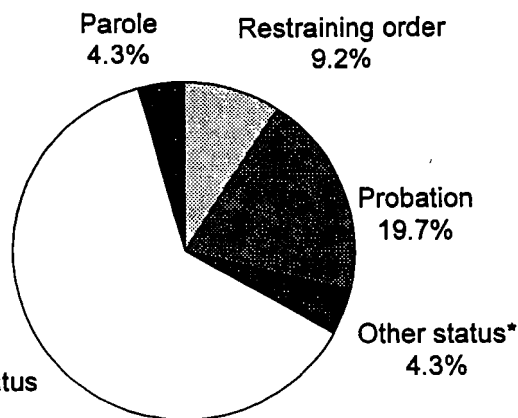


Note: Intimate violence includes violent offenses committed against current and former spouses, boyfriends, and girlfriends.

About half of all convicted inmates in local jails serving time for violence against an intimate had a history of having been placed under a restraining or protection order.



Nearly 4 in 10 offenders sentenced to jail for violence against a current or former spouse, boyfriend, or girlfriend had a criminal justice status or a restraining order against them when they committed their crime.



- Among those who were in jail for violence against an intimate and who had been on probation or parole when they committed their crime, about 1 in 4 also had a restraining order against them.

No criminal justice status
62.5%

Note: Intimate violence includes violent offenses committed against current and former spouses, boyfriends, and girlfriends.

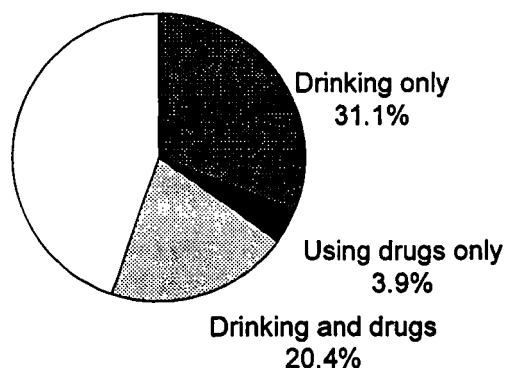
*"Other status" includes programs such as electronic monitoring, alcohol/drug diversion, and weekend sentences.

More than half of both prison and jail inmates convicted of a violent crime against an intimate were drinking or using drugs at the time of the offense.

- Less than a quarter of the State prisoners or jail inmates were using drugs, alone or in combination with alcohol.

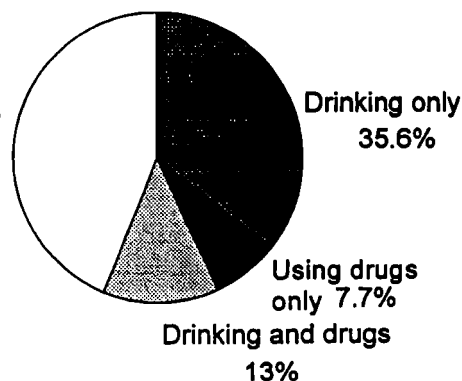
State prisoners

No drinking or drugs
44.6%



Jail inmates

No drinking or drugs
43.7%



An estimated three-fourths of local jail inmates convicted of intimate violence had prior convictions, and most of these had a history of convictions for violence.

Criminal history	Inmates convicted of violence against an intimate	
	State prison	Local jail
Total	100%	100%
First conviction	33.4	21.8
Recidivist —		
Prior violence	33.2	58.0
No prior violence	33.4	20.2

- Among State prisoners serving time for intimate violence, about 2 out of 3 had a prior conviction history.
- Chronic violent offenders accounted for 3 in 10 of State prisoners serving time for violence against an intimate and nearly 6 in 10 local jail inmates convicted of intimate violence.

Among prisoners who had been drinking before they committed a crime against an intimate, about half of State prison inmates and a third of convicted jail inmates had been drinking for 6 or more hours.

Hours spent drinking before the offender committed the crime against an intimate	State prisoners	Convicted jail inmates
1 hour	9.4%	19.7%
2	14.4	21.2
3	11.1	4.5
4	7.3	11.6
5	8.9	9.1
6-12	20.9	24.5
More than 12 hours	28.1	9.4

Jail inmates who committed a violent crime against an intimate and who reported that they had been drinking at the time had consumed an average (median) of about 5 ounces of ethanol — equivalent to about 10 beers or mixed drinks.

Of jail inmates who were convicted of a violent crime against an intimate and who were drinking before the offense —

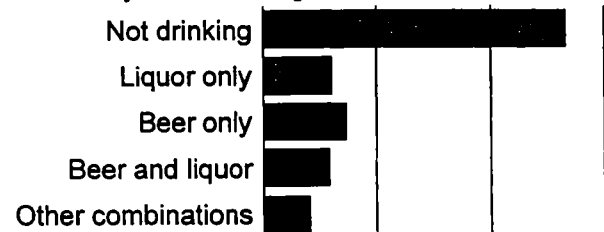
- about 4 in 10 reported consuming the equivalent of about one six-pack of beer before their crime.
- about 1 in 5 reported drinking the equivalent of two dozen or more beers before their crime.

Number of ounces of ethanol reported to have been consumed	Cumulative percentage of jail inmates who were drinking when they committed a violent crime against an intimate	Approximate number of drinks to equal the amount of ethanol consumed
1 oz. or less	25.5%	2 drinks
2 ozs. or less	35.6	4
3 ozs. or less	42.3	6
4 ozs. or less	44.4	8
5 ozs. or less	52.9	10
6 ozs. or less	56.6	12
7 ozs. or less	69.2	14
11 ozs. or less	79.6	22
15 ozs. or less	100	30

About half of prison and jail inmates were drinking beer or liquor when they committed a violent crime against an intimate companion.

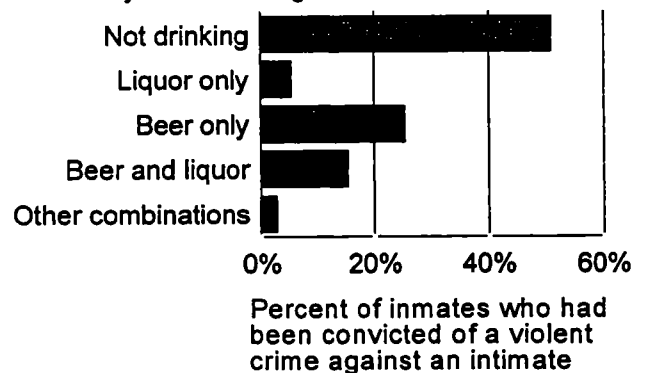
State prisoners

What they were drinking



Jail inmates

What they were drinking



Victim and Inmate surveys report similar estimates of offender alcohol and drug use in intimate violence.

Nearly half the female victims of intimate violence report that the offender was drinking or using illegal drugs at the time of the crime. This is about the same pattern of alcohol and drug use reported from surveys of jail and prison inmates.

Offenders in State prisons convicted of a violent offense against an intimate were more likely than violent offenders with other types of victims to be serving a sentence for homicide.

Violent offenders
in State prisons
100%

- About 4 in 10 violent offenders in State prison who had intimate victims had killed their victim.

Intimate violence 7.3%	Other relative violence 9.8%	Friend/ acquaintance violence 26.9%	Stranger violence 56.0%
Homicide 41.6%	Homicide 16.7%	Homicide 33.8%	Homicide 24.0%
Rape/sexual assault 21.0%	Rape/sexual assault 66.0%	Rape/sexual assault 30.1%	Rape/sexual assault 8.2%
Robbery 2.8%	Robbery 1.9%	Robbery 13.5%	Robbery 48.5%
Assault 29.6%	Assault 10.0%	Assault 19.3%	Assault 16.1%

Note: Intimate violence includes violent offenses committed against current and former spouses, boyfriends, and girlfriends.

Among violent offenders in State prisons, women were about 3 times as likely as men to have committed their crime against an intimate.

Who was the victim?	Violent offenders in State prison	
	Male	Female
Intimate*	6.8%	20.1%
Not an intimate	93.2	79.9

*Intimates include current and former spouses, boyfriends, and girlfriends.

State inmates serving time for violence against an intimate were somewhat more likely to be white and less likely to be black or Hispanic.

- Offenders with intimate victims were also likely to be somewhat older than other violent offenders.

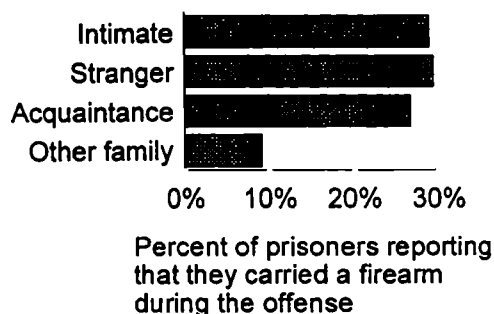
Characteristic of violent offenders in State prisons	When the victim was an intimate*	When the victim was not an intimate
Male	89.6%	96.8%
Female	10.4	3.2
White	46.8%	36.9%
Black	40.8	46.5
Hispanic	9.5	13.9
Other	2.9	2.6
Age 24 or younger	9.8%	19.5%
25-34	41.1	44.9
35 or older	49.1	35.6
8th grade or less	14.6%	14.3%
9th-11th grade	24.3	24.9
High school graduate	45.2	49.3
Some college	15.9	11.4

*Intimates include current and former spouses, boyfriends, and girlfriends.

An estimated 29% of State prisoners who committed a violent crime against an intimate — a current or former spouse, boyfriend, or girlfriend — were armed at the time with a gun.

- Whether against an intimate, an acquaintance, or a stranger — about the same percentage of State prison inmates convicted of a violent crime used a firearm in their crime.

Single victim of violent
State prisoner



Among victims of intimate violence, 17% of the female victims and 29% of the males reported that the offender had used a weapon.

- For those men who had faced an intimate wielding a weapon, the weapon was more likely to have been a sharp or blunt object rather than a knife or firearm.
- Among the women reporting violence by an armed intimate, firearms, knives, and objects used as weapons were mentioned with about the same frequency.

8 in 10 inmates serving time in State prison for violence against an intimate killed or injured their victim.

Victim injury	Victim's relation to the prisoner			
	Intimate ^a	Other relative	Acquaintance	Stranger
Any	79.2%	47.8%	69.8%	51.5%
Death	47.3	18.4	38.7	28.6
Rape/sexual assault	12.6	19.3	11.6	6.4
Stab wound	5.0	1.4	3.9	4.0
Gunshot wound	2.2	2.4	6.9	3.7
Severe internal injuries ^b	1.9	1.6	2.7	3.0
Brui­ses or cuts	7.9	2.5	5.0	4.8
Other	2.3	2.2	1.1	1.0

^aIntimates include current and former spouses, boyfriends, and girlfriends.

^bInjuries include broken bones, lost teeth, and being knocked unconscious.

- Among all victims of violent crime committed by State prisoners, the rate of death or injury was higher for intimates than for any other category.

The median sentence of State prisoners for assault was 4 years longer if the victim was the offender's spouse rather than a stranger.

Offense	All violent offenders	Victim's relation to the prisoner				
		Spouse	Ex-spouse, nonmarital intimate	Other relative	Friend/acquaintance	Stranger
Median sentence						
All violent offenses	180 mo	180 mo	180 mo	144 mo	180 mo	168 mo
Homicide	264	300	240	240	264	300
Assault	120	168	120	108	108	120
Percent of prisoners						
With a life sentence	16.6%	32.5%	14.9%	10.3%	18.4%	18.3%
Having a life sentence, were convicted of homicide	46.8%	47.9%	29.7%	35.4%	41.2%	52.5%

Appendix 1: Defining the victim-offender relationship

Defining the victim-offender relationship

The various sources used in this report obtain data on the relationship between victims and the offenders who committed the violent crimes against them. While the series have slight differences in the level of specificity, they are generally quite similar in the types of relationships described. These relationship categories, when aggregated to more general groupings, result in a category of intimates which includes current and former spouses, boyfriends, and girlfriends. Each data series provides an option for coding an unknown relationship between the victim and offender.

The **NCVS** queries victims of personal contact crimes about their relationship to the offender, if any. The sequence of questions is similar for both those victims who report a single offender and attacked them and those who report multiple offenders attacked them. For purposes of this report, the victim/offender relationship categories contained in the questionnaire were grouped into the following:

Offender's relation to the victim was—			
Stranger	Acquaintance	Intimate	Other family
Known by sight only	Spouse	Parent/	
Casual	Ex-spouse	step-parent	
Friend/ex-friend	Boyfriend/	Own child/	
Roommate/boarder	girlfriend/	stepchild	
Schoolmate	ex-boyfriend/	Brother/sister	
Neighbor	ex-girlfriend	Other relative	
Someone at work/			
customer			
Other nonrelative			

The sex of offenders coded as intimates may be the same as or different from the victim's sex.

The Supplementary Homicide Reports of the FBI (**SHR**), which gathers data from local police departments on each homicide, provides 28 categories for the victim-offender relationship. These relationships were recoded to more general categories paralleling those used for the NCVS:

Victim's relation to the offender was—			
Stranger	Acquaintance	Intimate	Other family
	Acquaintance	Husband	Mother
	Friend	Common-law husband	Father
	Neighbor	Ex-husband	Son
	Employee	Wife	Daughter
	Employer	Common-law wife	Brother
	Other known	Ex-wife	Sister
		Boyfriend	In-law
		Girlfriend	Stepfather
		Homosexual relation	Stepmother
			Stepson
			Stepdaughter
			Other family

The victim segment of the FBI's National Incident-Based Reporting System (**NIBRS**) is much like the victim/offender component of the SHR. NIBRS relationship codes were recoded in this study as shown below:

Victim's relation to the offender was—			
Stranger	Acquaintance	Intimate	Other family
	Acquaintance	Spouse	Parent
	Friend	Common-law spouse	Step-parent
	Neighbor	Ex-spouse	Own child
	Babysitree (the child)	Boyfriend/	Stepchild
	Child of boyfriend/	girlfriend	Sibling
	girlfriend	Homosexual relationship	Stepsibling
	Employee		Grandparent
	Employer		Grandchild
	Other known		In-law
			Other family

This report also presents data gathered from hospital emergency departments under the Survey of Injured Victims of Violence (**SIVV**). Codes used in this collection to represent these relationships were as follows:

Offender's relation to the victim was—			
Stranger	Acquaintance	Intimate	Other family
	Friend	Spouse	Parent
	Inmate/patient	Ex-spouse	Child
	Other known	Boyfriend/	Sibling
		girlfriend	Other relative

The BJS Survey of Inmates in Local Jails and the Survey of Inmates in State Correctional Facilities provide for the collection of detailed victim information from convicted violent offenders. These data were recoded to the same four general categories of victim/offender relationship:

Offender's relation to the victim was—

<u>Stranger</u>	<u>Acquaintance</u>	<u>Intimate</u>	<u>Other family</u>
	Known by sight only	Spouse	Parent/
	Casual acquaintance	Ex-spouse	step-parent
	Well-known	Boyfriend/	Own child/
	Friend/ex-friend	ex-boyfriend	stepchild
	Other nonrelative	Girlfriend/	Sibling/stepsibling
		ex-girlfriend	Other relative

Appendix 2: Data for graphical figures

Cover and page 5. Intimates committed fewer murders in 1995 and 1996 than in any year since 1976

Year	Murders of an intimate	
	Male victims	Female victims
1976	1,357	1,600
1977	1,294	1,437
1978	1,202	1,482
1979	1,262	1,506
1980	1,220	1,550
1981	1,278	1,572
1982	1,141	1,480
1983	1,112	1,462
1984	989	1,443
1985	957	1,546
1986	985	1,586
1987	933	1,494
1988	855	1,582
1989	903	1,414
1990	858	1,500
1991	779	1,518
1992	722	1,456
1993	708	1,581
1994	692	1,405
1995	547	1,320
1996	516	1,326

Note: Intimates include spouses, ex-spouses, common-law spouses, same sex partners, boyfriends, and girlfriends. Murder includes nonnegligent manslaughter. Data are for all ages of victims.

Source: FBI, Supplementary Homicide Reports (SHR), 1976-96.

Page 3. Each year from 1992 to 1996 there were more than 960,000 victimizations of women by an intimate

	Number of violent victimizations committed by intimates				
	1992	1993	1994	1995	1996
Male	145,650	163,558	176,168	115,483	147,896
Female	952,188	1,072,072	1,003,167	953,683	837,899

Note: Intimates for the NCVS include current or former spouses, boyfriends, and girlfriends. Intimates for the SHR include spouses, ex-spouses, common-law spouses, same sex partners, boyfriends, and girlfriends. Violent victimizations include rape, sexual assault, robbery, and aggravated and simple assault, as measured by the NCVS, and murder as reported by law enforcement agencies to the FBI. Data are for victims age 12 or older.

Sources: BJS, National Crime Victimization Survey (NCVS), 1992-96, and FBI, Supplementary Homicide Reports (SHR), 1992-96.

Page 3. Each year from 1992 to 1996 about 8 in 1,000 women and 1 in 1,000 men experienced a violent victimization by an intimate

	Rate of violent victimization by intimates per 1,000 persons				
	1992	1993	1994	1995	1996
Male	1.4	1.6	1.7	1.1	1.4
Female	8.8	9.8	9.1	8.6	7.5

Note: Intimates for the NCVS include current or former spouses, boyfriends, and girlfriends. Intimates for the SHR include spouses, ex-spouses, common-law spouses, same sex partners, boyfriends, and girlfriends. Violent victimizations include rape, sexual assault, robbery, and aggravated and simple assault, as measured by the NCVS, and murder as reported by law enforcement agencies to the FBI. Data are for victims age 12 or older.

Sources: BJS, National Crime Victimization Survey (NCVS), 1992-96, and FBI, Supplementary Homicide Reports (SHR), 1992-96.

Page 4. Among female victims of violence, strangers and friends or acquaintances rather than intimates were responsible for the highest rates of crime

Victim-offender relationship	Rate of violent victimization per 1,000 women				
	1992	1993	1994	1995	1996
Intimates	8.8	9.8	9.1	8.6	7.5
Other relatives	2.7	3.3	2.9	2.2	2.8
Friend/acquaintances	14.1	15.9	15.3	14.2	13.7
Stranger	14.8	15.4	16.8	13.2	11.8

Note: Intimates for the NCVS include current or former spouses, boyfriends, and girlfriends. Intimates for the SHR include spouses, ex-spouses, common-law spouses, same sex partners, boyfriends, and girlfriends. Violent victimizations include rape, sexual assault, robbery, and aggravated and simple assault, as measured by the NCVS, and murder as reported by law enforcement agencies to the FBI. Data are for victims age 12 or older.

Sources: BJS, National Crime Victimization Survey (NCVS), 1992-96, and FBI, Supplementary Homicide Reports (SHR), 1992-96.

Page 4. Among male victims of violence, strangers and friends or acquaintances accounted for the highest rates of victimization

Victim-offender relationship	Rate of violent victimization per 1,000 men				
	1992	1993	1994	1995	1996
Intimates	1.4	1.6	1.7	1.1	1.4
Other relatives	1.1	1.6	2.2	2.0	1.6
Friend/acquaintances	20.2	20.3	18.5	17.3	16.7
Stranger	39.6	38.8	38.2	33.8	30.8

Note: Intimates for the NCVS include current or former spouses, boyfriends, and girlfriends. Intimates for the SHR include spouses, ex-spouses, common-law spouses, same sex partners, boyfriends, and girlfriends. Violent victimizations include rape, sexual assault, robbery, and aggravated and simple assault, as measured by the NCVS, and murder as reported by law enforcement agencies to the FBI. Data are for victims age 12 or older.

Sources: BJS, National Crime Victimization Survey (NCVS), 1992-96, and FBI, Supplementary Homicide Reports (SHR), 1992-96.

Page 4. Though less likely than males to experience violent crime overall, females are 5 to 8 times more likely than males to be victimized by an intimate

Victim	Rate of violent victimization per 1,000 persons				
	1992	1993	1994	1995	1996
Total violent victimization					
Males	64.2	65.2	63.6	56.4	53.0
Females	41.2	45.7	45.5	39.2	37.1
Victimization by intimates					
Males	1.4	1.6	1.7	1.1	1.4
Females	8.8	9.8	9.1	8.6	7.5

Note: Intimates for the NCVS include current or former spouses, boyfriends, and girlfriends. Intimates for the SHR include spouses, ex-spouses, common-law spouses, same sex partners, boyfriends, and girlfriends. Violent victimizations include rape, sexual assault, robbery, and aggravated and simple assault, as measured by the NCVS, and murder as reported by law enforcement agencies to the FBI. Data are for victims age 12 or older.

Sources: BJS, National Crime Victimization Survey (NCVS), 1992-96, and FBI, Supplementary Homicide Reports (SHR), 1992-96.

Page 5. The number of intimate murders declined 36% from 1976 to 1996 as the number of spouse murders went down 52%

Year	Number of intimate murder victims		
	Spouse	Ex-spouse	Boy/girlfriend
1976	2,174	123	662
1977	2,017	110	603
1978	1,940	116	629
1979	1,940	146	683
1980	1,911	115	744
1981	1,946	136	768
1982	1,722	136	763
1983	1,676	128	770
1984	1,501	97	833
1985	1,581	111	811
1986	1,542	127	901
1987	1,489	96	841
1988	1,467	100	869
1989	1,326	78	913
1990	1,371	110	879
1991	1,297	82	918
1992	1,262	81	834
1993	1,232	94	964
1994	1,145	91	861
1995	1,030	60	776
1996	987	73	749

Note: Murder includes nonnegligent manslaughter. Data are for all ages of victims.

Source: FBI, Supplementary Homicide Reports (SHR), 1976-96.

Page 5. Declines in the percentage of murders that are attributed to an intimate have been greater among male victims

Year	Percent of homicide victims killed by an intimate	
	Male	Female
1976	11.2%	31.3%
1977	11.0	29.3
1978	10.5	30.3
1979	10.8	30.3
1980	9.8	30.2
1981	9.5	29.7
1982	9.1	28.5
1983	9.7	29.4
1984	8.9	28.2
1985	8.6	29.5
1986	8.4	29.7
1987	8.3	28.1
1988	7.8	29.2
1989	7.7	28.0
1990	6.9	28.8
1991	6.3	28.7
1992	6.2	28.8
1993	6.1	28.6
1994	6.2	28.5
1995	5.4	27.8
1996	5.4	29.0

Note: Intimates include spouses, ex-spouses, common-law spouses, same sex partners, boyfriends, and girlfriends. Murder includes nonnegligent manslaughter. Data are for all ages of victims.

Source: FBI, Supplementary Homicide Reports (SHR), 1976-96.

Page 7. Over the last two decades intimate murder rates dropped far more rapidly among blacks than among whites, with the sharpest decreases among black male victims

Year	Rate of murder by an intimate per 100,000 persons age 20-44					
	White			Black		
	Total	Male	Female	Total	Male	Female
1976	1.31	0.89	1.72	14.01	16.51	12.01
1977	1.27	0.93	1.61	11.94	14.97	9.49
1978	1.30	0.88	1.72	11.38	13.32	9.83
1979	1.35	0.97	1.73	11.10	13.34	9.33
1980	1.37	0.91	1.81	10.66	12.36	9.30
1981	1.33	0.92	1.73	9.64	11.14	8.40
1982	1.30	0.82	1.77	8.33	9.72	7.17
1983	1.22	0.82	1.61	8.35	9.20	7.65
1984	1.17	0.69	1.65	7.06	7.75	6.47
1985	1.20	0.70	1.70	6.95	7.46	6.53
1986	1.21	0.70	1.73	7.36	7.55	7.19
1987	1.14	0.65	1.63	6.46	6.90	6.10
1988	1.13	0.59	1.68	6.60	6.62	6.58
1989	1.01	0.56	1.45	6.36	6.70	6.07
1990	1.06	0.58	1.54	6.24	6.08	6.39
1991	1.02	0.53	1.51	6.02	5.36	6.58
1992	0.98	0.54	1.42	5.35	4.59	6.00
1993	1.03	0.49	1.57	5.62	4.75	6.36
1994	0.99	0.47	1.51	4.84	4.55	5.09
1995	0.89	0.38	1.40	3.87	3.33	4.32
1996	0.85	0.36	1.34	3.74	2.83	4.51

Source: FBI, Supplementary Homicide Reports (SHR), 1976-96.

Page 8. The decline in the rate of intimate murder per 100,000 has been greater among black victims, especially black men killed by their spouses

Year	Rate of murder by an intimate per 100,000 persons in each population category							
	White				Black			
	Husband Ex-husband	Boyfriend	Wife/ Ex-wife	Girlfriend	Wife/ Exwife	Girlfriend	Husband Ex-husband	Boyfriend
1976	0.97	0.67	1.73	1.69	12.62	10.68	18.44	12.93
1977	1.01	0.72	1.62	1.53	10.26	7.81	16.92	11.67
1978	0.98	0.61	1.74	1.63	11.19	7.43	14.99	10.66
1979	1.11	0.62	1.73	1.73	9.74	8.64	15.90	9.62
1980	0.99	0.72	0.17	2.32	10.04	8.03	14.35	9.61
1981	1.03	0.67	1.76	1.65	8.47	8.29	12.89	8.89
1982	0.84	0.76	1.76	1.81	7.07	7.32	10.80	8.34
1983	0.91	0.63	1.54	1.84	8.23	6.83	10.71	7.47
1984	0.65	0.79	1.56	1.97	5.90	7.27	8.37	7.11
1985	0.73	0.64	1.60	2.05	6.31	6.81	7.73	7.18
1986	0.70	0.68	1.53	2.42	6.74	7.80	7.74	7.35
1987	0.65	0.64	1.48	2.15	6.10	6.09	6.86	6.95
1988	0.55	0.68	1.51	2.21	6.23	7.04	6.69	6.54
1989	0.53	0.62	1.21	2.25	5.58	6.71	6.73	6.67
1990	0.54	0.66	1.39	2.03	5.83	7.07	5.77	6.40
1991	0.45	0.69	1.35	2.01	6.04	7.16	5.08	5.63
1992	0.56	0.50	1.29	1.84	6.08	5.90	4.53	4.64
1993	0.43	0.60	1.29	2.46	6.05	6.70	4.53	4.94
1994	0.46	0.49	1.39	1.88	4.13	6.08	4.75	4.37
1995	0.39	0.39	1.12	2.27	3.72	4.97	2.93	3.69
1996	0.37	0.37	1.10	1.90	3.63	5.19	2.28	3.21

Source: FBI, Supplementary Homicide Reports (SHR), 1976-96.

Page 9. Females at every age are much more likely than males to be murdered by an intimate

Age of victim	Percent of murder victims killed by intimates	
	Male	Female
17 or younger	0.8%	5.8%
18-24	2.5	28.5
25-29	5.5	36.3
30-34	7.6	41.3
35-39	9.3	44.3
40-44	10.6	41.4
45-49	11.7	40.2
50-59	10.8	31.8
60 or older	6.9	19.3

Note: Intimates include spouses, ex-spouses, common-law spouses, same sex partners, boyfriends, and girlfriends. Murder includes nonnegligent manslaughter.

Source: FBI, Supplementary Homicide Reports (SHR), 1976-96.

Page 10. For both whites and blacks, when intimate murder occurs, increasingly the woman, not the man, is the victim

Year	Number of women who died for each male victim of intimate murder	
	White victims	Black victims
1976	1.72	0.84
1977	1.73	0.71
1978	1.77	0.83
1979	1.65	0.83
1980	1.85	0.82
1981	1.72	0.84
1982	1.85	0.81
1983	1.79	0.87
1984	2.12	0.88
1985	2.36	0.95
1986	2.23	1.01
1987	2.28	0.98
1988	2.68	1.15
1989	2.38	0.93
1990	2.42	1.11
1991	2.59	1.26
1992	2.64	1.38
1993	2.99	1.50
1994	2.83	1.29
1995	3.41	1.37
1996	3.32	1.70

Note: Intimates include spouses, ex-spouses, common-law spouses, same sex partners, boyfriends, and girlfriends. Murder includes nonnegligent manslaughter. Data are for all ages of victims.

Source: FBI, Supplementary Homicide Reports (SHR), 1976-96.

Page 10. In 1976 guns were used in about 71% of intimate murders; in 1996, in about 61%

Year	Murders of an intimate	
	With guns	Without guns
1976	2,113	846
1977	1,916	814
1978	1,863	822
1979	2,008	761
1980	1,939	831
1981	1,929	921
1982	1,738	883
1983	1,663	911
1984	1,578	853
1985	1,642	861
1986	1,673	897
1987	1,574	852
1988	1,515	921
1989	1,441	876
1990	1,477	883
1991	1,397	900
1992	1,378	799
1993	1,498	792
1994	1,342	755
1995	1,163	703
1996	1,168	640

Note: Intimates include spouses, ex-spouses, common-law spouses, same sex partners, boyfriends, and girlfriends. Data are for all ages of victims.

Source: FBI, Supplementary Homicide Reports (SHR), 1976-96.

Page 13. Among female victims of intimate violence, blacks experienced higher rates than whites in 1994, 1995, and 1996

Victim characteristic	Average annual rate of nonlethal violent victimization by an intimate per 1,000	
	Male	Female
White	1.4	8.2
Black	2.1	11.7
Other ^a	.5	5.6
Hispanic ^b	1.3	7.2
Non-Hispanic	1.4	8.7

Note: Nonlethal intimate violence includes rape, sexual assault, robbery, and aggravated and simple assault. Because it is based on interviews with victims, the NCVS does not include murder. Intimates include current and former spouses, boyfriends, and girlfriends.

^aDenotes Asians, Native Hawaiians or other Pacific Islanders, Alaska Natives, and American Indians.

^bHispanic or Latino persons could be of any race.

Source: BJS, National Crime Victimization Survey (NCVS), 1992-96.

Page 13. The highest rates of intimate violence affect women ages 16 to 24

Age of female victim	Average annual rate of nonlethal violent victimization by an intimate per 1,000 females
12-15	2.6
16-19	20.1
20-24	20.7
25-34	16.5
35-49	7.2
50-64	1.3
65 or older	.2

Note: Nonlethal intimate violence includes rape, sexual assault, robbery, and aggravated and simple assault. Because it is based on interviews with victims, the NCVS does not include murder. Intimates include current and former spouses, boyfriends, and girlfriends.

Source: BJS, National Crime Victimization Survey (NCVS), 1992-96.

Page 14. Women in low-income households experience a higher rate of nonlethal violence from an intimate than do women in households with larger incomes

Household income	Average annual rate of nonlethal intimate violence per 1,000 persons	
	Male	Female
Less than \$7,500	2.7	21.3
\$7,500-\$14,999	1.4	12.3
\$15,000-\$24,999	1.8	10.4
\$25,000-\$34,999	1.8	7.2
\$35,000-\$49,999	1.1	5.8
\$50,000-\$74,999	1.5	4.4
\$75,000 or more	0.5	2.7

Note: Nonlethal intimate violence includes rape, sexual assault, robbery, and aggravated and simple assault. Because it is based on interviews with victims, the NCVS does not include murder. Intimates include current and former spouses, boyfriends, and girlfriends.

Source: BJS, National Crime Victimization Survey (NCVS), 1992-96.

Page 14. Urban women experience a higher rate of nonlethal violence by an intimate than suburban and rural women

Average annual rate of nonlethal violence by an intimate per 1,000 persons

	Male	Female
Urban	1.5	10.0
Suburban	1.4	7.9
Rural	1.3	8.0

Note: Nonlethal intimate violence includes rape, sexual assault, robbery, and aggravated and simple assault. Because it is based on interviews with victims, the NCVS does not include murder. Intimates include current and former spouses, boyfriends, and girlfriends. "Urban" denotes central cities in Metropolitan Statistical Areas (MSA's). "Suburban" denotes the population outside the central cities in MSA's. "Rural" denotes nonmetropolitan areas.

Source: BJS, National Crime Victimization Survey (NCVS), 1992-96.

Page 15. Most intimate violence occurs in or near the victim's home

Percent of nonlethal violence by intimates

	Male	Female
At or near own home	63.0%	72.2%
At or near other's home	18.3	12.2
Commercial place	3.4	2.8
At school	1.1	1.2
Open area of parking lot	12.2	9.1
Other	2.0	2.5

Note: Nonlethal intimate violence includes rape, sexual assault, robbery, and aggravated and simple assault. Because it is based on interviews with victims, the NCVS does not include murder. Intimates include current and former spouses, boyfriends, and girlfriends.

Source: BJS, National Crime Victimization Survey (NCVS), 1992-96.

Page 16. Almost 30% of intimate violence occurs from 9 in the evening till midnight

Time	Percent of intimate violence reported to the police
Midnight	7.1%
1	5.5
2	4.6
3	3.3
4	2.0
5	1.5
6	1.4
7	1.7
8	2.1
9	2.2
10	2.6
11	2.9
Noon	3.1
1	3.1
2	3.2
3	3.7
4	4.3
5	4.9
6	5.8
7	6.2
8	6.7
9	7.2
10	7.7
11	7.4

Note: Intimates for NIBRS include spouses, ex-spouses, common-law spouses, same sex partners, boyfriends, and girlfriends. Violent crimes include murder, rape, sexual assault, kidnaping, robbery, assault, and other violence.

Source: FBI, National Incident-Based Reporting System (NIBRS), 1995.

Page 19. About half the women who are victimized by an intimate report the violence to law enforcement

Year	Percent of female victims of intimate violence who reported to the police
1993	48%
1994	50
1995	53
1996	56

Note: Intimates include current or former spouses, boyfriends, and girlfriends. Nonlethal violent victimizations include rape, sexual assault, robbery, and aggravated and simple assault.

Source: BJS, National Crime Victimization Survey (NCVS), 1993-96.

Page 20. Nearly 6 in 10 women who called the police when victimized by an intimate said that the police arrived within 10 minutes

Police arrived within —	Percent of female victims of intimate violence who reported to the police
5 minutes	25.2%
10 minutes	32.2
1 hour	34.6
More than 1 hour	7.9

Note: Intimates include current or former spouses, boyfriends, and girlfriends. Nonlethal violent victimizations include rape, sexual assault, robbery, and aggravated and simple assault.

Source: BJS, National Crime Victimization Survey (NCVS), 1992-96.

Page 22. Women injured by intimates accounted for about 1 in 5 visits to hospital emergency departments for injuries arising from intentional violence

	Number of injury cases treated in hospital emergency departments		
	Intimate violence	Other types of violence	Unrecorded relationship
Total	243,316	700,777	383,633
Males	38,958	487,814	287,233
Females	204,358	212,963	96,400

Note: Intimates for SIVV include current and former spouses and current boyfriends and girlfriends.

Source: BJS, Study of Injured Victims of Violence (SIVV), 1994.

Page 27. About half of prison and jail inmates were drinking beer or liquor when they committed a violent crime against an intimate companion

	Percent of inmates serving a sentence for a violent crime against an intimate	
	State prison	Local jail
Not drinking	53.1%	50.9%
Liquor only	12.1	5.5
Beer only	14.8	25.4
Beer and liquor	11.7	15.4
Other combinations	8.3	2.8

Note: Violent crimes for the surveys of inmates include murder, rape, sexual assault, kidnaping, robbery, assault, and other violence. Intimates include current and former spouses, boyfriends, and girlfriends.

Sources: BJS, Survey of Inmates in State Correctional Facilities, 1991, and Survey of Inmates in Local Jails, 1995

Page 29. Among State prisoners in prison for committing a violent crime against an intimate, 29% reported carrying a firearm at the time

Victim's relation to violent prisoner	Percent of prisoners who reported carrying a firearm during the offense
Intimate	28.9%
Stranger	29.4
Acquaintance	26.7
Other family member	9.2

Note: Violent crimes for the survey of inmates include murder, rape, sexual assault, kidnaping, robbery, assault, and other violence. Intimates include current and former spouses, boyfriends, and girlfriends.

Source: BJS, Survey of Inmates in State Correctional Facilities, 1991.