



THE VIOLENCE AGAINST WOMEN ACT:
BREAKING THE CYCLE OF VIOLENCE

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Executive Summary

Enacted as part of the Violent Crime Control and Law Enforcement Act of 1994, the Violence Against Women Act is landmark legislation -- combining tough law enforcement strategies with important safeguards for victims of domestic violence and sexual assault. In its first year, the Violence Against Women Act and related provisions have proven extremely effective in our effort to curb domestic violence offenses and to provide protection and peace of mind for women and their families concerned about violent sex offenders. The Department of Justice has adopted an aggressive strategy for fighting violence against women -- working in close coordination with state, tribal, and local law enforcement and other federal agencies.

Federal action on this front comes at a critical time. A recently released Department of Justice Bureau of Justice Statistics report, based on the National Crime Victimization Survey, confirms that violence against women in America persists:

- In 1992 and 1993, women age 12 or older annually sustained almost 5 million violent victimizations.
- Nearly 75% of all lone-offender violence against women was perpetrated by offenders whom the victims knew.
- In 29% of all violence against women by a lone offender, the perpetrator was an intimate -- a husband, ex-husband, boyfriend or ex-boyfriend.
- Women were about 6 times more likely than men to experience violence committed by an intimate.
- Women annually reported, to interviewers, about 500,000 rapes and sexual assaults. Friends or acquaintances of the victims committed over half of these rapes or sexual assaults. Strangers were responsible for about 1 in 5.
- Women of all races and Hispanic and non-Hispanic women were about equally vulnerable to violence by an intimate.
- Female victims of violence by an intimate were more often injured by the violence than females victimized by a stranger.

Prosecution and Penalties

The Violence Against Women Act increases penalties for sex offenders and domestic abusers -- doubling the maximum term of imprisonment for repeat sex offenders and authorizing severe federal sentences for abusers who travel interstate with the intent to injure, harass or intimidate a domestic partner or violate a protection order. Initial guidance has been issued to U.S. Attorneys about these new provisions. In May, the Department won its first conviction under the Violence Against Women Act's new interstate domestic violence offense. Christopher Bailey was sentenced to life in prison for kidnapping and interstate domestic violence after his conviction by the US Attorney in the Southern District of West Virginia. Federal prosecutors are also using changes in the Federal Rules of Evidence that broaden the admissibility of evidence that the defendant has committed other similar offenses in federal sexual assault and child molestation cases.

Federal Resources

Over the next five years, a total of \$800 million in federal funds is authorized to assist states in restructuring law enforcement's response to crimes of violence against women. All 50 states and eligible territories have received the first installment of funds under the Office of Justice Programs-administered S.T.O.P. (Services*Training*Officers*Prosecutors) Violence Against Women grant program, the only Department Of Justice Violence Against Women grant program funded in Fiscal Year 1995. In keeping with the Act's emphasis on collaboration, the S.T.O.P grants require states to develop a joint strategy among law enforcement, prosecutors and victim service providers. Collaboration is also the focus of a new initiative funded by the Department's Community Oriented Policing Services (COPS) Office. The COPS \$20 million "Community Policing to Combat Domestic Violence Program" is open to police departments interested in applying community policing techniques to fight domestic violence. Future Violence Against Women Act law enforcement grants will encourage mandatory arrest policies and target domestic violence and child abuse in rural areas.

The long-awaited National Domestic Violence Hotline is scheduled to be up and running early this year. The Department of Health and Human Services recently awarded \$1 million to the Texas Council on Family Violence to set up this national, toll-free hotline for victims of domestic violence.

Peace of Mind

The Department is successfully implementing a number of provisions designed to stop sex offenders before they strike. Guidelines are being finalized by the Department implementing the Jacob Wetterling Act. This Violent Crime Control and Law Enforcement Act provision provides states with a financial incentive to adopt effective registration systems for convicted child molesters and other persons convicted of sexually violent crimes. The Violence Against Women Act also requires the Attorney General to insure that relevant sex offender treatment information is provided to sex offenders prior to release from prison. The Bureau of Prisons (BOP) has coordinated its efforts with two offender treatment program information clearinghouses in the United States. BOP, together with the U.S. Probation Office, is also ensuring that released sex offenders follow-up with community-based treatment.

Under other Violent Crime Control and Law Enforcement Act provisions, the FBI issued guidelines implementing the National Child Protection Act, which establishes a national background check system for child care providers to determine whether employees and prospective employees have criminal records involving child abuse offenses. Grants recently awarded by the Department of Justice under the National Criminal History Improvement Program (NCHIP) will also assist states in improving the accessibility and completeness of records that may be relevant in background checks under the National Child Protection Act and other laws.

The 1994 Violent Crime Control Act also increases protection to victims of domestic violence. The Act included a provision that makes it unlawful for persons subject to certain restraining orders to possess firearms. The first prosecution under this new provision occurred in South Dakota. The Department is also working with state and local law enforcement groups and United States Attorneys on effective implementation of this law. On a related front, the FBI is creating a national database concerning persons subject to protection orders, which will be available for criminal justice purposes, and to civil courts in domestic violence cases. This database will serve to increase the ability of states to verify the existence of restraining orders throughout the United States and will facilitate implementation of the "full faith and credit" provision, as well.

Victims' Rights and Other Safeguards

The revised Attorney General Guidelines for Victim and Witness Assistance, signed in May, provide initial guidance on a variety of reforms that enhance the rights of victims of crime in Federal court. These measures include provisions strengthening restitution for victims of domestic violence and sexual assault crimes, payment for sexually transmitted disease testing for victims of sexual assault offenses, and a provision affording victims of violent and sexual abuse crimes the right to address the court at the sentencing of the offender.

The Violence Against Women Act contains other important safeguards that the Department is working to enforce. The Act's "full faith and credit" provision requires states to honor protection orders issued by other jurisdictions. The Department is devising an aggressive strategy for implementation of this protection for battered women who hold protection orders and move to another state, only to have their abusers follow them there. In addition, the Immigration and Naturalization Service is finalizing regulations implementing the Act's special measures for battered immigrant women seeking lawful permanent residence.

In the Violence Against Women Act, the civil rights remedy was designed to complement existing federal civil rights laws which do not protect women from gender-motivated violence. Now, for the first time, victims of gender-motivated violent crimes, e.g. rape and domestic violence, have the right to sue their attackers for damages.

Understanding the Problem

A number of studies authorized under the Act are underway -- including evaluation of needed improvements in incidence reporting, a report on the problem of sexual assault on college campuses, a study of the use of battered women's syndrome evidence at trial, and an assessment of ways to protect the confidentiality of address information for victims of domestic violence. The Department of Justice will soon complete assessments of what states are doing to collect data on these crimes and to protect the confidentiality of communications between sexual assault and domestic violence victims and their counselors. A first annual report focussing on state stalking laws is also imminent. Through grants provided under the Act in the 1996 fiscal year, greater knowledge will also be obtained about the benefits of pro arrest policies. Once completed, all of these Violence Against Women Act studies will provide a more complete and accurate picture of the nature and extent of violence against women and improve our ability to track and respond to these crimes.

Also under the Violence Against Women Act, a panel of the National Academy of Sciences is developing a research agenda to increase the understanding and control of violence against women, including rape and domestic violence. And finally, research evaluation related to violence against women programs will provide important information on the implementation and the impact of the programs for refining and improving various programs designed to address violence against women.

Collaboration

The Department's Violence Against Women Office is headed by Bonnie Campbell. Ms. Campbell is responsible for the overall coordination and focus of Department of Justice efforts to combat violence against women. She serves as the Department's primary point of contact for other federal agencies, state and local governments, outside organizations, and Congress. Within the Department of Justice, Ms. Campbell works closely with the COPS Director, Joseph Brann, and with community police officers to help reduce domestic violence and other crimes against women in America's neighborhoods. She also works extensively with the Department's Office of Justice Programs Bureaus, the Offices of Policy Development and Legislative Affairs, the FBI and the Criminal Divisions, and the 93 U.S. Attorneys, among others.

In July, a joint Health and Human Services-Department of Justice Advisory Council on Violence Against Women was named and held its first meeting. This group of national leaders from a variety of fields and professions will provide the Attorney General and the Secretary of Health and Human Services with practical and general policy advice concerning implementation of the Act. The Violence Against Women Office and the Advisory Council will work together to promote greater awareness of the need for innovative solutions to the problem of violence against women.

The Violence Against Women Office is also spearheading an employee awareness campaign to educate Department of Justice employees about the issue of domestic violence. The campaign includes a training video, information fair, workplace guidelines and educational materials. The Department of Justice program will serve as a model for other federal agencies which were recently directed by the President to initiate workplace awareness efforts on this issue. A Violence Against Women Office home page will also provide access on the internet to the latest information on efforts relating to domestic violence and sexual assault, as well as links to other sources of information on these subjects.

S*T*O*P Violence Against Women

In Kentucky, battered women travelling outside their local communities had little protection against their abusers. Protective orders in one county were often not enforced in other counties because records of such orders were not readily available.

To respond to this problem, Public Safety Commissioner Mike Troop's office enabled protective orders to be recorded on the Law Informational Network of Kentucky (LINK), a system which was designed to enable law enforcement officers throughout Kentucky to have instant access to arrest records and other criminal justice-related information. Now these officers also have instant access to protection orders issued throughout the state. As a result, enforcement of these orders has increased dramatically.

The Provision

The Department of Justice S*T*O*P Violence Against Women Grant Program provided \$26 million in 1995 directly to states and Indian tribes through the discretionary grant program, as a first step in helping restructure the criminal justice system's response to crimes of violence against women. States, territories, and tribes can use Violence Against Women Act funding to:

- develop and enhance victim services programs (including domestic violence shelters);
- train law enforcement officers;
- expand the number of personnel in law enforcement and prosecution agencies to target violence against women;
- develop more effective policies, protocols, orders and services to prevent violent crime against women; and
- apply advanced technology to improve communications and data collection systems to identify and track arrests, protection, and prosecution.

The Impact

The S*T*O*P grant program requires and encourages collaboration between those who encounter victims of domestic and sexual violence. Each state and territory has developed a comprehensive strategy for combating domestic violence and sexual assault in consultation with representatives from law enforcement, prosecution and victim service programs.

As a condition to receiving grants, states must certify that they will incur full out-of-pocket costs of forensic medical examinations for victims of sexual assault. They must also certify that within two years, victims of sexual assault will bear no costs associated with the filing of criminal charges or protection orders.

Because of the condition for receiving grants, Alabama and Delaware passed laws to fund all forensic medical examinations for victims of sexual assault, thereby ensuring that criminal investigations in sexual assault cases are funded like all other criminal investigations -- by the state and not by the victim.

S*T*O*P funding could provide such improvements as:

- Crisis centers and battered women's shelters serving tens of thousands of victims a year;
- Hundreds of new prosecutors for specialized domestic violence or sexual assault units; or
- Hundreds of volunteer coordinators to help run domestic violence hot-lines.

The Success

By the end of July 1995, the Department of Justice awarded \$426,364 to each state and major territory. Following these awards, more than 350 delegates from all of the states and territories participated in the Violence Against Women Conference on July 27-29, 1995. Representatives from law enforcement, prosecution, victim services, and state government shared information about the best practices and strategies to enhance collaboration and develop a coordinated response to violent crimes against women.

The Department also has awarded approximately \$1 million to tribal governments through the S*T*O*P Violence Against Indian Women Discretionary Grant Program, with the goal of strengthening the response of tribal court systems to violent crimes against women.

The Future

Over the next five years, a total of \$800 million in S*T*O*P grant funds is authorized. The formula grants to states will be allocated according to population, with each state guaranteed a base amount.

Federal Offense of Interstate Domestic Violence

In November of 1994, Christopher Bailey of St. Albans, West Virginia beat his wife Sonya until she collapsed. Then he put her in the trunk of their compact car and drove for five days through West Virginia and Kentucky before taking her to an emergency room. Along the way he withdrew over \$2400 in cash from their bank accounts, and purchased various supplies, including sweat pants and adult diapers for Sonya. Sonya Bailey suffered irreversible brain damage and remains in a permanent vegetative state.

The Provisions

The Violence Against Women Act establishes new federal offenses in cases like this one where an abuser crosses state lines to violate a protection order or injure, harass or intimidate a spouse or intimate partner. These new federal remedies are important tools in cases where movement across state lines makes state prosecution difficult and where state law penalties may not be tough enough. They also offer important benefits for victims, including strengthened restitution provisions and an opportunity to address the court concerning the danger posed by a defendant prior to any pre-trial release.

The Impact

Victims of domestic violence often seek safety and shelter with friends and relatives living elsewhere. The Violence Against Women Act insures that the law follows an abuser who crosses state lines and will provide victims with protection throughout the United States.

The Success

On May 23, 1995 the United States Attorney for the Southern District of West Virginia won the nation's first conviction under the Violence Against Women Act. And on September 1, Christopher Bailey was sentenced to life in prison for the abuse and kidnapping of his wife Sonya.

This case illustrates the value of federal action against interstate domestic violence. Bailey was arrested in Kentucky, but local police dropped the charges because they were unable to document what had occurred in their jurisdiction. Under West Virginia law, he might have received less than a two-year sentence for his brutal assault.

The United States Attorney for the Eastern District of California won the nation's second conviction under the Violence Against Women Act in December 1995. Ricky Steele beat his domestic partner in Oregon, and then forced her to drive with him to California. On December 11, 1995 Steele was sentenced to 87 months in prison and was ordered to pay restitution of \$1,018 for interstate domestic violence.

The Future

Federal prosecutors have initiated other cases under the Violence Against Women Act. In the third reported case brought under the interstate domestic violence provision, on November 8, 1995, prosecutors in the Southern District of Ohio charged Derek Page with beating his girlfriend in Ohio and then kidnapping and transporting her to Pennsylvania.

Most recently, on December 19, 1995, Wayne Hayes was indicted in the Eastern District of New York on charges of traveling interstate with the intention of violating court orders that prohibited repeated harassment of his ex-wife, and repeatedly mailing threatening communications to her. The indictment marks the first use of the Violence Against Women Act provision that prohibits traveling across a state line in order to violate certain protection orders.

The Department of Justice continues to work with state and local law enforcement to combat interstate domestic violence and identify cases where use of these new federal remedies is the most appropriate response.

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Similar Crimes Evidence in Sex Offense Cases

Joey Sanza raped and murdered Theresa Cha when she came to meet her husband in the building where Sanza worked. There was extensive physical and circumstantial evidence of Sanza's commission of the crime, and the jury was informed about three other rapes that he had committed in another state. Sanza's other offenses were relevant to help confirm his identity as Theresa Cha's attacker by showing his propensity and capacity to commit sexually violent crimes. Nevertheless, Sanza's conviction for raping and murdering Theresa Cha was reversed on appeal because the jury was told of his other crimes. People v. Sanza, 509 N.Y.S.2d 311 (App. Div. 1986).

The Provision

The Violent Crime Control and Law Enforcement Act of 1994 enacted general rules of admissibility in federal sexual assault and child molestation cases for evidence that the defendant has committed other similar offenses. These evidence rules facilitate the effective prosecution of habitual sex offenders. They provide the basis for informed decisions by juries regarding questions of propensity to commit future crimes in light of the defendant's past conduct.

The Impact

This reform has broader import as a model for law reforms by the states, which prosecute the vast majority of sexual offenses. California has recently enacted an evidence provision for its sexual offense cases that is modeled on the Federal Rules. The Department of Justice facilitated this reform through provision of technical assistance and participation in California legislative hearings.

The Success

Rules for federal sexual offense cases went into effect on July 10, 1995. Federal prosecutors have begun to seek the admission of evidence under these new rules in appropriate cases.

The Future

The Department of Justice will (1) seek to ensure judicial interpretations and applications of the new federal evidence rules that are faithful to Congress's intent in enacting this reform, and (2) continue to assist and encourage additional states to adopt comparable reforms.

Sex Offender Registration and Community Notification

On July 29, 1994, a seven-year-old New Jersey girl, Megan Kanka, was sexually assaulted and murdered by a twice-convicted sex offender who moved in across the street from her family. Promising to show her his new puppy, the defendant lured Megan to his home and subsequently raped and killed her. Her body was later found nearby. At the time, there were no state law provisions for notifying local law enforcement or the community concerning a sex offender's criminal history or presence in the neighborhood.

The Provision

The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act provides states with a financial incentive to adopt effective registration systems for convicted child molesters and other persons convicted of sexually violent crimes. Community notification concerning the location of registered offenders is permitted where necessary for public safety.

The Impact

Most states have some form of sex offender registration but few regularly verify an offender's address. The Jacob Wetterling guidelines will provide minimum national standards and will help state law enforcement agencies communicate with each other regarding sex offenders who cross state lines.

In general, registration systems help the investigation of sex crimes by informing the authorities of the identities and whereabouts of convicted sex offenders. These systems may also inhibit offenders -- who know that the authorities know who they are and where they are -- from committing additional crimes. Community notification enables communities to take common sense measures to protect themselves and their families, such as ensuring that their children do not associate or visit with known child molesters.

The Success

The Department of Justice published proposed guidelines for state registration systems in April 1995. The original 90 day comment period was extended, and final guidelines will be issued in the near future.

The Department of Justice has also participated in state and federal litigation defending the validity of "Megan's Law," the New Jersey sex offender registration and notification system. The Department has participated in three legal challenges to Megan's Law, seeking to protect the federal interest in promoting state sex offender registration laws.

On July 25, 1995, the New Jersey Supreme Court upheld Megan's Law, adopting the position advocated by the state and the federal government that Megan's Law is constitutional. Most recently, the U.S. Court of Appeals for the Third Circuit Court heard oral arguments on Megan's Law in October, and the Department of Justice is awaiting the court's decision.

The Future

The Department of Justice will work to encourage and assist the states to adopt effective sex offender registration systems. The Department will also continue to participate in litigation defending the constitutionality of state registration systems.

Background Checks for Child Care Providers

In 1972, Eric James Long was convicted of molesting a child. In 1980, he was convicted of molesting a second child he coached in soccer for a county recreation department. In 1985, he pleaded guilty to child abuse and sex offense charges related to allegations that he had abused numerous children at the school where he worked as a gymnastics instructor and in his neighborhood. The school, which had hired Long in 1978, had no knowledge of his offenses, and no means existed for obtaining criminal history information on employees or prospective employees. Washington Post, Feb. 5, at A1, Sept. 6, at C7 (1985).

The Provision

The National Child Protection Act, enacted in 1993, establishes a national background check system that enables child care providers to determine whether employees and prospective employees have criminal records involving child abuse offenses. As a result of amendments adopted by the Violent Crime and Control and Law Enforcement Act of 1994, the National Child Protection Act system also covers background checks for elder care and providers of care to persons with disabilities.

The Success

The FBI issued guidelines in July that implement the National Child Protection Act. Currently, 38 states have approved statutes that will enable them to access national criminal history records information in child care background checks. Eight states have approved statutes of this type relating to care of the elderly, and 13 states have approved statutes relating to providers of care to persons with disabilities.

One hundred million dollars has been appropriated in fiscal year 1995 for the National Criminal History Improvement Program (NCHIP). NCHIP assists states in improving the accessibility and completeness of records that may be relevant in background checks under the National Child Protection Act and other laws. The funding includes \$88 million for direct awards to states to automate and improve their criminal history records. The Department of Justice has awarded grants totaling more than \$69 million to 47 states as part of NCHIP, and it is expected that every state will receive an NCHIP award this fiscal year.

The Future

The Department of Justice will continue to encourage and assist states to adopt and obtain approval of statutes enabling them to participate fully in the background check system under the National Child Protection Act, and to provide funding assistance as appropriated to states to automate and upgrade criminal records relevant to such background checks.

Federal Remedies for Battered Immigrant Women and Their Children

Cecilia, from South America, has been married to Jose, a lawful permanent resident, for 18 years. Together they have eight children born in the United States, ranging in age from one to 18. While Jose once began the process of obtaining lawful permanent resident status for Cecilia, he later withdrew the petition. Throughout their relationship, Jose has been physically violent to Cecilia. His abuse of her was both physical and mental. He hit her in the abdomen when she was pregnant, and at other times bruised and beat her. Jose also restrained her physical freedom and access to financial assets. He threatened to kill her if she ever left him. Jose was physically abusive to the children also, and is believed to have sexually abused at least two of them. Nevertheless, Cecilia was afraid to leave because of her dependence on her husband to obtain lawful permanent resident status for her.

Cecilia and the children did finally leave Jose. She currently lives in fear of both her husband and the INS. She is having a difficult time finding housing and a means of supporting herself.

The Provision

The Violence Against Women Act establishes new federal remedies for abused immigrant spouses and children. Specifically, battered women are now eligible to apply for permanent resident status for themselves and their children and are no longer forced to rely on their abusive husbands to apply for such status.

The Impact

Immigrant women and children who are battered face unique obstacles. In addition to the physical violence, the threat of deportation or release of information about legal status has been used as a control mechanism to instill fear and dependency and to lock the abused person into the relationship. Prior to the new federal statute, immigrant spouses were dependent on their citizen or permanent resident spouses to petition on their behalf for permanent resident status. Spouses could withdraw the request at any time.

The Success

The Immigration and Naturalization Service is in the final stages of drafting regulations to implement the new federal statute. Once these regulations are completed, the procedures for self-petitioning by the abused spouse will be in place.

The Future

Under the new law, women like Cecilia will be able to file their own petitions for lawful permanent resident status for themselves and for their children.

Confidential Communications for Rape Victims

In June 1994, the state supreme court ordered the YWCA in Springfield, Massachusetts, which administers a rape crisis counseling program, to provide confidential files to defense counsel in a rape case. Although the YWCA sought to protect the victim's privacy and initially defied the court order, the center eventually turned over the records as contempt penalties mounted. The center's attorney said that while legal advocates have been seeking and winning legal protections for rape counselors, only a few states grant rape counselors a testimonial privilege comparable to that of a doctor or priest. She said "Rape crisis centers can't function without confidentiality. [V]ictims must choose between prosecution and healing. If they choose prosecution, they must suffer in silence" as defendants gain access to information they have confided to their counselors. (Washington Post, June 24, 1994)

The Provision

The Violence Against Women Act requires the Department of Justice to study and evaluate the manner in which states have taken steps to protect the confidentiality of communications between sexual assault and/or domestic violence victims and their counselors.

The Impact

Often when a woman who has been victimized by sexual assault or domestic violence seeks help from a counselor to deal with the crime's shattering effect on her life, she finds herself victimized again when a defense attorney issues subpoenas for her counseling records. Because many sexual assault and domestic violence counselors are not psychologists or psychotherapists, they cannot claim testimonial privileges found in most state statutes.

Victims must be able to communicate freely with their counselors, secure in the knowledge that the private thoughts they reveal during counseling will remain confidential. Without assurances of confidentiality, sexual assault and domestic violence victims will continue to be reluctant to contact rape crisis centers or battered women's shelters, and to report crime and otherwise aid in the prosecution of their attackers. Establishing statutory testimonial privileges for sexual assault and domestic violence counselors will help ensure that these important communications will remain confidential.

To date, 27 states and District of Columbia have enacted statutes that protect these confidential communications. These statutes differ in the degree to which confidential communications are protected from disclosure and in whether they address both sexual assault counselors and domestic violence counselors.

The Success

The Department has completed its report which includes a state-by-state survey and will soon release the results. The Department has also developed model statutes that provide the maximum protection possible for the confidentiality of such communications.

The Future

The Department of Justice will disseminate model legislation and report, to governors, attorneys general and legislators in states where these communications are not protected, encourage those states to adopt legislation. The Department plans to engage in efforts to raise the awareness of victims, advocates, counselors and attorneys, and evaluate the necessity for judicial training on this issue. The Department will also review the Judicial Conference of the United States's report, if any, on the need for amendments to the Federal Rules of Evidence to guarantee that the confidentiality of communications between sexual assault victims and their counselors will be adequately protected in federal court proceedings.

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Full Faith and Credit

In February 1993, a woman living in Metropolis, Illinois went to court to obtain a protection order against her abusive live-in boyfriend. Upon her return home from court, police searched the woman's home to check that her boyfriend was not on the premises and that her safety was assured. After the police departed, the boyfriend left his hiding place in the ceiling of the woman's home and threatened her. The boyfriend was not arrested because the police had not witnessed the violation of the protection order. A few months later, he severely beat her.

Officials at the Metropolis Domestic Violence Center immediately and covertly relocated the woman to Paducah, Kentucky, a larger town just over the Ohio River from Metropolis. Shortly thereafter, the woman was beaten and her Paducah apartment was destroyed by arson. The woman's boyfriend was convicted and sent to jail for the beating.

After a few months in jail in April 1995, he was released and followed the woman to a Paducah gas station. He then kidnapped, beat and sexually assaulted her. When the woman was found in Kentucky, local police declined to arrest the boyfriend because they deemed the Illinois protection order to be invalid within the Kentucky borders. The woman's boyfriend was never arrested for the assault and the woman was told her only relief would be to seek an emergency protection order in a Kentucky court.

When the Metropolis Domestic Violence Center questioned the Paducah Police as to why the woman's Illinois protection order had not been upheld under the Full Faith and Credit provision of the Violence Against Women Act, they responded that they had never heard of such a provision. As a result, the Illinois Attorney General issued a two page fact sheet describing the major provisions of the Violence Against Women Act, including Full Faith and Credit. The sheet has since been posted on the bulletin boards of local police stations. The woman has relocated again but continues to live in fear for her safety although the police are aware of her situation.

The Provision

The Violence Against Women Act provides that a civil protection order issued by the court of one state or tribe shall be accorded full faith and credit by the court of another state or Indian Tribe, and shall be enforced as if it were the order of the court of the second state or tribe. Failure by the issuing state to satisfy due process requirements will not entitle a protection order to full faith and credit. Mutual protection orders are not entitled to full faith and credit if a cross or counter petition, complaint or other written pleading has not been filed seeking such a protection order or if a cross or counter petition has been filed and the order was issued upon a showing of mutual abuse. The issuing court must have had both personal and subject matter jurisdiction and the respondent must have received reasonable notice and an opportunity to be heard for the provision to be in effect.

The Impact

Prior to the enactment of the Violence Against Women Act, a victim with a protection order often could not use that order as the basis for protection if the victim went to work, traveled or moved to most other states. Under this provision, the second state must afford full faith and credit to an order issued by another jurisdiction, even if the victim otherwise would be ineligible for protection in the new state. A victim does not have to wait for abuse to occur in the new state nor does a victim need to be concerned if he or she cannot meet its jurisdictional requirements. Furthermore, a victim does not have to register a protection order in the new state -- the protection order of the issuing state should provide continuous protection to the victim.

The Success

The Department has made the implementation of full faith and credit a top priority. An internal working group has been established and guidance on the full faith and credit provision of Violence Against Women Act has been distributed to all U.S. Attorneys' offices.

The Department has awarded funding to the Battered Women's Justice Project for a cooperative agreement to support the development of models, tools, technical assistance, training, and a resource clearinghouse to facilitate the implementation of the full faith and credit provision of Violence Against Women Act.

The Future

The Department of Justice has adopted an aggressive multi-faceted implementation campaign involving federal leadership through outreach, research and the provision of training, technical assistance and opportunities for collaboration at the national and state or district levels.

In addition, the National Crime Information Center Protection Order File, which the FBI is working to have states linked to by 1998, will provide information on protection orders for use in domestic abuse cases and interface with the National Instant Criminal Background Check System to support the identification of persons who are prohibited from purchasing a firearm. This system will further facilitate the implementation of full faith and credit for protection orders.

Firearms Disability Provision

On October 18, 1994, Robert M. Goben, of South Dakota, became subject to a court order restraining him from harassing or threatening his estranged wife. Consequently, a new federal law applied that prohibited Mr. Goben from possessing a firearm while the restraining order remained in effect. Approximately five months later, while still subject to the restraining order, local police discovered that Mr. Goben possessed a loaded .22-caliber magnum revolver. Mr. Goben was arrested and on September 11, 1995, pled guilty to illegally possessing a firearm in violation of federal law.

The Provision

The Violent Crime Control and Law Enforcement Act of 1994 makes it unlawful for any person subject to a court order restraining that person from harassing, stalking, or threatening an intimate partner or the child of an intimate partner, to possess firearms or ammunition. Intimate partners include spouses or former spouses but not girl friends or boy friends with whom the defendant has not cohabited. This, like other federal firearms disabilities, exempts on-duty, federal or state law enforcement officers and members of the military.

The Impact

The firearms disability provision provides security to victims who can now rest assured that their abusers can be arrested if they attempt to purchase or possess firearms during the period of the restraining order.

The Success

On January 22, 1995; Mr. Goben was sentenced to twelve months in prison followed by two years of supervised release during which time he is to have no contact with his now former wife. Following the Goben case, federal prosecutors in the Northern District of Iowa brought another case under the new federal law. On October 24, 1995, Shawn A. Hungate, 25, of Fort Dodge, Iowa, was charged with illegally possessing a firearm while subject to a restraining order. According to the complaint, while subject to a "no contact order," Hungate purchased a firearm at a Wal-Mart in Fort Dodge. When purchasing the firearm, Hungate allegedly answered "No" to a question on a government form regarding whether he was subject to a restraining order. The complaint also alleges that Hungate shot himself in the shoulder with the firearm and proceeded to his wife's place of employment and began yelling for her. If convicted on the firearms charge, Mr. Hungate faces up to ten years in prison and a \$250,000 fine or both.

The Future

The Department of Justice is working with state and local law enforcement groups to implement the spirit as well as the letter of the firearms disability provision without hampering law enforcement. In that regard, the Department of Justice is developing guidelines for application of the provision to Department of Justice law enforcement officers, which might serve as a model to local law enforcement.

Grants to Encourage Arrest Policies

Police officers traditionally have been reluctant to become involved in domestic violence disputes, largely because such calls for police assistance are among the most complex and sensitive -- and potentially dangerous -- situations police must respond to. Law enforcement officers may not take affirmative steps on behalf of the victim because they have not been trained to identify patterns of abuse or to provide immediate support and protections a victim requires (e.g., short and long-term medical care, safe shelter, counseling, safety planning, legal advocacy, and long-term treatment for the batterer).

Additionally, officers who are the "first responders" are often without the benefit of the clarity and authority that a departmental protocol for responding to such incidents offers. A clear policy on arrest can mitigate this problem, which often puts police officers in difficult situations.

However, the arrest of a perpetrator at the scene will not necessarily stop the violence, nor guarantee the safety of the victim. A strong pro arrest policy must be accompanied by a community and criminal justice system which also takes a strong stand against domestic violence and makes every attempt to provide safety for the victim.

The Provision

The Department's Grants to Encourage Arrest Policies, a new program funded in Fiscal Year 1996, helps states, localities and tribal governments treat domestic violence as a serious criminal offense. This program recognizes that for mandatory arrest to be a fully effective intervention, it must be part of a coordinated, integrated criminal justice response to domestic violence with consistent follow-through by victim service providers, prosecutors, and judges.

The Impact

Mandatory arrest and pro arrest policies are critical elements of an overall community strategy to address domestic violence. A mandatory arrest policy requires that police must arrest a domestic assault offender whenever the officer determines that a crime has been committed and probable cause for arrest exists. The primary goal of these policies and the immediate and primary responsibility of the arresting officer must be to ensure the safety of the victim.

Currently, 27 states and the District of Columbia have adopted laws requiring the arrest of a person when there is probable cause that he or she has assaulted a family member or has violated a domestic violence protection order. Pro arrest or mandatory arrest policies convey a message to the victim, the family, and the community that domestic violence is a serious crime that will not be tolerated.

The Future

The Department of Justice currently is developing program regulations to be disseminated and is prepared to implement the program with Fiscal Year 1996 funding.

Rural Domestic Violence and Child Abuse Enforcement

If a domestic violence victim in rural areas of Western Massachusetts decides she wants to obtain assistance, she may face many obstacles. With very few patrol police officers in small rural communities, it may be too late once a call for assistance is answered. And if a victim were to report domestic violence, she would live with the fear that an entire tight-knit community will know about the abuse. Lastly, staff at the local domestic violence shelter and sexual assault program, New England Learning Center for Women in Transition, in Greenfield, Massachusetts, speaks of problems maintaining the confidentiality of their shelter within this small community.

The Provision

This Fiscal Year 1996 grant program addresses the issues of domestic violence and child abuse in rural states. These grants will encourage development of collaborative efforts, creation of training programs for "front-line" agencies and personnel (such as law enforcement, shelter workers, health care providers, and clergy), creation of public awareness and community education campaigns, and expansion of direct services for rural and Native American victims and their children. A variety of entities, including states, tribal and local governments, and public and private organizations in rural states, are eligible to receive funding.

The Impact

Few statistics exist on the extent of domestic violence and child abuse in rural communities. The limited statistics available reflect only the women and children who have succeeded in accessing services, but there is no reason to assume that these problems are less common in rural areas. Instead, it is more likely that the isolation and culture of rural communities discourage victims from reporting abuse.

Geographic isolation, culturally close communities, and lack of domestic violence information and services (including availability of civil and criminal remedies) are among the problems unique to rural areas. Victims in rural areas also may not trust an "outside" system to protect them from their abusers and may continue to live in emotional isolation rather than seeking help. Rural areas in the United States also are experiencing growth in immigrant communities, which may be further isolated as a result of language and cultural barriers.

The Future

The Department has convened an internal working group to identify key issues and develop program guidelines.

Community Oriented Policing Services to Combat Domestic Violence

When Jackie, a 39-year-old assistant in an Alexandria, Virginia consulting firm, went to the hospital with a black eye and cuts needing stitches in 1992, she told the nurse that her husband had caused her injuries. Jackie asked the nurse not to call the police because she feared retaliation from her husband. But once the police came, she said, they made it easy for her to get help. They charged her husband with abuse and later escorted her back home and to the city's shelter for battered women. With counseling from the shelter, Jackie was able to get a protective order from the court and return to her apartment without her husband's being there. The court ordered him into an anger management program, and she and her three children continued to receive free counseling from the shelter. 'Had I not known about the shelter, I would probably be in a violent relationship today,' Jackie said. Washington Post, Sept. 9, at B4 (1995).

The Provision

The COPS (Community Oriented Policing Services) Program is President Clinton's program, enacted as part of the Violent Crime Control and Law Enforcement Act of 1994, to place an additional 100,000 law enforcement officers on the street and promote community policing. The Community Policing to Combat Domestic Violence Program, initiated as part of the COPS Program, provides law enforcement agencies with a unique opportunity to execute well-planned, innovative strategies employing community policing to combat domestic violence. To be eligible for this funding, police departments must partner with non-profit, non-governmental victim service programs, domestic violence shelters, or community service groups to coordinate efforts to fight domestic abuse. Twenty million dollars is available through this grant program to all state, local, Indian Tribal, and other public and private law enforcement agencies which are committed to using community policing to address domestic violence.

The Impact

Domestic violence was the second highest reported crime for COPS FAST grant applicants, second only to property crimes. As a few jurisdictions have already learned, community policing, a strategy which emphasizes problem solving and community partnership, can be an effective weapon in the fight against domestic violence.

The Success

Less than twelve months after its inception, the COPS program has already put more than 25,000 community law enforcement officers on the street - a quarter of the goal after just one year of the six year program. Flexible and innovative COPS grants have helped fiscally-strained departments pay for new technology and equipment, as well as administrative staff to free up more rank and file officers to walk the beat. The COPS program customer response center has cut red tape, simplified procedures, and delivered funds directly to police departments with no middleman.

The latest innovative COPS initiative, the Community Oriented Policing to Combat Domestic Violence Program, has generated tremendous interest. In response to thousands of inquiries from law enforcement agencies nationwide, the Department doubled the amount of funds available under this COPS program from \$10 million to \$20 million.

VAWA STRATEGY MEETING AGENDA
August 9, 1995

I. Appropriations

Recap of House activity

Senate forecast and projected timeline

II. Hill Strategy

Message development/strategy

VAWA in context of overall Senate appropriations strategy

Major players/targets

Bonnie meetings

Staff meetings

Congressional notification of VAWA office

III. Public Strategy

Message development/ strategy

Press targets

Ideas for Bonnie media hits

IV. Public Liaison

Identify groups with whom we should meet.

Message development/strategy

Surrogate strategy

VAWA APPROPRIATIONS FOR FY 1996
in the House of Representatives

COMMERCE, JUSTICE, STATE

	REQUESTED/AUTHORIZED	APPROPRIATED
STOP Grants	\$130.0	\$82.750
Arrest Policy Grants	\$28.0	\$28.0
Rural Grant Programs	\$7.0	\$7.0
Court appointed special advocacy programs	\$6.750	\$6.750
	\$171.750	\$124.50

Total Program Cuts - \$47.250

LABOR/HHS

	REQUESTED	AUTHORIZED	APPROPRIATED
Family Violence Programs (Shelters)	\$47.600	\$50.0	\$32.6
Rape Prevention & Education	\$35.0	\$35.0	\$35.0
Runaway & Homeless Sex Abuse Prevention	\$7.0	\$7.0	-----
Community Programs	\$4.0	\$4.0	\$4.0
Hotline	\$.4	\$.4	\$.4
Youth Education Demo.	\$.4	\$.4	\$.4
Study on Injuries	\$.1	\$.1	\$.1
	\$94.5	\$96.9	\$72.5

Total Program Cuts - \$24.4

Aggregate Cuts in VAWA Programs -- \$71,650,000

VIOLENCE AGAINST WOMEN ACT BACKGROUND PAPER

I. Introduction

The Violent Crime Control and Law Enforcement Act of 1994 ("VCCA") contains the most comprehensive federal effort to date dedicated to treating violence against women, including sexual assault and domestic violence, as a serious crime. The centerpiece of that effort is the Violence Against Women Act ("VAW Act"), Title IV of the VCCA. Previous federal statutes, including the Family Violence and Prevention Services Act, the Victims' Rights and Restitution Act, and the Victims of Child Abuse Act, addressed particular aspects of domestic violence, sexual assault, and child abuse. The VAW Act, along with related VCCA provisions, is broader in scope and bolder in its mission than previous federal laws. This new initiative seeks to alter fundamentally the criminal justice system's treatment of violence against women.

II. Overview of the Violence Against Women Act

The VAW Act is divided into seven subtitles covering a wide range of initiatives. Each subtitle addresses a different aspect of violent crime against women; each places a strong emphasis on a coordinated, community-based strategy to dealing with such crime. Taken as a whole, the entire federal initiative encourages an interdisciplinary approach to prevention, prosecution and punishment of these crimes.

A. Safe Streets for Women

Subtitle A, entitled "Safe Streets for Women" addresses the needs of law enforcement in investigating violent crimes against women, of prosecutors in prosecuting offenders, and of victims in dealing with the criminal justice system.

As evidence of the new federal commitment to combat crimes of sexual violence against women and children, enhanced penalties are created for repeat sex offenders. The U.S. Sentencing Commission is directed to review federal rape sentences and to amend the sentencing guidelines where appropriate. Special restitution standards for sexual abuse and child pornography offenses are created.

The Law Enforcement, Prosecution and Victim Services Grants Program emphasizes the critical necessity of the partnership between community advocates, law enforcement and prosecutors in the handling of violent crimes against women, including sexual assault and domestic violence. Grants are provided to develop and strengthen effective law enforcement and prosecution strategies, including training, establishment of specialized units, development of protocols, expansion of data collection and communications systems, and creation of programs directed at

stalking. The needs of victims are kept paramount by encouraging the development of victims services and fostering collaboration between law enforcement, prosecutors, courts and victim service providers. Special attention must be paid to the needs of underserved victim groups. In order to be eligible for the funds, governmental entities must pay full out-of-pocket costs of forensic medical exams for sexual assault, and must not require domestic violence victims to incur any costs associated with criminal prosecution.

Concern for fair treatment of the sexual assault and domestic violence victim is consistently evident. The Federal Rules of Evidence are amended to extend the rape shield rule to all criminal and civil proceedings involving alleged sexual misconduct. The appointment of Victim/Witness Counselors for the prosecution of sex crimes and domestic violence crimes is authorized in the District of Columbia. Finally, the Attorney General is directed to study state laws and develop model legislation dealing with the confidentiality of communications between sexual assault or domestic violence victims and their counselors. In addition, the Judicial Conference is charged with evaluating and reporting to Congress on whether the Federal Rules should be amended to guarantee the confidentiality of communications between sexual assault victims and their counselors in federal court proceedings.

Subtitle A's prevention measures are an example of multi-agency involvement. Prevention strategies under this subtitle include improving safety in public parks and public transit through capital improvements grants administered by the Departments of the Interior and Transportation. The Department of Health and Human Services is authorized to award funding for rape prevention and education programs. Other education and prevention grants administered through HHS provide for street-based outreach and education by non-profit agencies to assist runaway, homeless, and street youth who have been subjected to or are at risk of being subjected to sexual abuse.

While much of Subtitle A deals with prevention, arrest, prosecution and sentencing strategies, three provisions address the courtroom and post-conviction phases of cases. Improvements in the court systems' handling of child abuse cases are encouraged by reauthorizing existing programs: the Court-Appointed Special Advocate Program, Child Abuse Training Programs for Judicial Personnel and Practitioners, and Grants for Televised Testimony. Subtitle A also contains post-conviction measures aimed at sex offenders. The Attorney General is required to establish criteria and develop training programs to assist probation and parole officers and other personnel who work with released sex offenders in the areas of case management, supervision and relapse prevention. This provision specifically directs the Attorney General to consult with victim advocates and

sex offender treatment experts. The Attorney General is also directed to compile information regarding sex offender treatment programs and make it available to offenders upon release.

B. Safe Homes for Women

Subtitle B, "Safe Homes for Women", encourages a coordinated approach to the problem of domestic violence through a number of innovative law enforcement and victim service efforts. First, the interstate mobility of batterers and their victims and children are recognized in the creation of federal domestic violence offenses for cases involving batterers who cross state lines. The enforcement in all states of civil protection orders issued in any state is mandated.

Seeking to coax society to recognize domestic violence as a serious public offense, Subtitle B seeks to encourage law enforcement policies that mandate arrests in domestic violence cases. The Grant Program to Encourage Arrest Policies provides new federal resources to promote mandatory arrest or pro-arrest programs; police policies and training in tracking domestic violence cases; centralization and coordination of police, prosecutorial, or judicial responsibility for domestic violence cases; computer tracking systems to ensure communication and coordination between police, prosecutors, and both criminal and family courts; judicial education about domestic violence; and advocacy service programs for victims of domestic violence.

The often overlooked needs of rural jurisdictions are given special attention. The Rural Domestic Violence and Child Abuse Enforcement Assistance Program provides grants to combat family violence in rural areas. These efforts include cooperative projects between law enforcement officers, prosecutors, victim advocacy groups, and others in the investigation of domestic violence and child abuse; treatment and counseling services for domestic violence and child abuse victims; and education and prevention strategies in cooperation with the community.

Subtitle B also addresses the concerns of victims of domestic violence by directing the Attorney General to promulgate regulations to secure the confidentiality of domestic violence shelters' and abused persons' addresses.

Data collection is emphasized to help law enforcement and service providers better understand the nature and extent of the problem. These efforts include 1) a research agenda to understand and control violence against women, including domestic violence, and 2) a study of how states might collect centralized databases on the incidence of domestic violence offenses. Looking at the problem of domestic violence from a public health perspective, HHS and the CDC are authorized to conduct a study to obtain a national projection of the incidence

of injuries resulting from domestic violence and the attendant cost to health care facilities, and to recommended health care strategies for reducing the incidence and cost of such injuries.

Finally, Subtitle B provides a number of HHS prevention and education grants. These include grants for the operation of a national toll-free telephone hotline to provide information and assistance to victims of domestic violence; battered women's shelters; model programs for the education of young people about domestic violence and violence among intimate partners; and community programs to coordinate intervention and prevention of domestic violence. Amendments to the Family Violence Prevention and Services Act include grantee reporting requirements and directives for State Domestic Violence Coalitions.

C. Civil Rights for Women

A federal cause of action is established by Title C for victims of gender motivated violence. Victims of a felony crime of violence motivated at least in part by gender may bring a civil suit for damages or equitable relief in federal or state court.

D. Equal Justice for Women in the Courts Act

Subtitle D works to change the way crimes of violence against women are handled in state and federal courts through education and training of state court judges and personnel and the study of gender bias in federal courts. Grants are available from the State Justice Institute (SJI) for the education and training of state court judges and court personnel concerning rape, sexual assault and domestic violence. As another example of the Act's emphasis on coordination, SJI is directed to consult with law enforcement officials, public and private nonprofit victims advocates, legal experts, prosecutors, defense attorneys, and experts on gender bias in the courts in developing model programs under this provision.

The federal judicial circuit councils are encouraged to conduct gender bias studies in their circuits. The Administrative Office of U.S. Courts is directed to act as a clearinghouse for data generated by these studies. The Federal Judicial Center is encouraged to develop appropriate training materials.

E. Violence Against Women Act Improvements

The victim's position in the criminal justice process is strengthened. The government must pay the cost of testing for sexually transmitted diseases in federal sex offense cases. The U.S. Sentencing Commission is directed to make recommendations concerning revision of the sentencing guidelines for offenses in

which an HIV infected individual engages in sexual activity with the intent to expose another person to the virus. Pre-trial detention is more consistently available in sex offense cases, and the maximum penalties for certain sex offenses against victims below the age of 16 are increased. The scope of restitution is expanded to include victims' costs associated with participation in investigation or prosecution or attendance at a proceeding (including lost income, child care, and transportation). Restitution orders may be enforced through the suspension of federal benefits.

Subtitle E also focuses on the need for further study of certain issues presented in cases of violence against women. Two studies require collaboration between the Department of Justice and other federal agencies. These include a comprehensive look at campus sexual assault in conjunction with the Department of Education and a study with HHS focusing on the means by which abusive spouses obtain information concerning the addresses or locations of estranged or former spouses, and the feasibility of developing protective measures. Studies specifically relating to the criminal justice arena include a report on the medical and psychological basis of battered women's syndrome and the extent to which evidence of the syndrome has been considered in criminal trials, and a study of problems of recordkeeping of criminal complaints involving domestic violence.

F. National Stalker and Domestic Violence Reduction

Subtitle F emphasizes improved data collection and retrieval to aid in the investigation, prosecution and tracking of domestic violence and stalking cases. Initiatives under this title would broaden entry and access to records relating to stalking and domestic violence (including civil protection orders) in national crime information databases. A grant program is authorized to improve processes for entering data regarding stalking and domestic violence into state, local and national crime information databases.

The Department of Justice is directed to compile data regarding domestic violence and intimidation (including stalking) as part of the National Incident-Based Reporting System. It must report to Congress concerning the incidence of stalking and domestic violence, and evaluate the effectiveness of state antistalking efforts and legislation.

SJI is directed to conduct training programs for State and Indian tribal judges to ensure that a judge issuing an order in a stalking or domestic violence case has all available criminal history and other information. SJI must consult with nationally recognized experts on data sharing among criminal justice agencies and make recommendations regarding how State courts may

increase intrastate communication between civil and criminal courts.

G. Protections for Battered Immigrant Women and Children

The Immigration and Nationality Act is amended to provide protection for abused alien spouses and children. Protection for women and children is provided by allowing battered women who are eligible to become legal permanent residents to self-petition for permanent residence status for themselves or for their battered children.

III. Related Violent Crime Control Act Provisions

A. Enhanced Penalties

The "three strikes and you're out" provision calls for mandatory life imprisonment for persons convicted of certain federal felonies including "assault with intent to commit rape," "aggravated sexual abuse and sexual abuse," and "abusive sexual contact." The maximum penalties for assaults on children in areas subject to federal jurisdiction are increased. The possession of firearms by persons who have committed domestic abuse is limited.

B. Changes in Court Procedures and Federal Rules of Evidence

Victims of federal violent and sexual abuse crimes are given a right to address the court concerning the sentence to be imposed. The Federal Rules of Evidence are amended by establishing general rules of admissibility in sexual assault and child molestation cases for evidence that the defendant has committed similar offenses on other occasions.

C. Post-Conviction Measures

The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act directs the Attorney General to establish guidelines for state programs that require convicted child molesters, sexually violent offenders and sexually violent predators to register a current address with a designated State law enforcement agency for a specified time period.

Probation (if not imprisonment) is required for first time federal domestic violence offenders, and participation by such offenders in rehabilitation programs as a condition of probation is mandatory.

D. Other Abuse-Related Provisions

The National Child Protection Act of 1993 is amended to include development of guidelines for the adoption of appropriate safeguards by care providers and States for protecting children, the elderly and individuals with disabilities from abuse.

The Morgan P. Hardiman Task Force on Missing and Exploited Children Act establishes a task force to work with the National Center for Missing and Exploited Children in coordinating Federal law enforcement resources to assist State and local authorities in investigating the most difficult cases of missing and exploited children. Task Force members include FBI, Secret Service, BATF, U.S. Customs Service, Postal Inspection Service, U.S. Marshals Service, and DEA.

May 17, 1995



THE VIOLENCE AGAINST WOMEN ACT:
BREAKING THE CYCLE OF VIOLENCE

DRAFT

DRAFT

Executive Summary

Enacted as part of the Violent Crime Control and Law Enforcement Act of 1994, the Violence Against Women Act is landmark legislation -- combining tough law enforcement strategies with important safeguards for victims of domestic violence and sexual assault. In its first year, the Violence Against Women Act and related provisions have proven extremely effective in our effort to curb domestic violence offenses and to provide protection and peace of mind for women and their families concerned about violent sex offenders. The Department of Justice has adopted an aggressive strategy for fighting violence against women -- working in close coordination with state, tribal, and local law enforcement and other federal agencies.

Federal action on this front comes at a critical time. A recently released Department of Justice Bureau of Justice Statistics report, based on the National Crime Victimization Survey, confirms that violence against women in America persists:

- In 1992 and 1993, women age 12 or older annually sustained almost 5 million violent victimizations.
- Nearly 75% of all lone-offender violence against women was perpetrated by offenders whom the victims knew.
- In 29% of all violence against women by a lone offender, the perpetrator was an intimate -- a husband, ex-husband, boyfriend or ex-boyfriend.
- Women were about 6 times more likely than men to experience violence committed by an intimate.
- Women annually reported, to interviewers, about 500,000 rapes and sexual assaults. Friends or acquaintances of the victims committed over half of these rapes or sexual assaults. Strangers were responsible for about 1 in 5.
- Women of all races and Hispanic and non-Hispanic women were about equally vulnerable to violence by an intimate.
- Female victims of violence by an intimate were more often injured by the violence than females victimized by a stranger.

Prosecution and Penalties

The Violence Against Women Act increases penalties for sex offenders and domestic abusers -- doubling the maximum term of imprisonment for repeat sex offenders and authorizing severe federal sentences for abusers who travel interstate with the intent to injure, harass or intimidate a domestic partner or violate a protection order. Initial guidance has been issued to U.S. Attorneys about these new provisions. In May, the Department won its first conviction under the Violence Against Women Act's new interstate domestic violence offense. Christopher Bailey was sentenced to life in prison for kidnapping and interstate domestic violence after his conviction by the US Attorney in the Southern District of West Virginia. Federal prosecutors are also using changes in the Federal Rules of Evidence that broaden the admissibility of evidence that the defendant has committed other similar offenses in federal sexual assault and child molestation cases.

Federal Resources

Over the next five years, a total of \$800 million in federal funds is authorized to assist states in restructuring law enforcement's response to crimes of violence against women. All 50 states and eligible territories have received the first installment of funds under the Office of Justice Programs-administered S.T.O.P. (Services*Training*Officers*Prosecutors) Violence Against Women grant program, the only Department Of Justice Violence Against Women grant program funded in Fiscal Year 1995. In keeping with the Act's emphasis on collaboration, the S.T.O.P grants require states to develop a joint strategy among law enforcement, prosecutors and victim service providers. Collaboration is also the focus of a new initiative funded by the Department's Community Oriented Policing Services (COPS) Office. The COPS \$20 million "Community Policing to Combat Domestic Violence Program" is open to police departments interested in applying community policing techniques to fight domestic violence. Future Violence Against Women Act law enforcement grants will encourage mandatory arrest policies and target domestic violence and child abuse in rural areas.

The long-awaited National Domestic Violence Hotline is scheduled to be up and running early this year. The Department of Health and Human Services recently awarded \$1 million to the Texas Council on Family Violence to set up this national, toll-free hotline for victims of domestic violence.

Peace of Mind

The Department is successfully implementing a number of provisions designed to stop sex offenders before they strike. Guidelines are being finalized by the Department implementing the Jacob Wetterling Act. This Violent Crime Control and Law Enforcement Act provision provides states with a financial incentive to adopt effective registration systems for convicted child molesters and other persons convicted of sexually violent crimes. The Violence Against Women Act also requires the Attorney General to insure that relevant sex offender treatment information is provided to sex offenders prior to release from prison. The Bureau of Prisons (BOP) has coordinated its efforts with two offender treatment program information clearinghouses in the United States. BOP, together with the U.S. Probation Office, is also ensuring that released sex offenders follow-up with community-based treatment.

Under other Violent Crime Control and Law Enforcement Act provisions, the FBI issued guidelines implementing the National Child Protection Act, which establishes a national background check system for child care providers to determine whether employees and prospective employees have criminal records involving child abuse offenses. Grants recently awarded by the Department of Justice under the National Criminal History Improvement Program (NCHIP) will also assist states in improving the accessibility and completeness of records that may be relevant in background checks under the National Child Protection Act and other laws.

The 1994 Violent Crime Control Act also increases protection to victims of domestic violence. The Act included a provision that makes it unlawful for persons subject to certain restraining orders to possess firearms. The first prosecution under this new provision occurred in South Dakota. The Department is also working with state and local law enforcement groups and United States Attorneys on effective implementation of this law. On a related front, the FBI is creating a national database concerning persons subject to protection orders, which will be available for criminal justice purposes, and to civil courts in domestic violence cases. This database will serve to increase the ability of states to verify the existence of restraining orders throughout the United States and will facilitate implementation of the "full faith and credit" provision, as well.

Victims' Rights and Other Safeguards

The revised Attorney General Guidelines for Victim and Witness Assistance, signed in May, provide initial guidance on a variety of reforms that enhance the rights of victims of crime in Federal court. These measures include provisions strengthening restitution for victims of domestic violence and sexual assault crimes, payment for sexually transmitted disease testing for victims of sexual assault offenses, and a provision affording victims of violent and sexual abuse crimes the right to address the court at the sentencing of the offender.

The Violence Against Women Act contains other important safeguards that the Department is working to enforce. The Act's "full faith and credit" provision requires states to honor protection orders issued by other jurisdictions. The Department is devising an aggressive strategy for implementation of this protection for battered women who hold protection orders and move to another state, only to have their abusers follow them there. In addition, the Immigration and Naturalization Service is finalizing regulations implementing the Act's special measures for battered immigrant women seeking lawful permanent residence.

In the Violence Against Women Act, the civil rights remedy was designed to complement existing federal civil rights laws which do not protect women from gender-motivated violence. Now, for the first time, victims of gender-motivated violent crimes, e.g. rape and domestic violence, have the right to sue their attackers for damages.

Understanding the Problem

A number of studies authorized under the Act are underway -- including evaluation of needed improvements in incidence reporting, a report on the problem of sexual assault on college campuses, a study of the use of battered women's syndrome evidence at trial, and an assessment of ways to protect the confidentiality of address information for victims of domestic violence. The Department of Justice will soon complete assessments of what states are doing to collect data on these crimes and to protect the confidentiality of communications between sexual assault and domestic violence victims and their counselors. A first annual report focussing on state stalking laws is also imminent. Through grants provided under the Act in the 1996 fiscal year, greater knowledge will also be obtained about the benefits of pro arrest policies. Once completed, all of these Violence Against Women Act studies will provide a more complete and accurate picture of the nature and extent of violence against women and improve our ability to track and respond to these crimes.

Also under the Violence Against Women Act, a panel of the National Academy of Sciences is developing a research agenda to increase the understanding and control of violence against women, including rape and domestic violence. And finally, research evaluation related to violence against women programs will provide important information on the implementation and the impact of the programs for refining and improving various programs designed to address violence against women.

Collaboration

The Department's Violence Against Women Office is headed by Bonnie Campbell. Ms. Campbell is responsible for the overall coordination and focus of Department of Justice efforts to combat violence against women. She serves as the Department's primary point of contact for other federal agencies, state and local governments, outside organizations, and Congress. Within the Department of Justice, Ms. Campbell works closely with the COPS Director, Joseph Brann, and with community police officers to help reduce domestic violence and other crimes against women in America's neighborhoods. She also works extensively with the Department's Office of Justice Programs Bureaus, the Offices of Policy Development and Legislative Affairs, the FBI and the Criminal Divisions, and the 93 U.S. Attorneys, among others.

In July, a joint Health and Human Services-Department of Justice Advisory Council on Violence Against Women was named and held its first meeting. This group of national leaders from a variety of fields and professions will provide the Attorney General and the Secretary of Health and Human Services with practical and general policy advice concerning implementation of the Act. The Violence Against Women Office and the Advisory Council will work together to promote greater awareness of the need for innovative solutions to the problem of violence against women.

The Violence Against Women Office is also spearheading an employee awareness campaign to educate Department of Justice employees about the issue of domestic violence. The campaign includes a training video, information fair, workplace guidelines and educational materials. The Department of Justice program will serve as a model for other federal agencies which were recently directed by the President to initiate workplace awareness efforts on this issue. A Violence Against Women Office home page will also provide access on the internet to the latest information on efforts relating to domestic violence and sexual assault, as well as links to other sources of information on these subjects.

S*T*O*P Violence Against Women

In Kentucky, battered women travelling outside their local communities had little protection against their abusers. Protective orders in one county were often not enforced in other counties because records of such orders were not readily available.

To respond to this problem, Public Safety Commissioner Mike Troop's office enabled protective orders to be recorded on the Law Informational Network of Kentucky (LINK), a system which was designed to enable law enforcement officers throughout Kentucky to have instant access to arrest records and other criminal justice-related information. Now these officers also have instant access to protection orders issued throughout the state. As a result, enforcement of these orders has increased dramatically.

The Provision

The Department of Justice S*T*O*P Violence Against Women Grant Program provided \$26 million in 1995 directly to states and Indian tribes through the discretionary grant program, as a first step in helping restructure the criminal justice system's response to crimes of violence against women. States, territories, and tribes can use Violence Against Women Act funding to:

- develop and enhance victim services programs (including domestic violence shelters);
- train law enforcement officers;
- expand the number of personnel in law enforcement and prosecution agencies to target violence against women;
- develop more effective policies, protocols, orders and services to prevent violent crime against women; and
- apply advanced technology to improve communications and data collection systems to identify and track arrests, protection, and prosecution.

The Impact

The S*T*O*P grant program requires and encourages collaboration between those who encounter victims of domestic and sexual violence. Each state and territory has developed a comprehensive strategy for combating domestic violence and sexual assault in consultation with representatives from law enforcement, prosecution and victim service programs.

As a condition to receiving grants, states must certify that they will incur full out-of-pocket costs of forensic medical examinations for victims of sexual assault. They must also certify that within two years, victims of sexual assault will bear no costs associated with the filing of criminal charges or protection orders.

Because of the condition for receiving grants, Alabama and Delaware passed laws to fund all forensic medical examinations for victims of sexual assault, thereby ensuring that criminal investigations in sexual assault cases are funded like all other criminal investigations -- by the state and not by the victim.

S*T*O*P funding could provide such improvements as:

- Crisis centers and battered women's shelters serving tens of thousands of victims a year;
- Hundreds of new prosecutors for specialized domestic violence or sexual assault units; or
- Hundreds of volunteer coordinators to help run domestic violence hot-lines.

The Success

By the end of July 1995, the Department of Justice awarded \$426,364 to each state and major territory. Following these awards, more than 350 delegates from all of the states and territories participated in the Violence Against Women Conference on July 27-29, 1995. Representatives from law enforcement, prosecution, victim services, and state government shared information about the best practices and strategies to enhance collaboration and develop a coordinated response to violent crimes against women.

The Department also has awarded approximately \$1 million to tribal governments through the S*T*O*P Violence Against Indian Women Discretionary Grant Program, with the goal of strengthening the response of tribal court systems to violent crimes against women.

The Future

Over the next five years, a total of \$800 million in S*T*O*P grant funds is authorized. The formula grants to states will be allocated according to population, with each state guaranteed a base amount.

Federal Offense of Interstate Domestic Violence

In November of 1994, Christopher Bailey of St. Albans, West Virginia beat his wife Sonya until she collapsed. Then he put her in the trunk of their compact car and drove for five days through West Virginia and Kentucky before taking her to an emergency room. Along the way he withdrew over \$2400 in cash from their bank accounts, and purchased various supplies, including sweat pants and adult diapers for Sonya. Sonya Bailey suffered irreversible brain damage and remains in a permanent vegetative state.

The Provisions

The Violence Against Women Act establishes new federal offenses in cases like this one where an abuser crosses state lines to violate a protection order or injure, harass or intimidate a spouse or intimate partner. These new federal remedies are important tools in cases where movement across state lines makes state prosecution difficult and where state law penalties may not be tough enough. They also offer important benefits for victims, including strengthened restitution provisions and an opportunity to address the court concerning the danger posed by a defendant prior to any pre-trial release.

The Impact

Victims of domestic violence often seek safety and shelter with friends and relatives living elsewhere. The Violence Against Women Act insures that the law follows an abuser who crosses state lines and will provide victims with protection throughout the United States.

The Success

On May 23, 1995 the United States Attorney for the Southern District of West Virginia won the nation's first conviction under the Violence Against Women Act. And on September 1, Christopher Bailey was sentenced to life in prison for the abuse and kidnapping of his wife Sonya.

This case illustrates the value of federal action against interstate domestic violence. Bailey was arrested in Kentucky, but local police dropped the charges because they were unable to document what had occurred in their jurisdiction. Under West Virginia law, he might have received less than a two-year sentence for his brutal assault.

The United States Attorney for the Eastern District of California won the nation's second conviction under the Violence Against Women Act in December 1995. Ricky Steele beat his domestic partner in Oregon, and then forced her to drive with him to California. On December 11, 1995 Steele was sentenced to 87 months in prison and was ordered to pay restitution of \$1,018 for interstate domestic violence.

The Future

Federal prosecutors have initiated other cases under the Violence Against Women Act. In the third reported case brought under the interstate domestic violence provision, on November 8, 1995, prosecutors in the Southern District of Ohio charged Derek Page with beating his girlfriend in Ohio and then kidnapping and transporting her to Pennsylvania.

Most recently, on December 19, 1995, Wayne Hayes was indicted in the Eastern District of New York on charges of traveling interstate with the intention of violating court orders that prohibited repeated harassment of his ex-wife, and repeatedly mailing threatening communications to her. The indictment marks the first use of the Violence Against Women Act provision that prohibits traveling across a state line in order to violate certain protection orders.

The Department of Justice continues to work with state and local law enforcement to combat interstate domestic violence and identify cases where use of these new federal remedies is the most appropriate response.

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Similar Crimes Evidence in Sex Offense Cases

Joey Sanza raped and murdered Theresa Cha when she came to meet her husband in the building where Sanza worked. There was extensive physical and circumstantial evidence of Sanza's commission of the crime, and the jury was informed about three other rapes that he had committed in another state. Sanza's other offenses were relevant to help confirm his identity as Theresa Cha's attacker by showing his propensity and capacity to commit sexually violent crimes. Nevertheless, Sanza's conviction for raping and murdering Theresa Cha was reversed on appeal because the jury was told of his other crimes. People v. Sanza, 509 N.Y.S.2d 311 (App. Div. 1986).

The Provision

The Violent Crime Control and Law Enforcement Act of 1994 enacted general rules of admissibility in federal sexual assault and child molestation cases for evidence that the defendant has committed other similar offenses. These evidence rules facilitate the effective prosecution of habitual sex offenders. They provide the basis for informed decisions by juries regarding questions of propensity to commit future crimes in light of the defendant's past conduct.

The Impact

This reform has broader import as a model for law reforms by the states, which prosecute the vast majority of sexual offenses. California has recently enacted an evidence provision for its sexual offense cases that is modeled on the Federal Rules. The Department of Justice facilitated this reform through provision of technical assistance and participation in California legislative hearings.

The Success

Rules for federal sexual offense cases went into effect on July 10, 1995. Federal prosecutors have begun to seek the admission of evidence under these new rules in appropriate cases.

The Future

The Department of Justice will (1) seek to ensure judicial interpretations and applications of the new federal evidence rules that are faithful to Congress's intent in enacting this reform, and (2) continue to assist and encourage additional states to adopt comparable reforms.

Sex Offender Registration and Community Notification

On July 29, 1994, a seven-year-old New Jersey girl, Megan Kanka, was sexually assaulted and murdered by a twice-convicted sex offender who moved in across the street from her family. Promising to show her his new puppy, the defendant lured Megan to his home and subsequently raped and killed her. Her body was later found nearby. At the time, there were no state law provisions for notifying local law enforcement or the community concerning a sex offender's criminal history or presence in the neighborhood.

The Provision

The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act provides states with a financial incentive to adopt effective registration systems for convicted child molesters and other persons convicted of sexually violent crimes. Community notification concerning the location of registered offenders is permitted where necessary for public safety.

The Impact

Most states have some form of sex offender registration but few regularly verify an offender's address. The Jacob Wetterling guidelines will provide minimum national standards and will help state law enforcement agencies communicate with each other regarding sex offenders who cross state lines.

In general, registration systems help the investigation of sex crimes by informing the authorities of the identities and whereabouts of convicted sex offenders. These systems may also inhibit offenders -- who know that the authorities know who they are and where they are -- from committing additional crimes. Community notification enables communities to take common sense measures to protect themselves and their families, such as ensuring that their children do not associate or visit with known child molesters.

The Success

The Department of Justice published proposed guidelines for state registration systems in April 1995. The original 90 day comment period was extended, and final guidelines will be issued in the near future.

The Department of Justice has also participated in state and federal litigation defending the validity of "Megan's Law," the New Jersey sex offender registration and notification system. The Department has participated in three legal challenges to Megan's Law, seeking to protect the federal interest in promoting state sex offender registration laws.

On July 25, 1995, the New Jersey Supreme Court upheld Megan's Law, adopting the position advocated by the state and the federal government that Megan's Law is constitutional. Most recently, the U.S. Court of Appeals for the Third Circuit Court heard oral arguments on Megan's Law in October, and the Department of Justice is awaiting the court's decision.

The Future

The Department of Justice will work to encourage and assist the states to adopt effective sex offender registration systems. The Department will also continue to participate in litigation defending the constitutionality of state registration systems.

Background Checks for Child Care Providers

In 1972, Eric James Long was convicted of molesting a child. In 1980, he was convicted of molesting a second child he coached in soccer for a county recreation department. In 1985, he pleaded guilty to child abuse and sex offense charges related to allegations that he had abused numerous children at the school where he worked as a gymnastics instructor and in his neighborhood. The school, which had hired Long in 1978, had no knowledge of his offenses, and no means existed for obtaining criminal history information on employees or prospective employees. Washington Post, Feb. 5, at A1, Sept. 6, at C7 (1985).

The Provision

The National Child Protection Act, enacted in 1993, establishes a national background check system that enables child care providers to determine whether employees and prospective employees have criminal records involving child abuse offenses. As a result of amendments adopted by the Violent Crime and Control and Law Enforcement Act of 1994, the National Child Protection Act system also covers background checks for elder care and providers of care to persons with disabilities.

The Success

The FBI issued guidelines in July that implement the National Child Protection Act. Currently, 38 states have approved statutes that will enable them to access national criminal history records information in child care background checks. Eight states have approved statutes of this type relating to care of the elderly, and 13 states have approved statutes relating to providers of care to persons with disabilities.

One hundred million dollars has been appropriated in fiscal year 1995 for the National Criminal History Improvement Program (NCHIP). NCHIP assists states in improving the accessibility and completeness of records that may be relevant in background checks under the National Child Protection Act and other laws. The funding includes \$88 million for direct awards to states to automate and improve their criminal history records. The Department of Justice has awarded grants totaling more than \$69 million to 47 states as part of NCHIP, and it is expected that every state will receive an NCHIP award this fiscal year.

The Future

The Department of Justice will continue to encourage and assist states to adopt and obtain approval of statutes enabling them to participate fully in the background check system under the National Child Protection Act, and to provide funding assistance as appropriated to states to automate and upgrade criminal records relevant to such background checks.

Federal Remedies for Battered Immigrant Women and Their Children

Cecilia, from South America, has been married to Jose, a lawful permanent resident, for 18 years. Together they have eight children born in the United States, ranging in age from one to 18. While Jose once began the process of obtaining lawful permanent resident status for Cecilia, he later withdrew the petition. Throughout their relationship, Jose has been physically violent to Cecilia. His abuse of her was both physical and mental. He hit her in the abdomen when she was pregnant, and at other times bruised and beat her. Jose also restrained her physical freedom and access to financial assets. He threatened to kill her if she ever left him. Jose was physically abusive to the children also, and is believed to have sexually abused at least two of them. Nevertheless, Cecilia was afraid to leave because of her dependence on her husband to obtain lawful permanent resident status for her.

Cecilia and the children did finally leave Jose. She currently lives in fear of both her husband and the INS. She is having a difficult time finding housing and a means of supporting herself.

The Provision

The Violence Against Women Act establishes new federal remedies for abused immigrant spouses and children. Specifically, battered women are now eligible to apply for permanent resident status for themselves and their children and are no longer forced to rely on their abusive husbands to apply for such status.

The Impact

Immigrant women and children who are battered face unique obstacles. In addition to the physical violence, the threat of deportation or release of information about legal status has been used as a control mechanism to instill fear and dependency and to lock the abused person into the relationship. Prior to the new federal statute, immigrant spouses were dependent on their citizen or permanent resident spouses to petition on their behalf for permanent resident status. Spouses could withdraw the request at any time.

The Success

The Immigration and Naturalization Service is in the final stages of drafting regulations to implement the new federal statute. Once these regulations are completed, the procedures for self-petitioning by the abused spouse will be in place.

The Future

Under the new law, women like Cecilia will be able to file their own petitions for lawful permanent resident status for themselves and for their children.

Confidential Communications for Rape Victims

In June 1994, the state supreme court ordered the YWCA in Springfield, Massachusetts, which administers a rape crisis counseling program, to provide confidential files to defense counsel in a rape case. Although the YWCA sought to protect the victim's privacy and initially defied the court order, the center eventually turned over the records as contempt penalties mounted. The center's attorney said that while legal advocates have been seeking and winning legal protections for rape counselors, only a few states grant rape counselors a testimonial privilege comparable to that of a doctor or priest. She said "Rape crisis centers can't function without confidentiality. [V]ictims must choose between prosecution and healing. If they choose prosecution, they must suffer in silence" as defendants gain access to information they have confided to their counselors. (Washington Post, June 24, 1994)

The Provision

The Violence Against Women Act requires the Department of Justice to study and evaluate the manner in which states have taken steps to protect the confidentiality of communications between sexual assault and/or domestic violence victims and their counselors.

The Impact

Often when a woman who has been victimized by sexual assault or domestic violence seeks help from a counselor to deal with the crime's shattering effect on her life, she finds herself victimized again when a defense attorney issues subpoenas for her counseling records. Because many sexual assault and domestic violence counselors are not psychologists or psychotherapists, they cannot claim testimonial privileges found in most state statutes.

Victims must be able to communicate freely with their counselors, secure in the knowledge that the private thoughts they reveal during counseling will remain confidential. Without assurances of confidentiality, sexual assault and domestic violence victims will continue to be reluctant to contact rape crisis centers or battered women's shelters, and to report crime and otherwise aid in the prosecution of their attackers. Establishing statutory testimonial privileges for sexual assault and domestic violence counselors will help ensure that these important communications will remain confidential.

To date, 27 states and District of Columbia have enacted statutes that protect these confidential communications. These statutes differ in the degree to which confidential communications are protected from disclosure and in whether they address both sexual assault counselors and domestic violence counselors.

The Success

The Department has completed its report which includes a state-by-state survey and will soon release the results. The Department has also developed model statutes that provide the maximum protection possible for the confidentiality of such communications.

The Future

The Department of Justice will disseminate model legislation and report, to governors, attorneys general and legislators in states where these communications are not protected, encourage those states to adopt legislation. The Department plans to engage in efforts to raise the awareness of victims, advocates, counselors and attorneys, and evaluate the necessity for judicial training on this issue. The Department will also review the Judicial Conference of the United States's report, if any, on the need for amendments to the Federal Rules of Evidence to guarantee that the confidentiality of communications between sexual assault victims and their counselors will be adequately protected in federal court proceedings.

Full Faith and Credit

In February 1993, a woman living in Metropolis, Illinois went to court to obtain a protection order against her abusive live-in boyfriend. Upon her return home from court, police searched the woman's home to check that her boyfriend was not on the premises and that her safety was assured. After the police departed, the boyfriend left his hiding place in the ceiling of the woman's home and threatened her. The boyfriend was not arrested because the police had not witnessed the violation of the protection order. A few months later, he severely beat her.

Officials at the Metropolis Domestic Violence Center immediately and covertly relocated the woman to Paducah, Kentucky, a larger town just over the Ohio River from Metropolis. Shortly thereafter, the woman was beaten and her Paducah apartment was destroyed by arson. The woman's boyfriend was convicted and sent to jail for the beating.

After a few months in jail in April 1995, he was released and followed the woman to a Paducah gas station. He then kidnapped, beat and sexually assaulted her. When the woman was found in Kentucky, local police declined to arrest the boyfriend because they deemed the Illinois protection order to be invalid within the Kentucky borders. The woman's boyfriend was never arrested for the assault and the woman was told her only relief would be to seek an emergency protection order in a Kentucky court.

When the Metropolis Domestic Violence Center questioned the Paducah Police as to why the woman's Illinois protection order had not been upheld under the Full Faith and Credit provision of the Violence Against Women Act, they responded that they had never heard of such a provision. As a result, the Illinois Attorney General issued a two page fact sheet describing the major provisions of the Violence Against Women Act, including Full Faith and Credit. The sheet has since been posted on the bulletin boards of local police stations. The woman has relocated again but continues to live in fear for her safety although the police are aware of her situation.

The Provision

The Violence Against Women Act provides that a civil protection order issued by the court of one state or tribe shall be accorded full faith and credit by the court of another state or Indian Tribe, and shall be enforced as if it were the order of the court of the second state or tribe. Failure by the issuing state to satisfy due process requirements will not entitle a protection order to full faith and credit. Mutual protection orders are not entitled to full faith and credit if a cross or counter petition, complaint or other written pleading has not been filed seeking such a protection order or if a cross or counter petition has been filed and the order was issued upon a showing of mutual abuse. The issuing court must have had both personal and subject matter jurisdiction and the respondent must have received reasonable notice and an opportunity to be heard for the provision to be in effect.

The Impact

Prior to the enactment of the Violence Against Women Act, a victim with a protection order often could not use that order as the basis for protection if the victim went to work, traveled or moved to most other states. Under this provision, the second state must afford full faith and credit to an order issued by another jurisdiction, even if the victim otherwise would be ineligible for protection in the new state. A victim does not have to wait for abuse to occur in the new state nor does a victim need to be concerned if he or she cannot meet its jurisdictional requirements. Furthermore, a victim does not have to register a protection order in the new state -- the protection order of the issuing state should provide continuous protection to the victim.

The Success

The Department has made the implementation of full faith and credit a top priority. An internal working group has been established and guidance on the full faith and credit provision of Violence Against Women Act has been distributed to all U.S. Attorneys' offices.

The Department has awarded funding to the Battered Women's Justice Project for a cooperative agreement to support the development of models, tools, technical assistance, training, and a resource clearinghouse to facilitate the implementation of the full faith and credit provision of Violence Against Women Act.

The Future

The Department of Justice has adopted an aggressive multi-faceted implementation campaign involving federal leadership through outreach, research and the provision of training, technical assistance and opportunities for collaboration at the national and state or district levels.

In addition, the National Crime Information Center Protection Order File, which the FBI is working to have states linked to by 1998, will provide information on protection orders for use in domestic abuse cases and interface with the National Instant Criminal Background Check System to support the identification of persons who are prohibited from purchasing a firearm. This system will further facilitate the implementation of full faith and credit for protection orders.

Firearms Disability Provision

On October 18, 1994, Robert M. Goben, of South Dakota, became subject to a court order restraining him from harassing or threatening his estranged wife.

Consequently, a new federal law applied that prohibited Mr. Goben from possessing a firearm while the restraining order remained in effect. Approximately five months later, while still subject to the restraining order, local police discovered that Mr. Goben possessed a loaded .22-caliber magnum revolver. Mr. Goben was arrested and on September 11, 1995, pled guilty to illegally possessing a firearm in violation of federal law.

The Provision

The Violent Crime Control and Law Enforcement Act of 1994 makes it unlawful for any person subject to a court order restraining that person from harassing, stalking, or threatening an intimate partner or the child of an intimate partner, to possess firearms or ammunition. Intimate partners include spouses or former spouses but not girl friends or boy friends with whom the defendant has not cohabited. This, like other federal firearms disabilities, exempts on-duty, federal or state law enforcement officers and members of the military.

The Impact

The firearms disability provision provides security to victims who can now rest assured that their abusers can be arrested if they attempt to purchase or possess firearms during the period of the restraining order.

The Success

On January 22, 1995; Mr. Goben was sentenced to twelve months in prison followed by two years of supervised release during which time he is to have no contact with his now former wife. Following the Goben case, federal prosecutors in the Northern District of Iowa brought another case under the new federal law. On October 24, 1995, Shawn A. Hungate, 25, of Fort Dodge, Iowa, was charged with illegally possessing a firearm while subject to a restraining order. According to the complaint, while subject to a "no contact order," Hungate purchased a firearm at a Wal-Mart in Fort Dodge. When purchasing the firearm, Hungate allegedly answered "No" to a question on a government form regarding whether he was subject to a restraining order. The complaint also alleges that Hungate shot himself in the shoulder with the firearm and proceeded to his wife's place of employment and began yelling for her. If convicted on the firearms charge, Mr. Hungate faces up to ten years in prison and a \$250,000 fine or both.

The Future

The Department of Justice is working with state and local law enforcement groups to implement the spirit as well as the letter of the firearms disability provision without hampering law enforcement. In that regard, the Department of Justice is developing guidelines for application of the provision to Department of Justice law enforcement officers, which might serve as a model to local law enforcement.

Grants to Encourage Arrest Policies

Police officers traditionally have been reluctant to become involved in domestic violence disputes, largely because such calls for police assistance are among the most complex and sensitive -- and potentially dangerous -- situations police must respond to. Law enforcement officers may not take affirmative steps on behalf of the victim because they have not been trained to identify patterns of abuse or to provide immediate support and protections a victim requires (e.g., short and long-term medical care, safe shelter, counseling, safety planning, legal advocacy, and long-term treatment for the batterer).

Additionally, officers who are the "first responders" are often without the benefit of the clarity and authority that a departmental protocol for responding to such incidents offers. A clear policy on arrest can mitigate this problem, which often puts police officers in difficult situations.

However, the arrest of a perpetrator at the scene will not necessarily stop the violence, nor guarantee the safety of the victim. A strong pro arrest policy must be accompanied by a community and criminal justice system which also takes a strong stand against domestic violence and makes every attempt to provide safety for the victim.

The Provision

The Department's Grants to Encourage Arrest Policies, a new program funded in Fiscal Year 1996, helps states, localities and tribal governments treat domestic violence as a serious criminal offense. This program recognizes that for mandatory arrest to be a fully effective intervention, it must be part of a coordinated, integrated criminal justice response to domestic violence with consistent follow-through by victim service providers, prosecutors, and judges.

The Impact

Mandatory arrest and pro arrest policies are critical elements of an overall community strategy to address domestic violence. A mandatory arrest policy requires that police must arrest a domestic assault offender whenever the officer determines that a crime has been committed and probable cause for arrest exists. The primary goal of these policies and the immediate and primary responsibility of the arresting officer must be to ensure the safety of the victim.

Currently, 27 states and the District of Columbia have adopted laws requiring the arrest of a person when there is probable cause that he or she has assaulted a family member or has violated a domestic violence protection order. Pro arrest or mandatory arrest policies convey a message to the victim, the family, and the community that domestic violence is a serious crime that will not be tolerated.

The Future

The Department of Justice currently is developing program regulations to be disseminated and is prepared to implement the program with Fiscal Year 1996 funding.

Any
Announcement
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Rural Domestic Violence and Child Abuse Enforcement

If a domestic violence victim in rural areas of Western Massachusetts decides she wants to obtain assistance, she may face many obstacles. With very few patrol police officers in small rural communities, it may be too late once a call for assistance is answered. And if a victim were to report domestic violence, she would live with the fear that an entire tight-knit community will know about the abuse. Lastly, staff at the local domestic violence shelter and sexual assault program, New England Learning Center for Women in Transition, in Greenfield, Massachusetts, speaks of problems maintaining the confidentiality of their shelter within this small community.

The Provision

This Fiscal Year 1996 grant program addresses the issues of domestic violence and child abuse in rural states. These grants will encourage development of collaborative efforts, creation of training programs for "front-line" agencies and personnel (such as law enforcement, shelter workers, health care providers, and clergy), creation of public awareness and community education campaigns, and expansion of direct services for rural and Native American victims and their children. A variety of entities, including states, tribal and local governments, and public and private organizations in rural states, are eligible to receive funding.

The Impact

Few statistics exist on the extent of domestic violence and child abuse in rural communities. The limited statistics available reflect only the women and children who have succeeded in accessing services, but there is no reason to assume that these problems are less common in rural areas. Instead, it is more likely that the isolation and culture of rural communities discourage victims from reporting abuse.

Geographic isolation, culturally close communities, and lack of domestic violence information and services (including availability of civil and criminal remedies) are among the problems unique to rural areas. Victims in rural areas also may not trust an "outside" system to protect them from their abusers and may continue to live in emotional isolation rather than seeking help. Rural areas in the United States also are experiencing growth in immigrant communities, which may be further isolated as a result of language and cultural barriers.

The Future

The Department has convened an internal working group to identify key issues and develop program guidelines.

Community Oriented Policing Services to Combat Domestic Violence

When Jackie, a 39-year-old assistant in an Alexandria, Virginia consulting firm, went to the hospital with a black eye and cuts needing stitches in 1992, she told the nurse that her husband had caused her injuries. Jackie asked the nurse not to call the police because she feared retaliation from her husband. But once the police came, she said, they made it easy for her to get help. They charged her husband with abuse and later escorted her back home and to the city's shelter for battered women. With counseling from the shelter, Jackie was able to get a protective order from the court and return to her apartment without her husband's being there. The court ordered him into an anger management program, and she and her three children continued to receive free counseling from the shelter. 'Had I not known about the shelter, I would probably be in a violent relationship today,' Jackie said. Washington Post, Sept. 9, at B4 (1995).

The Provision

The COPS (Community Oriented Policing Services) Program is President Clinton's program, enacted as part of the Violent Crime Control and Law Enforcement Act of 1994, to place an additional 100,000 law enforcement officers on the street and promote community policing. The Community Policing to Combat Domestic Violence Program, initiated as part of the COPS Program, provides law enforcement agencies with a unique opportunity to execute well-planned, innovative strategies employing community policing to combat domestic violence. To be eligible for this funding, police departments must partner with non-profit, non-governmental victim service programs, domestic violence shelters, or community service groups to coordinate efforts to fight domestic abuse. Twenty million dollars is available through this grant program to all state, local, Indian Tribal, and other public and private law enforcement agencies which are committed to using community policing to address domestic violence.

The Impact

Domestic violence was the second highest reported crime for COPS FAST grant applicants, second only to property crimes. As a few jurisdictions have already learned, community policing, a strategy which emphasizes problem solving and community partnership, can be an effective weapon in the fight against domestic violence.

The Success

Less than twelve months after its inception, the COPS program has already put more than 25,000 community law enforcement officers on the street - a quarter of the goal after just one year of the six year program. Flexible and innovative COPS grants have helped fiscally-strained departments pay for new technology and equipment, as well as administrative staff to free up more rank and file officers to walk the beat. The COPS program customer response center has cut red tape, simplified procedures, and delivered funds directly to police departments with no middleman.

The latest innovative COPS initiative, the Community Oriented Policing to Combat Domestic Violence Program, has generated tremendous interest. In response to thousands of inquiries from law enforcement agencies nationwide, the Department doubled the amount of funds available under this COPS program from \$10 million to \$20 million.

THE LAW

COMMUNITY NOTIFICATION OF SEX OFFENDERS

The VCCA, through the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, gives states a financial incentive to adopt effective registration systems for convicted child molesters and sexually violent convicts. Community notification concerning the location of registering offenders is permitted where necessary for public safety.

The Department of Justice has also participated in state and federal litigation defending the validity of "Megan's Law," the New Jersey sex offender registration and notification system. The Justice Department has filed amicus briefs in three legal challenges to Megan's Law, seeking to protect the federal interest in promoting state sex offender registration laws. On July 25, 1995 the New Jersey Supreme Court upheld Megan's Law, adopting the position advocated by the state and the Justice Department that Megan's Law is constitutional.



Bureau of Justice Statistics Special Report

National Crime Victimization Survey

August 1995, NCJ-154348

Violence against Women: Estimates from the Redesigned Survey

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Estimating rates of violence against women, particularly sexual assault and other incidents which are perpetrated by intimate offenders, continues to be a difficult task. Many factors inhibit women from reporting these victimizations both to police and to interviewers, including the private nature of the event, the perceived stigma associated with one's victimization, and the belief that no purpose will be served in reporting it.

The redesign of the National Crime Victimization Survey

After an extensive 10-year redesign project, the National Crime Victimization Survey (NCVS) has been revised. A redesigned questionnaire was in wide use by January 1992. One goal of the redesign was to produce more accurate reporting of incidents of rape and sexual assault and of any kind of crimes committed by intimates or family members.

The new NCVS questionnaire encourages reporting of incidents in several ways. *Questions were added* to let respondents know that the interviewer is

interested in a broad spectrum of incidents, not just those involving weapons, severe violence, or violence perpetrated by strangers. *New methods of cuing* respondents about potential experiences with victimizations

increased the range of incident types that are being reported to interviewers. And *behavior-specific wording* has replaced criminal justice terminology to make the questions more understandable.

Highlights

- Women age 12 or older annually sustained almost 5 million violent victimizations in 1992 and 1993. About three-quarters of all lone-offender violence against women and 45% of violence involving multiple-offenders was perpetrated by offenders whom the victim knew. In 29% of all violence against women by a lone offender, the perpetrator was an intimate (husband, ex-husband, boyfriend or ex-boyfriend).
- Women were about 6 times more likely than men to experience violence committed by an intimate.
- Women annually reported about 500,000 rapes and sexual assaults to interviewers. Friends or acquaintances of the victims committed over half of these rapes or sexual assaults. Strangers were responsible for about 1 in 5.
- Women of all races and Hispanic and non-Hispanic women were about equally vulnerable to violence by an intimate.
- Women age 19 to 29 and women in families with incomes below \$10,000 were more likely than other women to be victims of violence by an intimate.
- Among victims of violence committed by an intimate, the victimization rate of women separated from their husbands was about 3 times higher than that of divorced women and about 25 times higher than that of married women. Because the NCVS reflects a respondent's marital status at the time of the interview, which is up to 6 months after the incident, it is possible that separation or divorce followed the violence.
- Female victims of violence by an intimate were more often injured by the violence than females victimized by a stranger.

A side-by-side comparison of the new and old screening questions as they relate to types of activities and types of situations and offenders is on page 8.

This report presents the first release of 1992-93 estimates of violence against women resulting from the new NCVS methodology. To illustrate how

patterns of victimization differ by sex of victim, the first section of the report provides rates of violence for both women and men.

Later sections contain more detailed information about the specific types and contextual characteristics of violence against women and the types of offenders most likely to victimize women. Definitions of terminology appear in *Methodology*, pages 6-7.

Rates of violence for women and men, 1992-93

Women annually reported about 500,000 rapes and sexual assaults, almost 500,000 robberies, and about 3.8 million assaults to NCVS interviewers (table 1). (As used in this report, *women* and *men* refer to persons age 12 or older.) Per capita rates of reported rape and other sexual assaults against women were about 10 times higher than equivalent rates against men. The rates of robbery and aggravated assault against men were about double those against women.

Offenders acted alone in most violent victimizations (table 2). A greater percentage of victimizations against males than females were committed by multiple offenders. Multiple offenders committed 27% of the violent victimizations against men and 16% of those against women.

For both sexes, robberies were more likely than other offenses to involve multiple offenders: 34% of the robberies of women and 54% of the robberies of men. Among women, the lowest percentages of multiple offenders occurred for rape or sexual assaults (10%) and for simple assault (13%). A fifth of the simple assaults of males involved more than one offender.

Violent victimizations involving multiple offenders against men were predominantly committed by strangers (table 3). There was no significant difference between the extent to which multiple-offender victimizations against women involved known and unknown offenders. When considered by offense and sex of victim, simple assaults against women by multiple offenders involved a higher percentage of known offenders (57%) than strangers (43%). In contrast, simple assaults against men involving multiple offenders were more likely to be perpetrated by strangers (61% versus 39% known).

Table 1. Average annual rate of violent crime and number of violent victimizations, by sex of victim and type of crime, 1992-93

Type of crime	Average annual rate per 1,000 persons age 12 or older		Average annual number of incidents	
	Female	Male	Female	Male
Crimes of violence	43.7	64.9	4,748,500	6,602,100
Homicide	.04	.16	4,700	17,100
Rape/Sexual assault	4.6	.5	500,200	48,500
Robbery	4.4	8.6	475,900	870,800
Aggravated assault	8.0	16.9	863,000	1,715,400
Simple assault	26.7	38.8	2,904,700	3,950,400

Note: Average annual numbers have been rounded to the nearest 100. Homicides are not measured in the victimization survey; see the box on page 4 for the source.

Table 2. Violent victimization of females and males by lone or multiple offenders, by type of crime, 1992-93

Type of crime	Average annual percent of victimizations			
	Female victims		Male victims	
	Lone offender	Multiple offenders	Lone offender	Multiple offenders
Crimes of violence	84%	16%	73%	27%
Rape/Sexual assault	90	10	93	*
Robbery	66	34	46	54
Aggravated assault	79	21	69	31
Simple assault	87	13	80	20

Note: Excludes homicide; see the box on page 4. Excludes incidents in which the number of offenders was not ascertained.

*Ten or fewer sample cases.

Table 3. Multiple-offender violent victimization of females and males involving known or unknown offenders, by type of crime, 1992-93

Type of crime	Average annual percent of multiple-offender victimizations			
	Female victims		Male victims	
	Victim knew at least one offender	Victim knew none of the offenders	Victim knew at least one offender	Victim knew none of the offenders
Crimes of violence	45%	55%	31%	69%
Rape/Sexual assault	37	63	*	*
Robbery	20	80	20	80
Aggravated assault	46	54	29	71
Simple assault	57	43	39	61

Note: Excludes homicide; see the box on page 4.

*Ten or fewer sample cases.

Victim/offender relationship for lone-offender victimizations

Among victims of offenders acting alone, men were just as likely to be victimized by a stranger as by someone they knew (table 4). By contrast, women were more likely to be victim-

ized by known offenders than by strangers. About three-quarters of all lone-offender violence against women was perpetrated by an offender whom the victim knew. In 29% of all violence against women by a lone offender, the perpetrator was a husband, ex-husband, boyfriend or

ex-boyfriend — an intimate. Compared to men, women were about 6 times more likely to experience violence committed by an intimate.

Violence at the hands of an intimate involved about 9 in 1,000 women annually. This rate translates into about 1 million women who became the victims of such violence every year (table 5).

Men were about twice as likely as women to experience acts of violence by strangers. Men were victims of almost 2 million acts of stranger-perpetrated violence annually, while women experienced about 800,000.

Table 4. Victim/offender relationship and sex of victim, by type of violent victimization committed by lone offenders, 1992-93

Victim/offender relationship	Average annual percent of victimizations				
	Total	Rape/Sexual assault	Robbery	Aggravated assault	Simple assault
Female victims					
Intimate	29%	26%	28%	28%	29%
Spouse	9	5	6	5	11
Ex-spouse	4	5	5	5	4
Boy/girlfriend (or ex-)	16	16	18	17	15
Other relative	9	3	5	7	11
Acquaintance	40	53	19	36	41
Stranger	23	18	48	30	19
Male victims					
Intimate	4%	*	3%	5%	3%
Spouse	1	*	*	1	1
Ex-spouse	1	*	*	*	1
Boy/girlfriend (or ex-)	2	*	2	3	1
Other relative	3	*	2	4	3
Acquaintance	44	54	26	40	49
Stranger	49	46	69	51	45

Note: Intimate includes spouse or ex-spouse, boyfriend or girlfriend, and ex-boyfriend or ex-girlfriend. Detail may not add to total because of rounding.

*Ten or fewer sample cases.

Table 5. Average annual rate of violent victimization, by sex of victim, victim/offender relationship, and type of crime committed by lone offenders, 1992-93

Type of crime	Average annual rates per 1,000 persons age 12 or older			
	Intimate	Other relative	Acquaintance/friend	Stranger
Female victims				
Crimes of violence	9.3	2.8	12.9	7.4
Rape/Sexual assault	1.0	.1	2.0	.7
Robbery	.7	.1	.5	1.2
Aggravated assault	1.5	.4	2.0	1.6
Simple assault	6.1	2.2	8.5	3.9
Annual average number of violent crimes	1,008,000	304,500	1,402,500	802,300
Male victims				
Crimes of violence	1.4	1.2	17.2	19.0
Rape/Sexual assault	*	*	.2	.2
Robbery	.1	.1	.9	2.4
Aggravated assault	.5	.4	3.8	4.8
Simple assault	.8	.7	12.4	11.6
Annual average number of violent crimes	143,400	122,000	1,754,000	1,933,100

Note: Intimate includes spouse or ex-spouse, boyfriend or girlfriend, and ex-boyfriend or ex-girlfriend. Average annual numbers have been rounded to the nearest 100.

*Ten or fewer sample cases.

Table 6. Average annual rate of violent victimizations of women by a lone offender, by victim characteristics and victim-offender relationship, 1992-93

Victim characteristic	Average annual rate of violent victimization per 1,000 females age 12 or older				
	Total	Intimate	Other relative	Acquaintance/friend	Stranger
Crimes of violence	36.1	9.3	2.8	12.9	7.4
Race					
White	35.2	9.1	2.6	12.5	7.1
Black	44.6	10.9	3.5	17.2	9.5
Other	27.8	6.5	4.5	8.4	5.7
Ethnicity					
Hispanic	33.9	7.3	3.2	10.0	9.0
Non-Hispanic	36.3	9.4	2.8	13.2	7.2
Age					
12-18	74.6	9.6	6.1	39.1	11.9
19-29	63.7	21.3	4.7	18.2	13.9
30-45	37.5	10.8	2.8	12.4	7.4
46-64	12.5	2.2	1.2	4.1	3.7
65 or over	4.8	1.2	0.3	1.1	1.2
Education					
Some high school or less	47.7	9.9	4.7	20.5	7.5
High school graduate	27.9	9.2	2.2	8.8	4.9
Some college or more	35.9	8.7	2.1	11.6	9.6
Annual family income					
Less than \$9,999	57.1	19.9	6.1	18.5	7.8
\$10,000-\$14,999	46.8	13.3	4.0	14.1	9.1
\$15,000-\$19,999	42.2	10.9	3.1	17.3	7.0
\$20,000-\$29,999	38.0	9.5	2.7	14.8	7.9
\$30,000-\$49,999	30.6	5.4	1.8	11.5	8.4
\$50,000 or more	24.8	4.5	1.8	9.7	6.3
Marital status					
Married	16.9	2.7	1.6	5.7	4.9
Widowed	10.4	1.9	0.6	3.6	2.5
Divorced	61.8	23.1	4.2	19.5	10.2
Separated	123.5	82.2	10.0	19.9	7.4
Never married	63.9	12.0	4.6	27.2	12.9
Location of residence					
Urban	45.4	10.7	3.0	15.9	10.8
Suburban	33.6	9.2	2.7	11.5	7.1
Rural	29.5	7.7	2.7	12.2	3.7

Note: Rates of violence for this table include rapes, sexual assaults, robberies, and aggravated and simple assaults from the NCVS. Rates exclude homicide victimizations. Relationship specific rates do not add to the total because some victims did not identify their relationship to the offender.

Demographic and contextual characteristics of violence against women

Violence against women perpetrated by intimates was consistent across racial and ethnic boundaries. No statistically significant differences existed between these groups. Black and white women and Hispanic and non-Hispanic women sustained about the same amount of violence by intimate partners (table 6).

Compared to all other age groups, women age 19 to 29 reported more violence by intimates. Women age 12 to 18 were more likely than women older than 18 to report violence against them by friends or acquaintances. In general, women over age 65 were the least likely to experience an act of violence.

Women with an annual family income under \$10,000 were more likely to report having experienced violence by an intimate than those with an income over \$10,000.

Among victims of violence committed by an intimate, the victimization rate of women separated from their husbands was about 3 times higher than that of divorced women and about 25 times higher than that of married women. Because the NCVS reflects a respondent's marital status at the time of the interview, it is not possible

Homicide of men and women

Because the NCVS is a survey of individuals about their victimization experiences, it does not gather data on homicides. The Uniform Crime Reports (UCR), collected by the Federal Bureau of Investigation, provides the number of homicides known to police.

The 1992 UCR reported the victim-offender relationship for 61% of the homicide incidents. The reported patterns of intimate perpetration for men and women were similar to those for other types of victimizations collected by the NCVS.

Female victims of homicide were significantly more likely to be killed by a husband, ex-husband, or boyfriend than male victims were to be killed by their wife, ex-wife, or girlfriend. In 1992 approximately 28% of female victims of homicide (1,414 women) were known to have been killed by their husband, ex-husband, or boyfriend. In contrast, just over 3% of male homicide victims (637 men) were known to have been killed by their wife, ex-wife, or girlfriend.

Homicides	Percent of all homicides in 1992	
	Female victims	Male victims
Victim-offender relationship		
Spouse/ex-spouse	18.0%	2.2%
Boy/girlfriend	10.3	1.4
Other relative	10.2	5.5
Acquaintance/friend	22.0	34.6
Stranger	8.6	15.0
Relationship not identified	30.9	41.3
Number of incidents		
Relationship identified	3,454	10,351
Relationship not identified	1,547	7,824
Total number of incidents	5,001	17,635

Note: Because in 41% of male homicides and 31% of female homicides the victim-offender relationship was not identified, readers are urged to use caution in interpreting these estimates.

Source: FBI Uniform Crime Reports 1992

to determine whether a woman was separated or divorced at the time of the violence or if separation or divorce followed the violence.

In general, there was little variation in the extent to which women living in urban, suburban, and rural locations experienced violence by intimates. However, urban women were more likely than either suburban or rural women to experience violence by strangers.

Weapons and violence against women

About a fifth of all lone-offender violence against women involved a weapon. Compared to known offenders, violent offenders who were strangers to the female victim were more likely to carry or use a weapon.

	Percent of violent victimizations against women involving weapons
All lone-offender violent crimes	20%
Victim/offender relationship	
Intimate	18%
Other relative	17
Acquaintance/friend	16
Stranger	30

Injured female victims of crime

Women were more likely to be injured in violent incidents committed by intimates than in incidents committed by strangers. However, there was no significant difference across relationship categories in the extent to which injured victims required medical care. This lack of difference may reflect less severe injuries for intimate victims or may reflect factors which keep some women from seeking medical care.

	Female victims	
	Sustaining injury	Percent of injured who required medical care
All lone-offender violent crimes	33%	41%
Victim/offender relationship		
Intimate	52%	41%
Other relative	38	35
Acquaintance/friend	26	43
Stranger	20	37

Women's Injury and reporting to police

Compared to violence without injury, a higher percentage of violence against women involving injury was reported to police. Victimization which resulted in injury were equally likely to be reported to police regardless of the relationship between the victim and offender.

	Percent of violent victimizations against women reported to police
All lone-offender violent crimes	
Injured	54%
Not injured	39
Victim/offender relationship	
Intimate	
Injured	55%
Not injured	46
Other relative	
Injured	52
Not injured	39
Acquaintance/friend	
Injured	50
Not injured	33
Stranger	
Injured	56
Not injured	42

Rape and other sexual assaults against women

The redesigned NCVS now obtains information on a broad scope of sexual assaults, ranging in severity from completed rape to a verbal threat of sexual assault. Sexual assaults other than rape were not measured in the earlier victimization survey.

A completed rape is a report of a respondent physically forced or psychologically coerced to engage in sexual intercourse. Intercourse is an act of vaginal, anal, or oral penetration by the offender(s), including penetration by a foreign object. (For more information on NCVS methodology as it relates to rape and sexual assault, see *Methodology* in this report, on pages 6-7. Also see the forthcoming *Criminal Victimization in the United States, 1993*, Appendix).

Victimizations not involving completed or attempted sexual intercourse but having some form of sexual behavior forced on the victim were categorized as sexual assault. These crimes in-

Table 7. Number and rate of rapes and sexual assaults of female victims age 12 or older, by type of assault, 1992-93

Type of victimization	Average annual number of incidents	Percent of all rapes/sexual assaults	Average annual rate per 1,000 females age 12 or older
Rape/Sexual assault	500,200	100%	4.6
Completed rape	172,400	34%	1.6
Attempted rape	141,200	28	1.3
Sexual assault with serious injury	23,600	5	0.2
Sexual assault with minor injury	20,700	4	0.2
Sexual assault without injury	75,800	15	0.7
Verbal threat of rape	29,200	6	0.3
Verbal threat of sexual assault	37,300	7	0.3

Note: Detailed numbers and percentage distribution may not add to total because of rounding. Average annual numbers have been rounded to the nearest 100. This table does not include sexual contact without force.

Table 8. Victim-offender relationship in rapes and sexual assaults of female victims age 12 or older, by type of assault, 1992-93

Type of victimization	Percent of lone-offender victimizations against females				
	Total	Intimate	Other relative	Acquaintance/friend	Stranger
Rape/Sexual assault	100%	26%	3%	53%	18%
Completed rape	100	39	*	50	8
Attempted rape	100	24	*	49	23
Sexual assault with injury	100	23	*	42	28
Sexual assault without injury	100	13	*	75	*
Verbal threat of rape or sexual assault	100	*	*	53	42

Note: This table does not include sexual contact without force. Percentage distributions may not total 100% because some victims did not identify the offender's relationship to them and because of rounding.

*Ten or fewer sample cases.

cluded assaults and threats, and they generally involved sexual contact such as the offender's grabbing or fondling the victim.

Sexual assaults also included incidents in which the offender's motive was not clear. If victims reported that they had been sexually attacked but could not or would not say that it was a rape or an attempted rape, the incident was classified as a sexual assault. (For more information about screening questions, see *Methodology* and the comparisons on page 8.)

Each year an estimated 500,000 women were the victims of some form of rape or sexual assault (table 7). Thirty-four percent of these victimizations were completed rapes, and an additional 28% were attempted rapes.

Women were more likely to report being raped or sexually assaulted by friends or other acquaintances than by intimates, relatives, or strangers. Friends and acquaintances committed about half of all rapes and sexual assaults (table 8). Intimates committed an additional 26%. Altogether, offenders known to the victim accounted for about three-quarters of all rapes and sexual assaults against women. Strangers committed 18% of such assaults.

Methodology

Except for homicide data provided by the Uniform Crime Reports (UCR), the tables in this report include data from the redesigned National Crime Victimization Survey (NCVS) for 1992 and 1993. The NCVS obtains information about crimes, including incidents not reported to police, from a continuous, nationally representative sample of households in the United States. Approximately 50,000 households and 100,000 individuals age 12 or older are interviewed for the survey annually. References in this report to "women" or "females" include adolescents but not children under age 12. For more information about the NCVS sample, see *Criminal Victimization in the United States, 1993*, NCJ-151657, forthcoming, published in an annual

series by the Bureau of Justice Statistics.

This report includes data on series victimizations. A series crime incident is defined by the NCVS as a crime in which a respondent experienced at least six similar victimization incidents during the given reference period (previous 6 months) but could not report the date and details of each clearly enough to report them separately. These incidents are recorded as one series incident and included in all tables. The characteristics of the incident are based on those represented in the last incident in the series.

The redesigned screening instrument

A goal of the NCVS redesign was to produce more accurate reporting of incidents of rape and sexual assault and other crimes committed by intimates and family members. The new NCVS methodology encourages respondents to report incidents of this nature in a number of ways. Questions were added to let respondents know that the survey is interested in a broad spectrum of incidents, not just those involving weapons, severe violence, or violence perpetrated by strangers. In addition to the new questions, new methods of cuing respondents about potential experiences with victimization have also been added. For example, instead of the yes/no question-and-answer format of the previous screener, the new screener provides an extended list of cues regarding crime victimizations and situations in which victimizations might have occurred. (See page 8.) Another general change in the new screener has been the replacement of criminal justice terms with more behavior-specific language.

The redesign's enhanced ability to measure sexual assaults and intimate perpetrated violence

To more accurately capture sexual assaults and intimate perpetrated violence, two frames of reference have been added or more explicitly defined in the NCVS screener. The first relates to crimes being committed by someone the respondent knows

and the second relates to possible locations of a crime or activities the respondent may have been involved in.

In addition, explicit cuing for rape and other sexual assaults is included in the new screening instrument.

Definition of relationship

Intimates: Includes spouses or ex-spouses, boyfriends and girlfriends, or ex-boyfriends and ex-girlfriends.

Other relatives: Parents or step-parents, children or step-children, brothers or sisters, or some other relative.

Friends/acquaintances: Friends or former friends, roommates or boarders, schoolmates, neighbors, someone at work, or some other known nonrelative.

Strangers: Anyone not known previously by the victim.

Definitions of violent crimes

Rape: Carnal knowledge through the use of force or threat of force, including attempts; attempted rape may consist of verbal threats of rape. It includes male as well as female victims.

The definition from the NCVS interviewer's manual is: "Rape is forced sexual intercourse and includes both psychological coercion as well as physical force. Forced sexual intercourse means vaginal, anal or oral penetration by the offender(s). This category also includes incidents where the penetration is from a foreign object such as a bottle."

Respondents are asked a series of questions about attacks, rapes, attempted rapes, sexual attacks and forced or coerced unwanted sex. These questions are asked directly and are accompanied by cues about the offender (casual acquaintance, co-worker, neighbor, friend, relative, and so on). If the respondent replies in the affirmative to any of these questions or cues, an Incident Report is filled out to gather details. In gathering these details, interviewers are instructed to ask "Do you mean forced or coerced sexual intercourse?" to determine whether the incident should be recorded as a rape. If the respondent

requests clarification of the terms "rape" or "sexual intercourse," interviewers may read the above definition from the interviewer's manual.

Assault: An unlawful physical attack, whether aggravated or simple, upon a person. It includes attempted assaults with or without a weapon, but excludes rape, attempted rape, and attacks involving theft or attempted theft (classified as robbery). Severity of assaults are classified into two major subcategories:

1. **Simple assault:** An attack without a weapon resulting either in minor injury (that is, bruises, black eyes, cuts, scratches, swelling) or in undetermined injury requiring less than 2 days of hospitalization. It also includes attempted assault without a weapon and verbal threats of assault.

2. **Aggravated assault:** An attack or attempted attack with a weapon regardless of whether or not an injury occurred, and attack without a weapon when serious injury results. Serious injury includes broken bones, loss of teeth, internal injuries, loss of consciousness, and any injury requiring two or more days of hospitalization.

Sexual assault: A wide range of victimizations, separate from rape or attempted rape. These crimes include attacks or attempted attacks generally involving (unwanted) sexual contact between victim and offender. Sexual assaults may or may not involve force and include such things as grabbing or fondling. Sexual assault also includes verbal threats.

Robbery: Completed or attempted theft, directly from a person, of property or cash by force or threat of force, with or without a weapon.

Definition of location

To define the location categories, this report utilizes the Office of Management and Budget's concept of Metropolitan Statistical Areas (MSA's) and classifies units of analysis into three segments based upon their relationship to a MSA: central city, outside central city, and nonmetropolitan area — labeled in this report as central

city, suburban, and rural. A more detailed description of these areas follows:

Central city: The largest city, or grouping of cities, in a MSA. In this report, city areas are categorized as those portions of metropolitan areas located in "central cities."

Suburban: A county or group of counties containing a central city, plus any contiguous counties that are linked socially and economically to the central city. In this report, suburban areas are categorized as those portions of metropolitan areas situated "outside central cities."

Rural: A county or group of counties not located inside a metropolitan statistical area. This category includes a variety of localities, including smaller cities with populations less than 50,000; however, it is primarily comprised of sparsely populated areas.

Definition of weapons

Items such as guns (pistols, revolvers, rifles, shotguns) and knives are always considered weapons. Other objects are considered weapons when they are used as weapons or when respondents felt threatened by them.

Calculation of NCVS rates

The rates in this report were annual average rates for 1992-93. The numerator of a given rate was the sum of the estimated victimizations that occurred both years for each respective demographic group; the denominator was the sum of the annual population totals for these same years and demographic groups.

Application of standard errors

The results presented in this report were tested to determine whether the observed difference between groups was statistically significant. Most comparisons mentioned in the report passed a hypothesis test at the .05 level of statistical significance (or the 95-percent confidence level) meaning that the estimated difference between comparisons was greater than twice the standard error of that difference. However, some comparisons were significant at the 90-percent confidence level only. These comparisons

were qualified by phrases such as "somewhat" or "some evidence of a difference." Comparisons which failed the 90-percent hypothesis test were not considered statistically significant.

Although the data in this report were collected over a 2-year period, some estimates were based on a relatively small number of sample cases, particularly for certain demographic groups. The data tables note when estimates were based on 10 or fewer unweighted sample cases. Because standard errors cannot be accurately computed for such estimates, it is inadvisable to compare them to other estimates. Further, caution should be used when comparing estimates not discussed in the text, since seemingly large differences may not be statistically significant at the 95-percent or even the 90-percent confidence level.

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Jan M. Chaiken, Ph.D., is the director.

BJS Special Reports address a specific topic in depth from one or more datasets that cover many topics.

Ronnet Bachman, Ph.D., BJS, and Linda E. Saltzman, Ph.D., Family and Intimate Violence Prevention Team, Division of Violence Prevention, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, wrote this report. Tom Hester and Tina Dorsey edited the report. Marilyn Marbrook, assisted by Jayne Robinson and Yvonne Boston, administered production.

August 1995, NCJ-154348

Appendix: Comparison of new and old screener questions

Screener questions for violent crimes

New (beginning January 1992)

1. Has anyone attacked or threatened you in any of these ways—
 - a. With any weapon, for instance, a gun or knife—
 - b. With anything like a baseball bat, frying pan, scissors, or stick—
 - c. By something thrown, such as a rock or bottle—
 - d. Include any grabbing, punching, or choking,
 - e. Any rape, attempted rape or other type of sexual assault—
 - f. Any face to face threats—

OR

 - g. Any attack or threat or use of force by anyone at all?
Please mention it even if you were not certain it was a crime.
2. Incidents involving forced or unwanted sexual acts were often difficult to talk about. Have you been forced or coerced to engage in unwanted sexual activity by—
 - a. someone you didn't know before
 - b. a casual acquaintance OR
 - c. someone you know well.

Screener questions for all types of crimes

New

1. Were you attacked or threatened OR did you have something stolen from you—
 - a. At home including the porch or yard—
 - b. At or near a friend's relative's, or neighbor's home—
 - c. At work or school—
 - d. In place such as a storage shed or laundry room, a shopping mall, restaurant, bank or airport—
 - e. While riding in any vehicle—
 - f. On the street or in a parking lot—
 - g. At such places as a party, theater, gym, picnic area, bowling lanes, or while fishing or hunting.

OR

 - h. Did anyone ATTEMPT to attack or attempt to steal anything belonging to you from any of these places?
2. People often don't think of incidents committed by someone they know. Did you have something stolen from you OR were you attacked or threatened by—
 - a. Someone at work or school—
 - b. A neighbor or friend—
 - c. A relative or family member—
 - d. Any other person you've met or known?
 3. Did you call the police to report something that happened to YOU which you thought was a crime?
 4. Did anything happen to you which you thought was a crime, but did NOT report to the police?

Old (1972-92*)

1. Did anyone take something directly from you by using force, such as by a stickup, mugging or threat?
2. Did anyone TRY to rob you by using force or threatening to harm you?
3. Did anyone beat you up, attack you or hit you with something, such as a rock or bottle?
4. Were you knifed, shot at, or attacked with some other weapon by anyone at all?
5. Did anyone THREATEN to beat you up or THREATEN you with a knife, gun, or some other weapon, NOT including telephone threats?
6. Did anyone TRY to attack you in some other way?

*During 1992 half of the sampled households responded to the old questionnaire, and half, to the redesigned survey.

Old

1. Was anything stolen from you while you were away from home, for instance, at work, in a theater or restaurant, or while traveling.
2. Did you call the police to report something that happened to YOU which you thought was a crime?
3. Did anything happen to YOU which you thought was a crime, but did NOT report to the police?

The table below compares results from this report, based on redesigned NCVS methodology, with results from an earlier report, using data from the old questionnaire (*Violence against Women*, NCJ-145325).

		Average annual rate of violent victimization per 1,000 persons	
		Female	Male
Old survey methodology, 1987-91			
Intimate		5.4	.5
Other relative		1.1	.7
Acquaintance/friend		7.6	13.0
Stranger		5.4	12.2
New NCVS methodology, 1992-93			
Intimate		9.4	1.4
Other relative		2.8	1.2
Acquaintance/friend		12.9	17.2
Stranger		7.4	19.0

tim and the victim/ offender relationship. The rates presented in this table are based on different time periods; however, analysis of data for overlapping periods confirms these patterns. (See *Criminal Victimization in the United States, 1993*, NCJ-151657, Appendix, forthcoming, by the Bureau of Justice Statistics.)

Appendix table 1

Title IV - Violence Against Women

Implementation Responsibilities

Programs to be administered by...

DOJ/OJP:

- Education and Prevention Grants to Reduce Sexual Assaults Against Women
- Training Programs (for probation and parole officers who work with released sex offenders)
- Grants to Encourage Arrest Policies (domestic violence cases)
- Rural Domestic Violence and Child Abuse Enforcement Assistance
- Payment of Cost of Testing for Sexually Transmitted Diseases
- Grants under the National Stalker and Domestic Violence Reduction (to improve data processing)

DOJ/Criminal Division:

- Interstate Enforcement on:
 - Domestic Violence
 - Violation of Protection Orders

DOJ/U.S. Attorney's Office:

- Mandatory Restitution for Sex Crimes
- Federal Victim's Counselors

Department of Health and Human Services:

- Education and Prevention Grants to Reduce Sexual Abuse of Runaway, Homeless, and Street Youth
- Grant for a National Domestic Violence Hotline
- Grants for Battered Women's Shelters
- Demonstration Grants for Community Initiatives
- Youth Education and Domestic Violence (four model programs)

Department of Transportation:

- Grants for Capital Improvements to Prevent Crime in Public Transportation

Department of the Interior:

- National Park System Crime Prevention Assistance
- Capital Improvement and Other Projects to Reduce Crime

State Justice Institute:

- Training Grants (for judges and court personnel)

Joint DOJ/HHS Advisory Commission?

Grants to Combat Violent Crime Against Women: Proposed Regulations



As published in the *Federal Register*, December 28, 1994

NCJ 152159

DEPARTMENT OF JUSTICE
Office of Justice Programs
December 28, 1994

28 CFR Part 90
[OJP No. 1015]
RIN 1121-AA27

Grants to Combat Violent Crimes Against Women

AGENCY: U.S. Department of Justice, Office of Justice Programs.

ACTION: Proposed Rule.

SUMMARY: This proposed rule implements and requests comments on the Grants to Combat Violence Against Women Program as authorized by Sections 2001 through 2006 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Title IV, Section 40121 of the Violent Crime Control and Law Enforcement Act of 1994.

DATE: Comments on this proposed rule must be received on or before February 27, 1995.

ADDRESS: All comments concerning these proposed regulations should be addressed to the Office of the General Counsel, Office of Justice Programs, Room 1245, 633 Indiana Avenue, NW, Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT:
The Department of Justice Response Center at 1-800-421-6770 or (202)301-1480.

SUPPLEMENTARY INFORMATION:
The Violence Against Women Act (VAWA), as enacted by the 103rd Congress, is set out in Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796 (Sept. 13, 1994). VAWA, in part, amends the Omnibus Crime Control and Safe Streets Act of 1968, as amended (the Omnibus Act), 42 U.S.C. § 3711 *et seq.* by adding a new 'Part T'. Part T comprises Sections 2001 through 2006, to be codified at 42 U.S.C. §§ 3796gg through 3796gg-5.

Unless otherwise specified, statutory references to those provisions will be to the Sections in Part T of the Omnibus Act, as amended by VAWA.

This new program authorizes FY 1995 Federal financial assistance to States for developing and strengthening effective law enforcement and prosecution strategies and victim services in cases involving violent crimes against women. Units of local government, Indian tribal governments and non-profit, non-governmental victim service programs are eligible to apply to States for subgrants under this program. Indian tribal governments are also eligible to apply directly to the Office of Justice Programs for discretionary grants under Subpart C of these regulations.

Statement of the Problem

There are three aspects to violence against women in the United States which reflect the compelling nature of the problem. First, there are a tremendous number of incidents of violent crimes against women, many of which are often hidden and under-reported. The following statistics taken from the Bureau of Justice Statistics' 1994 data from the National Crime Victimization Survey, and a recent Bureau of Justice Statistic report, *Violence Against Women* (January 1994), paint a grim picture of violence against women in America:

- ☐ Over two-thirds of violent crimes committed against women were committed by someone known to them.
- ☐ Over 1 million women a year are victims of violence perpetrated by husbands or boyfriends.

- ❑ Every year, nearly 500,000 women age 12 or older are victims of rape or attempted rape.
- ❑ Data from 1992 show that one-third of all female murder victims over age 14 were killed by an intimate, such as a boyfriend, spouse, or ex-spouse.
- ❑ Over half of the family violence crime victimizations result in injuries to the victim; female victims are more likely to sustain injuries at the hands of intimates than strangers.
- ❑ Less than half of all violent crime against women is ever reported to law enforcement officials.
- ❑ Over one-fifth of those convicted of intimate violent offenses reported having been physically or sexually abused during childhood.
- ❑ Over one-third of those incarcerated for harming an intimate had a previous conviction for a violent offense.

Second, it is only recently that society has begun to view violence against women as a serious criminal problem. In domestic violence cases, where the victim knows the perpetrator, there has been a tendency to consider the matter a private dispute and not a crime for public scrutiny or judgment. Even when the violence comes at the hands of a stranger, as in many cases of sexual assault, the incident has too often been blamed more on the victim than on the perpetrator.

The third aspect of the problem lies in the traditional response by the justice system to incidents of violence against women. Existing criminal justice and victim services efforts to alleviate the problem have been fragmented due to lack of resources and/or coordination. Consequently, the criminal justice system has too often not been responsive to women in domestic violence and sexual assault cases.

The Violence Against Women Act of 1994

VAWA reflects a firm commitment towards working to change the criminal justice system's response to violence that occurs when any woman is threatened

or assaulted by someone with whom she has or has had an intimate relationship, with whom she was previously acquainted, or who is a stranger. By committing significant Federal resources and attention to issues of violence against women, VAWA can assist the nation's criminal justice system in responding to the needs and concerns of women who have been, or potentially could be, victimized by violence.

Law Enforcement and Prosecution Grants To Reduce Violent Crimes Against Women

For FY 1995, Congress appropriated \$26 million to the Department of Justice as a down payment towards assistance to combat violent crimes against women. Part T authorizes an appropriation of \$130 million for FY 1996 and increasing amounts in following years.

Thus, the \$26 million appropriation for FY 1995 is the initial step of a multi-year program designed to encourage States to implement innovative and effective criminal justice approaches to this problem. VAWA enumerates the following seven broad purpose areas for which funds may be used:

- 1) training for law enforcement officers and prosecutors to identify and respond more effectively to violent crimes against women, including crimes of sexual assault and domestic violence;
- 2) developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women;
- 3) developing and implementing more effective police and prosecution policies and services for preventing and responding to violent crimes against women;
- 4) developing and improving data collection and communications systems linking police, prosecutors, and courts or for purposes of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions;

5) developing, expanding, or improving victim services programs, including improved delivery of such services for racial, cultural, and ethnic minorities, and providing specialized domestic violence court advocates;

6) developing and enhancing programs addressing stalking; and

7) developing and enhancing programs addressing the special needs and circumstances of Indian tribes in dealing with violent crimes against women.

Additionally, by statute, 4% of the of the amount appropriated each year is available for Indian tribal governments through a discretionary program. For FY 1995, this program will fund up to fifteen to twenty programs. Tribes, which may apply individually or as a consortium in order to maximize resources, are encouraged to develop programs which address their unique needs.

A Coordinated and Integrated Approach to the Problem

By definition, a coordinated and integrated approach suggests a partnership among law enforcement, prosecution, the courts, victim advocates and service providers. The goal of this program is to encourage States and localities to restructure and strengthen the criminal justice response to be proactive in dealing with this problem; to draw on the experience of all the players in the system, including the advocate community; and to develop a comprehensive set of strategies to deal with this complex problem. The development of such strategies necessitates collaboration among police, prosecutors, the courts, and victim services providers. Thus, the program requires that jurisdictions draw into the planning process the experience of non-governmental victim services and State domestic violence and sexual assault coalitions, as well as existing domestic violence and sexual assault task forces and coordinating councils, in addition to police, prosecutors and the courts. Examples of innovative approaches include those:

❑ Instituting comprehensive training programs to change attitudes that have traditionally prevented the criminal justice system from adequately responding to the problem.

❑ Forming specialized units within police departments and prosecutors' offices, or specialized multidisciplinary units, devoted exclusively to the handling of domestic violence and sexual assault cases.

❑ Establishing sexual trauma units in emergency rooms where forensic examinations, victim counseling, and victim advocacy are equally available.

❑ Developing strategies that maximize resources by establishing regional approaches, such as the registration and enforcement of protective orders across jurisdictional lines.

❑ Establishing protocols to achieve better coordination in the handling of cases involving violence against women between civil and criminal courts.

❑ Establishing and expanding victim services that address the special needs of women from minority and ethnic communities, women who are disabled, or who do not speak English.

Eligibility Requirements Applicable To The States

To be eligible to receive grants under this program, States must develop plans which comply with the requirements set out in VAWA. Although grant amounts are limited for FY 1995, States should plan their VAWA activities with a view to implementing a continuing program over the next several years.

First, States will have to demonstrate how they plan each year to distribute their grant funds. At least 25% must be allocated to law enforcement, 25% to prosecution, and 25% to victim services programs. (Section 2002(c)(3).) Second, priority must be given to areas within the State of varying geographic size with the greatest showing of need. Need is based on population and the availability of existing domestic violence and sexual assault programs in the population and geographic area to

be served. (Section 2002(e)(2)(C).) States must insure equitable geographic distribution among urban, non-urban, and rural areas. They must also address the needs of populations previously underserved due to geographic location, racial or ethnic barriers, or special needs such as language barriers or physical disabilities. (Section 2002(e)(2)(D).) States are encouraged to develop preliminary multi-year plans for the disbursement of funds based on geography, need, and underserved populations to achieve a balanced distribution, consistent with the statute, over the life of the program extending through FY 2000.

Third, in their applications, States and Indian tribal governments must certify that they (or another level of government) will incur the full out-of-pocket costs for forensic medical exams involving sexual assault victims. (Section 2005(a)(1).) Additionally, each State and Indian tribal government must also provide certification that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the victim bear the costs associated with the filing of criminal charges against the domestic violence offender, or the costs associated with the issuance or service of a warrant, protection order, and witness subpoena. (Section 2006(a)(1).) If the latter condition is not satisfied, States and Indian tribal governments must provide assurances that they will be in compliance by September 13, 1996, or at the end of the next legislative session, whichever is later.

Finally, an important goal of the legislation is to create vehicles for the various participants in the system to begin a dialogue. To help foster this communication, States are required to consult and coordinate with non-profit, non-governmental victim services programs, including sexual assault and domestic violence victim services programs.

Indian Tribal Governments Discretionary Program

Indian tribal governments are eligible recipients for these funds either through the States as subgrantees

or directly from the Office of Justice Programs through a small discretionary program. As described, the Office of Justice Programs will make grants to States and the State will make funds available to units of local government, Indian tribal governments and non-profit, non-governmental victim services programs. In addition, VAWA requires that 4% of the total funds be set aside for Indian tribal governments. These funds may be used for the same general purposes set out for the State recipients in the block grant program.

Tribes will be invited to make individual applications, or apply as a consortium or as an inter-tribal group. VAWA defines Indian tribes to include both those with and without law enforcement authority. (Section 2003(3).) Consequently, the requirement applicable to State block grants, that at least 25% of the total grant award be allocated respectively to law enforcement, prosecution, and victim assistance, would not be applicable to Indian tribal governments that do not have law enforcement authority. Nonetheless, program plans should be developed through consultation with tribal law enforcement, prosecutors, courts, and victims services to the extent they exist. Tribal applicants are also encouraged to integrate into their plans traditional models of dispute resolution such as peacemaker forums. Additionally, tribes may want to develop a domestic violence code, if one is not already in place, to facilitate the implementation of strategies which have reduced violence against women in other court systems.

Funding limits the number of discretionary grants in FY 1995 to approximately fifteen to twenty awards. To be eligible for funding under the discretionary program, Indian tribal governments must comply with the forensic exam cost and the filing and serving fee requirements applicable to the State block grant program.

Technical Assistance and Training/ Evaluation

The Office of Justice Programs intends to assist States and Indian tribal governments in meeting the

program goal of developing effective coordinated and integrated strategies. A small portion of the funds provided under this program has been set aside to provide specialized training and technical assistance to States and units of local government and Indian tribal governments to help restructure the system's response to violence against women.

Further, consistent with the statute, the Office of Justice Programs, in conjunction with the National Institute of Justice, will evaluate the effectiveness of the programs established with these funds. Recipients of grants must agree to cooperate with Federally-sponsored evaluations of their projects. In addition, the Attorney General is required by VAWA to report to Congress on a profile of the persons served, the programs funded, and their effectiveness. Program recipients must therefore specifically provide a statistical summary of persons served, detailing the nature of victimization, and providing data on age, relationship of victim to offender, geographic distribution, race, ethnicity, language, and disability. Additionally, program recipients are expected to cooperate with any investigations or audits performed by components of the Department of Justice, including the Civil Rights Division or the Office of the Inspector General.

Request for Comments

The Office of Justice Programs seeks to fulfill Congressional intent by soliciting, encouraging and incorporating comments on all aspects of this program while ensuring that the statutory limitations are applied appropriately to all recipients. Comments are specifically solicited on, but not limited to, the following issues:

- 1) The scope of the impact on States, units of local government, and Indian tribal governments of the mandate, contained in Section 90.14 of Subpart B of this regulation, that exempts sexual assault victims from paying out-of-pocket expenses with regard to forensic medical exams.
- 2) Whether the scope of the services identified in Section 90.2(b) of Subpart A (the definition of

forensic exam) of this proposed regulation adequately covers the needs of victims and prosecutors.

- 3) The special needs of Indian tribal governments in implementing the discretionary grant program.
- 4) The scope of the impact on States, units of local government, and Indian tribal governments of the mandate, contained in Section 90.15 of Subpart B of this regulation, prohibiting the imposition of criminal court-related costs on domestic violence victims, and proposed timetables for States, local governments and Indian tribal governments in meeting this mandate.
- 5) Approaches to addressing allocation and distribution requirements applicable to States, as set out in Section 90.16 of Subpart B, in making subgrants to units of local government.

A detailed Program Announcement for the States for FY 1995 will be available in March 1995. An Application Kit for Indian tribal governments will also be available in March 1995.

Administrative Requirements

The Office of Justice Programs has determined that this rule is a "significant regulatory action" for purposes of Executive Order 12866 and, accordingly, this rule has been reviewed by the Office of Management and Budget.

In addition, this rule will not have a significant impact on a substantial number of small entities; therefore, an analysis of the impact of these rules on such entities is not required by the Regulatory Flexibility Act, 5 U.S.C. § 601 *et seq.*

No information requirements are contained in this rule. Any information collection requirements contained in future application notices for this program will be reviewed by the Office of Management and Budget, as is required by provisions of the Paperwork Reduction Act, 44 U.S.C. § 3504(h).

List of Subjects

Grant Programs, Judicial Administration.

For the reasons set out in the preamble, Title 28, Chapter I of the Code of Federal Regulations is proposed to be amended by adding the new Part 90 as set forth below.

Part 90—Violence Against Women

Subpart A—General Provisions

Sec.

- 90.1 General
- 90.2 Definitions

Subpart B—Grants To Combat Violence Against Women Program

- 90.10 Description of Grants To Combat Violence Against Women
- 90.11 Program Criteria
- 90.12 Eligible Purposes
- 90.13 Eligibility
- 90.14 Rape Exam Payment Requirement
- 90.15 Filing Costs for Criminal Charges
- 90.16 Availability and Allocation of Funds
- 90.17 Matching Requirements

- 90.18 Non-supplantation
- 90.19 State Office
- 90.20 Application Content
- 90.21 Evaluation
- 90.22 Review of State Applications
- 90.23 Grantee Reporting

Subpart C—Discretionary Grants for Indian Tribal Governments

- 90.50 Indian Tribal Governments Discretionary Program
- 90.51 Program Criteria for Indian Tribal Government Discretionary Grants
- 90.52 Eligible Purposes
- 90.53 Eligibility of Indian Tribal Governments
- 90.54 Allocation of Funds
- 90.55 Matching Requirements
- 90.56 Non-supplantation
- 90.57 Application Content
- 90.58 Evaluation
- 90.59 Grantee Reporting

Authority: Title I of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3711 *et seq.*, as amended by Pub. L. No. 103-322.

Subpart A--General Provisions

§ 90.1 General.

a) This Part implements provisions of the Violence Against Women Act (VAWA), which was enacted by Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322 (Sept. 13, 1994).

b) Subpart B of this part defines program eligibility criteria and sets forth requirements for application for and administration of formula grants to States to combat violent crimes against women. This program under VAWA was enacted as a new

'Part T' of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (the Omnibus Act), codified at 42 U.S.C. §§ 3796gg through 3796gg-5. Units of local government, Indian tribal governments, and non-profit, non-governmental victim services programs are eligible to apply for subgrants from this program.

c) Indian tribal governments are eligible to receive assistance as part of the State program pursuant to Subpart B of this part. In addition, Indian tribal governments may apply directly for discretionary grants under Subpart C of this part.

§ 90.2 Definitions.

a) **Domestic Violence.** As used in this Part, “domestic violence” includes felony or misdemeanor crimes of violence (including threats or attempts) committed:

- 1) by a current or former spouse of the victim;
- 2) by a person with whom the victim shares a child in common;
- 3) by a person who is co-habiting with or has co-habited with the victim as a spouse;
- 4) by a person similarly situated to a spouse of the victim under domestic or family violence laws of the jurisdiction receiving grant monies; or
- 5) by any other adult person against a victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction receiving grant monies. (Section 2003(1).)

b) **Forensic Medical Examination.** The term “forensic medical examination” means:

- 1) All medical diagnostic procedures performed for a sexual assault victim, including, but not limited to:
 - i) examination of physical trauma;
 - ii) determination of penetration, force, or lack of consent;
 - iii) patient interview; and
 - iv) collection and evaluation of evidence.
- 2) The records and test results of such diagnostic procedures and evidence collection must be obtained in a manner suitable for use in a court of law.

c) **Indian Tribe.** The term “Indian Tribe” means a tribe, band, pueblo, nation, or other organized

group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. § 1601 *et seq.*), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. (Section 2003(3).)

d) **Law Enforcement.** The term “law enforcement” means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs). (Section 2003(4).)

e) **Prosecution.** For purpose of this program the term “prosecution” means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency’s component bureaus such as governmental victim services programs. (Section 2003(5).)

f) **Sexual Assault.** The term “sexual assault” means any conduct proscribed by Chapter 109A of Title 18, United States Code, and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim. (Section 2003(6).)

g) **State.** The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

h) **Unit of Local Government.** For the purposes of Subpart B of this part, the term “unit of local government” means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, or Indian tribe which performs law enforcement functions as determined by the Secretary of Interior, or for the purpose of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia and the Trust Territory of the Pacific Islands.

i) **Victim Services.** The term “victim services” means a private non-profit, non-governmental organization that assists domestic violence or sexual assault victims, including rape crisis centers, battered women’s shelters, and other sexual assault or domestic violence programs, such as non-profit, non-governmental organizations assisting domestic violence or sexual assault victims through the legal process. (Section 2003(8).)

Subpart B—Grants To Combat Violence Against Women Program

§ 90.10 Description of Grants To Combat Violence Against Women.

It is the purpose of this program to assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women. (Section 2001(a).)

§ 90.11 Program Criteria.

a) The Assistant Attorney General for the Office of Justice Programs is authorized to make grants to the States, for use by States, Indian tribal governments, units of local government and non-profit, non-governmental victim services programs for the purpose of developing and strengthening effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women.

b) States and localities shall develop plans for implementation and shall consult and coordinate with non-profit, non-governmental victim services programs, including sexual assault and domestic violence victim services programs. (Section 2002(c)(2).) The goal of the planning process is the

enhanced coordination and integration of law enforcement, prosecution, and victim services in the prevention, identification, and response to cases involving violence against women. States and localities are encouraged to include Indian tribal governments in developing their plans. States and localities should, therefore, consider the needs of Indian tribal governments in developing their law enforcement, prosecution and victims services in cases involving violence against women. Indian tribal governments may also be considered subgrantees of the State. (Section 2002(a).)

§ 90.12 Eligible Purposes.

a) **In General.** Grants under this program shall provide personnel, training, technical assistance, evaluation, data collection and equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women.

b) **Eligible Purposes.** (Section 2001(b).) Grants under this program may be used for the following purposes:

- 1) training law enforcement officers and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of sexual assault and domestic violence;
- 2) developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault and domestic violence;
- 3) developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of sexual assault and domestic violence;

4) developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of sexual assault and domestic violence;

5) developing, enlarging, or strengthening victim services programs, including sexual assault and domestic violence programs; developing or improving delivery of victim services to racial, cultural, ethnic, and language minorities; providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted; and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault and domestic violence;

6) developing, enlarging, or strengthening programs addressing stalking; and

7) developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of sexual assault and domestic violence.

§ 90.13 Eligibility.

a) All States are eligible to apply for, and to receive, grants to combat violent crimes against women under this program. Indian tribal governments, units of local government, and non-profit, non-governmental victim service programs may receive subgrants from the States under this program.

b) For the purpose of this Subpart B, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as one State and, for these purposes, 67% of the amounts allocated shall be allocated to American Samoa, and 33% to the Commonwealth of the Northern Mariana Islands.

§ 90.14 Rape Exam Payment Requirement.

a) For the purpose of this Subpart B, a State, Indian tribal government or unit of local government shall not be entitled to funds under this program unless the State, Indian tribal government, unit of local government, or another governmental entity incurs the full costs of forensic medical exams for victims of sexual assault. (Section 005(a)(1).)

b) A State, Indian tribal government, or unit of local government shall be deemed to incur the full cost of forensic medical exams for victims of sexual assault if that governmental entity or some other:

1) provides such exams to victims free of charge;

2) arranges for victims to obtain such exams free of charge; or

3) reimburses victims for the cost of such exams if:

i) the reimbursement covers the full cost of such exams, without any deductible requirement or limit on the amount of reimbursement;

ii) the governmental entity permits victims to apply for reimbursement for not less than one year from the date of the exam;

iii) the governmental entity provides reimbursement not later than ninety days after written notification of the victim's expense; and

iv) the governmental entity provides information at the time of the exam to all victims, including victims with limited or no English proficiency, regarding how to obtain reimbursement. Section 2005(b).

§ 90.15 Filing Costs for Criminal Charges.

a) A State shall not be entitled to funds under this Subpart B unless it:

1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the victim bear the costs associated with the filing of criminal charges against the domestic violence offender, or the costs associated with the issuance or service of a warrant, protection order, and witness subpoena; or

2) assures that its laws, policies and practices will be in compliance with the requirements of paragraph (a)(1) of this section by the date on which the next session of the State legislature ends, or by September 13, 1996, whichever is later.

b) An Indian tribal government or unit of local government shall not be eligible for subgrants from the State unless it complies with the requirements of paragraph (a) of this section with respect to its laws, policies and practices.

c) If a State does not come into compliance within the time allowed in paragraph (a)(2) of this section, the State will not receive its share of the grant money whether or not individual units of local government are in compliance.

§ 90.16 Availability and Allocation of Funds.

a) Section 2002(b) provides for the allocation of the amounts appropriated for this program as follows:

1) Allocation to Indian tribal governments. Of the total amounts appropriated for this program, 4% shall be available for grants directly to Indian tribal governments. This program is addressed in Subpart C of this part.

2) Allocation to States. Of the total amounts appropriated for this program in any fiscal year, after setting aside the portion allocated for discretionary grants to Indian tribal governments covered in paragraph (a)(1) of this section, and setting aside a portion for evaluation, training and technical assistance, a base amount shall be allocated for grants to eligible

applicants in each State. After these allocations are made, the remaining funds will be allocated to each State on the basis of the State's relative share of total U.S. population. For purposes of determining the distribution of the remaining funds, the most accurate and complete data compiled by the U.S. Bureau of the Census shall be used.

3) Allocation of Funds within the State. Funds granted to qualified States are to be further subgranted by the State to agencies and programs including, but not limited to State agencies, public or private non-profit organizations, units of local government, Indian tribal governments, non-profit, non-governmental victim services programs, and legal services programs to carry out programs and projects specified in Section 90.12.

b) In distributing funds received under this part, States must:

1) Give priority to areas of varying geographic size with the greatest showing of need. In assessing need, States must consider the range and availability of existing domestic violence and sexual assault programs in the population and geographic area to be served in relation to the availability of such programs in other such populations and geographic areas. Applications submitted by a State for program funding must include a proposal which delineates the method by which States will distribute funds within the State to assure compliance with this requirement on an annual or multi-year basis. (Section 002(e)(2)(A).)

2) Take into consideration the population of the geographic area to be served when determining subgrants. (Section 2002(e)(2)(B).) Applications submitted by a State for program funding must include a proposal which delineates the method by which States will distribute funds within the State to assure compliance with this requirement on an annual or multi-year basis.

3) Equitably distribute monies on a geographic basis, including non-urban and rural areas of

various geographic sizes. (Section 2002(e)(2)(C).) Applications submitted by the State for program funding must include a proposal which delineates the method by which States will distribute funds within the State to assure compliance with this requirement on an annual or multi-year basis.

4) In disbursing monies, States must ensure that the needs of previously underserved populations are identified and addressed in its funding plan. (Section 2002(e)(2)(D).) For the purposes of this program, underserved populations include, but are not limited to, populations underserved because of geographic location (such as rural isolation), underserved racial or ethnic populations, and populations underserved because of special needs due to language barriers or physical disabilities. (Section 2003(7).) Each State has flexibility to determine its basis for identifying underserved populations, which may include public hearings, needs assessments, task forces, and U.S. Bureau of Census data. Applications submitted by the State for program funding must include a proposal which delineates the method by which States will distribute funds within the State to assure compliance with this requirement on an annual or multi-year basis.

c) States must certify that a minimum of 25% of each year's grant award (75% total) will be allocated, without duplication, to each of the following areas: prosecution, law enforcement, and victim services. (Section 2002(c)(3).) This requirement applies to States and does not apply to individual subrecipients, or Indian tribal governments.

§ 90.17 Matching Requirements.

A grant made under the State formula program may not be expended for more than 75% of the total costs of the projects specified in a State's application submission. (Section 2002(f).) The States are expected to submit a budget which identifies the source of the 25% non-Federal portion of the budget. The non-Federal expenditures must be committed for each funded project and cannot be derived from other Federal funds. States may

satisfy this 25% match through in-kind services. Indian tribes, who are subgrantees of a State under this program, may meet the 25% matching requirement for programs under Subpart B by using funds appropriated by Congress for the activities of any agency of an Indian tribal government or for the activities of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands. All funds designated as match are restricted to the same uses as the Violence Against Women Program funds and must be expended within the grant period.

§ 90.18 Non-supplantation.

Federal funds received under this part shall be used to supplement, not supplant non-Federal funds that would otherwise be available for expenditure on activities described in this part. (Section 2002(c)(4).)

§ 90.19 State Office.

a) Statewide plan and application. The chief executive of each participating State shall designate a State office for the purposes of:

- 1) certifying qualifications for funding under this Subpart B;
- 2) developing a statewide plan for implementation of the grants to combat violence against women in consultation and coordination with non-profit, non-governmental victim services programs, including sexual assault and domestic violence service programs;
- 3) preparing an application to obtain funds under this Subpart B;

b) Administration and fund dispersement. In addition to the duties specified by paragraph (a) of this section above the office shall:

- 1) administer funds received under this Subpart B, including receipt, review, processing, monitoring, progress and financial report review, technical assistance, grant adjustments, accounting, auditing and fund disbursements; and

2) coordinate the disbursement of funds provided under this part with other State agencies receiving Federal, State, or local funds for domestic or family violence and sexual assault prosecution, prevention, treatment, education, and research activities and programs.

§ 90.20 Application Content.

a) **Format.** Applications from the States for grants to Combat Violence Against Women must be submitted on Standard Form 424, Application for Federal Assistance, at a time specified by the Office of Justice Programs. The Office of Justice Programs will request the Governor of each State to identify which State agency should receive the Application Kit. The Application Kit will include a Standard Form 424, a list of assurances that the applicant must agree to, a table of fund allocations, and additional guidance on how to prepare and submit an application for grants under this Subpart.

b) **Programs.** Applications must set forth programs and projects which meet the purposes and criteria of the Grants to Combat Crimes Against Women program set out in Sections 90.11 and 90.12 on an annual or multi-year basis.

c) **Requirements.** Applicants in their applications shall at the minimum:

1) include documentation from non-profit, non-governmental victim services programs describing their participation in developing the plan as provided in Section 90.19(a);

2) include documentation from prosecution, law enforcement, and victim services programs to be assisted, demonstrating the need for grant funds, the intended use of the grant funds, the expected results from the use of grant funds, and demographic characteristics of the populations to be served, including age, marital status, disability, race, ethnicity and language background. (Section 2002(d)(1));

3) include proof of compliance with the requirements for rape exam payments as provided

in Section 90.14(a);

4) include proof of compliance with the requirements for filing and service costs for domestic violence cases as provided in Section 90.15 of this Subpart; and

5) describe how the State and its subgrantees will provide for evaluation of programs funded under this Subpart, as provided in Section 90.21(b), and agree to cooperate with the National Institute of Justice in a federally-sponsored evaluation.

d) Certifications.

1) As required by Section 2002(c) each State must certify in its application that it has met the requirements of this Subpart regarding the use of funds for eligible purposes (Section 90.12); allocation of funds for prosecution, law enforcement, and victims services (Section 90.16(c)); non-supplantation (Section 90.18); and the development of a statewide plan and consultation with victim services programs (Section 90.19(a)(2)).

2) Each State must certify that all the information contained in the application is correct, that all submissions will be treated as a material representation of fact upon which reliance will be placed, that any false or incomplete representation may result in suspension or termination of funding, recovery of funds provided, and civil and/or criminal sanctions.

§ 90.21 Evaluation.

a) The National Institute of Justice will conduct an evaluation of these programs. A portion of the overall funds authorized under this grant program will be set aside for this purpose. Recipients of funds under this Subpart must agree to cooperate with federally-sponsored evaluations of their projects.

b) Recipients of program funds are strongly encouraged to develop a local evaluation strategy to

assess the impact and effectiveness of the program funded under this Subpart. Applicants should consider entering into partnerships with research organizations that are submitting simultaneous grant applications to the National Institute of Justice for this purpose.

§ 90.22 Review of State Applications.

a) **Review Criteria.** The provisions of Part T of the Omnibus Act and of these regulations provide the basis for review and approval or disapproval of State applications and amendments in whole or in part.

b) **Intergovernmental Review.** This program is covered by Executive Order 12372 (Intergovernmental Review of Federal Programs) and implementing regulations at 28 CFR Part 30. A copy of the application submitted to the Office of Justice Programs should also be submitted at the same time to the State's Single Point of Contact, if there is a Single Point of Contact.

c) **Written notification and reasons for disapproval.** The Office of Justice Programs shall approve or disapprove applications within sixty days of official receipt and shall notify the applicant in writing of the specific reasons for the disapproval of the application in whole or in part. (Section 2002(e)(1).)

§ 90.23 Grantee Reporting.

a) Upon completion of the grant period under this Subpart, a State shall file a performance report with the Assistant Attorney General for the Office of Justice Programs explaining the activities carried out, including an assessment of the effectiveness of those activities in achieving the purposes of this part.

b) A section of the performance report shall be completed by each grantee and subgrantee that performed the direct services contemplated in the application, certifying performance of direct services under the grant. (Section 2002(h)(2).)

c) The Assistant Attorney General shall suspend funding for an approved application if:

1) an applicant fails to submit an annual performance report;

2) funds are expended for purposes other than those described in this subchapter; or

3) a report under this Section or accompanying assessments demonstrate to the Assistant Attorney General that the program is ineffective or financially unsound.

Subpart C—Discretionary Grants for Indian Tribal Governments

§ 90.50 Indian Tribal Governments Discretionary Program.

a) Indian tribal governments are eligible to receive assistance as part of the State program pursuant to Subpart B of this part. In addition, Indian tribal governments may also apply directly to the Office of Justice Programs for discretionary grants under this Subpart, based on Section 2002(b)(1).

b) Indian tribal governments under the Violence Against Women Act (VAWA) do not need to have law enforcement authority. Thus, the requirements, applicable to State formula grants under Subpart B that at least 25% of the total grant award be allocated to law enforcement and 25% to prosecution, are not applicable to Indian tribal governments which do not have law enforcement authority.

§ 90.51 Program Criteria for Indian Tribal Government Discretionary Grants.

a) The Assistant Attorney General for the Office of Justice Programs is authorized to make grants to Indian tribal governments for the purpose of developing and strengthening effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women.

b) Grantees shall develop plans for implementation and shall consult and coordinate with, to the extent

that they exist, tribal law enforcement; prosecutors; courts; and non-profit, non-governmental victim services programs, including sexual assault and domestic violence victim services programs. The goal of the planning process should be to achieve better coordination and integration of law enforcement, prosecution, and victim services in the prevention, identification, and response to cases involving violence against women.

§ 90.52 Eligible Purposes.

- a) Grants under this program may provide personnel, training, technical assistance, evaluation, data collection and equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women.
- b) Grants may be used for the following purposes (Section 2001(b)):

- 1) training law enforcement officers and prosecutors to identify and respond more effectively to violent crimes against women, including the crimes of sexual assault and domestic violence;
- 2) developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault and domestic violence;
- 3) developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of sexual assault and domestic violence;
- 4) developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of sexual assault and domestic violence;

5) developing, enlarging, or strengthening victim services programs, including sexual assault and domestic violence programs; providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted; and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault and domestic violence; and

6) developing, enlarging, or strengthening programs addressing stalking.

7) developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of sexual assault and domestic violence.

§ 90.53 Eligibility of Indian Tribal Governments.

a) **General.** Indian tribes as defined by Section 90.2 of this Part shall be eligible for grants under this Subpart.

b) Rape Exam Payment Requirement.

1) An Indian tribal government shall not be entitled to funds under this program unless the Indian tribal government (or other governmental entity) incurs the full costs of forensic medical exams for victims of sexual assault.

2) An Indian tribal government shall be deemed to incur the full cost of forensic medical exams for victims of sexual assault if, where applicable, it meets the requirements of Section 90.14(b) or establishes that another governmental entity is responsible for providing the services or reimbursements meeting the requirements of Section 90.14(b).

c) **Filing Costs for Criminal Charges Requirement.** An Indian tribal government shall not be entitled to funds under this Part unless the Indian tribal government:

1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the victim bear the costs associated with the filing of criminal charges against the domestic violence offender, or the costs associated with the issuance or service of a warrant, protection order, witness subpoena; or

2) assures that its laws, policies and practices will be in compliance with the requirements of paragraph (a) of this section by September 13, 1996. (Section 2006.)

§ 90.54 Allocation of Funds.

a) 4% of the total amounts appropriated for this program under Section 2002(b) shall be available for grants directly to Indian tribal governments.

b) Indian tribal governments may make individual applications, or apply as a consortium.

c) Limited funding restricts the awarding of grants to approximately fifteen to twenty awards in FY 1995. The selection process will be sensitive to the differences among tribal governments and will take into account the applicants' varying needs in addressing violence against women.

§ 90.55 Matching Requirements.

A grant made to an Indian tribal government under Subpart C may not be expended for more than 75% of the total cost of the projects specified in the application. Applicants should submit a budget which identifies the source of the 25% matching funds. Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide matching share of the cost of programs or projects funded. An Indian tribal government may also satisfy the 25% match through in-kind services. All funds designated as match are restricted to the same uses as the grant funds and must be expended within the grant period.

§ 90.56 Non-supplantation.

Federal funds received under this part shall be used to supplement, not supplant funds that would otherwise be available for expenditure on activities described in this part. (Section 2002(c)(4).)

§ 90.57 Application Content.

a) **Format.** Applications from the Indian tribal groups for discretionary grants to Combat Violence Against Women must, under this Subpart, be submitted on Standard Form 424, Application for Federal Assistance, at a time specified by the Office of Justice Programs.

b) Programs.

1) Applications must set forth programs and projects for a one year period which meet the purposes and criteria of the Grants to Combat Crimes Against Women program set out in Section 2001(b) and Section 90.12.

2) Plans should be developed by consulting with tribal law enforcement, prosecutors, courts, and victim services, to the extent that they exist. Applicants are also encouraged to integrate into their plans traditional models of dispute resolution, such as peacemaker forums. Additionally, tribes may want to develop a domestic violence code, if one is not already in place, to facilitate the implementation of strategies which have reduced violence against women in other court systems.

c) **Requirements.** Applicants in their applications shall at the minimum:

1) Describe the project or projects to be funded.

2) Agree to cooperate with the National Institute of Justice in a Federally-sponsored evaluation of their projects.

d) Certifications.

1) As required by Section 2002(c) each Indian tribal government must certify in its application

that it has met the requirements of this Subpart regarding the use of funds for eligible purposes (Section 90.52); and non-supplantation (Section 90.56).

2) A certification that all the information contained in the application is correct, that all submissions will be treated as a material representation of fact upon which reliance will be placed, that any false or incomplete representation may result in suspension or termination of funding, recovery of funds provided, and civil and/or criminal sanctions.

§ 90.58 Evaluation.

The National Institute of Justice will conduct an evaluation of these programs.

§ 90.59 Grantee Reporting.

a) Upon completion of the grant period under this Part, an Indian tribal grantee shall file a perfor-

mance report with the Assistant Attorney General for the Office of Justice Programs explaining the activities carried out, including an assessment of the effectiveness of those activities in achieving the purposes of this Subpart. (Section 2002(h)(1).)

b) The Assistant Attorney General shall suspend funding for an approved application if:

1) an applicant fails to submit an annual performance report;

2) funds are expended for purposes other than those described in this subchapter; or

3) a report under this Section or accompanying assessments demonstrate to the Assistant Attorney General that the program is ineffective or financially unsound.

Grants to Combat Violent Crime Against Women: Proposed Regulations



As published in the *Federal Register*, December 28, 1994

NCJ 152159

DEPARTMENT OF JUSTICE
Office of Justice Programs
December 28, 1994

28 CFR Part 90
[OJP No. 1015]
RIN 1121-AA27

Grants to Combat Violent Crimes Against Women

AGENCY: U.S. Department of Justice, Office of Justice Programs.

ACTION: Proposed Rule.

SUMMARY: This proposed rule implements and requests comments on the Grants to Combat Violence Against Women Program as authorized by Sections 2001 through 2006 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Title IV, Section 40121 of the Violent Crime Control and Law Enforcement Act of 1994.

DATE: Comments on this proposed rule must be received on or before February 27, 1995.

ADDRESS: All comments concerning these proposed regulations should be addressed to the Office of the General Counsel, Office of Justice Programs, Room 1245, 633 Indiana Avenue, NW, Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: The Department of Justice Response Center at 1-800-421-6770 or (202)301-1480.

SUPPLEMENTARY INFORMATION: The Violence Against Women Act (VAWA), as enacted by the 103rd Congress, is set out in Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796 (Sept. 13, 1994). VAWA, in part, amends the Omnibus Crime Control and Safe Streets Act of 1968, as amended (the Omnibus Act), 42 U.S.C. § 3711 *et seq.* by adding a new 'Part T'. Part T comprises Sections 2001 through 2006, to be codified at 42 U.S.C. §§ 3796gg through 3796gg-5.

Unless otherwise specified, statutory references to those provisions will be to the Sections in Part T of the Omnibus Act, as amended by VAWA.

This new program authorizes FY 1995 Federal financial assistance to States for developing and strengthening effective law enforcement and prosecution strategies and victim services in cases involving violent crimes against women. Units of local government, Indian tribal governments and non-profit, non-governmental victim service programs are eligible to apply to States for subgrants under this program. Indian tribal governments are also eligible to apply directly to the Office of Justice Programs for discretionary grants under Subpart C of these regulations.

Statement of the Problem

There are three aspects to violence against women in the United States which reflect the compelling nature of the problem. First, there are a tremendous number of incidents of violent crimes against women, many of which are often hidden and under-reported. The following statistics taken from the Bureau of Justice Statistics' 1994 data from the National Crime Victimization Survey, and a recent Bureau of Justice Statistic report, **Violence Against Women** (January 1994), paint a grim picture of violence against women in America:

- ☐ Over two-thirds of violent crimes committed against women were committed by someone known to them.
- ☐ Over 1 million women a year are victims of violence perpetrated by husbands or boyfriends.

- ❑ Every year, nearly 500,000 women age 12 or older are victims of rape or attempted rape.
- ❑ Data from 1992 show that one-third of all female murder victims over age 14 were killed by an intimate, such as a boyfriend, spouse, or ex-spouse.
- ❑ Over half of the family violence crime victimizations result in injuries to the victim; female victims are more likely to sustain injuries at the hands of intimates than strangers.
- ❑ Less than half of all violent crime against women is ever reported to law enforcement officials.
- ❑ Over one-fifth of those convicted of intimate violent offenses reported having been physically or sexually abused during childhood.
- ❑ Over one-third of those incarcerated for harming an intimate had a previous conviction for a violent offense.

Second, it is only recently that society has begun to view violence against women as a serious criminal problem. In domestic violence cases, where the victim knows the perpetrator, there has been a tendency to consider the matter a private dispute and not a crime for public scrutiny or judgment. Even when the violence comes at the hands of a stranger, as in many cases of sexual assault, the incident has too often been blamed more on the victim than on the perpetrator.

The third aspect of the problem lies in the traditional response by the justice system to incidents of violence against women. Existing criminal justice and victim services efforts to alleviate the problem have been fragmented due to lack of resources and/or coordination. Consequently, the criminal justice system has too often not been responsive to women in domestic violence and sexual assault cases.

The Violence Against Women Act of 1994

VAWA reflects a firm commitment towards working to change the criminal justice system's response to violence that occurs when any woman is threatened

or assaulted by someone with whom she has or has had an intimate relationship, with whom she was previously acquainted, or who is a stranger. By committing significant Federal resources and attention to issues of violence against women, VAWA can assist the nation's criminal justice system in responding to the needs and concerns of women who have been, or potentially could be, victimized by violence.

Law Enforcement and Prosecution Grants To Reduce Violent Crimes Against Women

For FY 1995, Congress appropriated \$26 million to the Department of Justice as a down payment towards assistance to combat violent crimes against women. Part T authorizes an appropriation of \$130 million for FY 1996 and increasing amounts in following years.

Thus, the \$26 million appropriation for FY 1995 is the initial step of a multi-year program designed to encourage States to implement innovative and effective criminal justice approaches to this problem. VAWA enumerates the following seven broad purpose areas for which funds may be used:

- 1) training for law enforcement officers and prosecutors to identify and respond more effectively to violent crimes against women, including crimes of sexual assault and domestic violence;
- 2) developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women;
- 3) developing and implementing more effective police and prosecution policies and services for preventing and responding to violent crimes against women;
- 4) developing and improving data collection and communications systems linking police, prosecutors, and courts or for purposes of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions;

5) developing, expanding, or improving victim services programs, including improved delivery of such services for racial, cultural, and ethnic minorities, and providing specialized domestic violence court advocates;

6) developing and enhancing programs addressing stalking; and

7) developing and enhancing programs addressing the special needs and circumstances of Indian tribes in dealing with violent crimes against women.

Additionally, by statute, 4% of the of the amount appropriated each year is available for Indian tribal governments through a discretionary program. For FY 1995, this program will fund up to fifteen to twenty programs. Tribes, which may apply individually or as a consortium in order to maximize resources, are encouraged to develop programs which address their unique needs.

A Coordinated and Integrated Approach to the Problem

By definition, a coordinated and integrated approach suggests a partnership among law enforcement, prosecution, the courts, victim advocates and service providers. The goal of this program is to encourage States and localities to restructure and strengthen the criminal justice response to be proactive in dealing with this problem; to draw on the experience of all the players in the system, including the advocate community; and to develop a comprehensive set of strategies to deal with this complex problem. The development of such strategies necessitates collaboration among police, prosecutors, the courts, and victim services providers. Thus, the program requires that jurisdictions draw into the planning process the experience of non-governmental victim services and State domestic violence and sexual assault coalitions, as well as existing domestic violence and sexual assault task forces and coordinating councils, in addition to police, prosecutors and the courts. Examples of innovative approaches include those:

❑ Instituting comprehensive training programs to change attitudes that have traditionally prevented the criminal justice system from adequately responding to the problem.

❑ Forming specialized units within police departments and prosecutors' offices, or specialized multidisciplinary units, devoted exclusively to the handling of domestic violence and sexual assault cases.

❑ Establishing sexual trauma units in emergency rooms where forensic examinations, victim counseling, and victim advocacy are equally available.

❑ Developing strategies that maximize resources by establishing regional approaches, such as the registration and enforcement of protective orders across jurisdictional lines.

❑ Establishing protocols to achieve better coordination in the handling of cases involving violence against women between civil and criminal courts.

❑ Establishing and expanding victim services that address the special needs of women from minority and ethnic communities, women who are disabled, or who do not speak English.

Eligibility Requirements Applicable To The States

To be eligible to receive grants under this program, States must develop plans which comply with the requirements set out in VAWA. Although grant amounts are limited for FY 1995, States should plan their VAWA activities with a view to implementing a continuing program over the next several years.

First, States will have to demonstrate how they plan each year to distribute their grant funds. At least 25% must be allocated to law enforcement, 25% to prosecution, and 25% to victim services programs. (Section 2002(c)(3).) Second, priority must be given to areas within the State of varying geographic size with the greatest showing of need. Need is based on population and the availability of existing domestic violence and sexual assault programs in the population and geographic area to

be served. (Section 2002(e)(2)(C).) States must insure equitable geographic distribution among urban, non-urban, and rural areas. They must also address the needs of populations previously underserved due to geographic location, racial or ethnic barriers, or special needs such as language barriers or physical disabilities. (Section 2002(e)(2)(D).) States are encouraged to develop preliminary multi-year plans for the disbursement of funds based on geography, need, and underserved populations to achieve a balanced distribution, consistent with the statute, over the life of the program extending through FY 2000.

Third, in their applications, States and Indian tribal governments must certify that they (or another level of government) will incur the full out-of-pocket costs for forensic medical exams involving sexual assault victims. (Section 2005(a)(1).) Additionally, each State and Indian tribal government must also provide certification that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the victim bear the costs associated with the filing of criminal charges against the domestic violence offender, or the costs associated with the issuance or service of a warrant, protection order, and witness subpoena. (Section 2006(a)(1).) If the latter condition is not satisfied, States and Indian tribal governments must provide assurances that they will be in compliance by September 13, 1996, or at the end of the next legislative session, whichever is later.

Finally, an important goal of the legislation is to create vehicles for the various participants in the system to begin a dialogue. To help foster this communication, States are required to consult and coordinate with non-profit, non-governmental victim services programs, including sexual assault and domestic violence victim services programs.

Indian Tribal Governments Discretionary Program

Indian tribal governments are eligible recipients for these funds either through the States as subgrantees

or directly from the Office of Justice Programs through a small discretionary program. As described, the Office of Justice Programs will make grants to States and the State will make funds available to units of local government, Indian tribal governments and non-profit, non-governmental victim services programs. In addition, VAWA requires that 4% of the total funds be set aside for Indian tribal governments. These funds may be used for the same general purposes set out for the State recipients in the block grant program.

Tribes will be invited to make individual applications, or apply as a consortium or as an inter-tribal group. VAWA defines Indian tribes to include both those with and without law enforcement authority. (Section 2003(3).) Consequently, the requirement applicable to State block grants, that at least 25% of the total grant award be allocated respectively to law enforcement, prosecution, and victim assistance, would not be applicable to Indian tribal governments that do not have law enforcement authority. Nonetheless, program plans should be developed through consultation with tribal law enforcement, prosecutors, courts, and victims services to the extent they exist. Tribal applicants are also encouraged to integrate into their plans traditional models of dispute resolution such as peacemaker forums. Additionally, tribes may want to develop a domestic violence code, if one is not already in place, to facilitate the implementation of strategies which have reduced violence against women in other court systems.

Funding limits the number of discretionary grants in FY 1995 to approximately fifteen to twenty awards. To be eligible for funding under the discretionary program, Indian tribal governments must comply with the forensic exam cost and the filing and serving fee requirements applicable to the State block grant program.

Technical Assistance and Training/ Evaluation

The Office of Justice Programs intends to assist States and Indian tribal governments in meeting the

program goal of developing effective coordinated and integrated strategies. A small portion of the funds provided under this program has been set aside to provide specialized training and technical assistance to States and units of local government and Indian tribal governments to help restructure the system's response to violence against women.

Further, consistent with the statute, the Office of Justice Programs, in conjunction with the National Institute of Justice, will evaluate the effectiveness of the programs established with these funds. Recipients of grants must agree to cooperate with Federally-sponsored evaluations of their projects. In addition, the Attorney General is required by VAWA to report to Congress on a profile of the persons served, the programs funded, and their effectiveness. Program recipients must therefore specifically provide a statistical summary of persons served, detailing the nature of victimization, and providing data on age, relationship of victim to offender, geographic distribution, race, ethnicity, language, and disability. Additionally, program recipients are expected to cooperate with any investigations or audits performed by components of the Department of Justice, including the Civil Rights Division or the Office of the Inspector General.

Request for Comments

The Office of Justice Programs seeks to fulfill Congressional intent by soliciting, encouraging and incorporating comments on all aspects of this program while ensuring that the statutory limitations are applied appropriately to all recipients. Comments are specifically solicited on, but not limited to, the following issues:

- 1) The scope of the impact on States, units of local government, and Indian tribal governments of the mandate, contained in Section 90.14 of Subpart B of this regulation, that exempts sexual assault victims from paying out-of-pocket expenses with regard to forensic medical exams.
- 2) Whether the scope of the services identified in Section 90.2(b) of Subpart A (the definition of

forensic exam) of this proposed regulation adequately covers the needs of victims and prosecutors.

- 3) The special needs of Indian tribal governments in implementing the discretionary grant program.
- 4) The scope of the impact on States, units of local government, and Indian tribal governments of the mandate, contained in Section 90.15 of Subpart B of this regulation, prohibiting the imposition of criminal court-related costs on domestic violence victims, and proposed timetables for States, local governments and Indian tribal governments in meeting this mandate.
- 5) Approaches to addressing allocation and distribution requirements applicable to States, as set out in Section 90.16 of Subpart B, in making subgrants to units of local government.

A detailed Program Announcement for the States for FY 1995 will be available in March 1995. An Application Kit for Indian tribal governments will also be available in March 1995.

Administrative Requirements

The Office of Justice Programs has determined that this rule is a "significant regulatory action" for purposes of Executive Order 12866 and, accordingly, this rule has been reviewed by the Office of Management and Budget.

In addition, this rule will not have a significant impact on a substantial number of small entities; therefore, an analysis of the impact of these rules on such entities is not required by the Regulatory Flexibility Act, 5 U.S.C. § 601 *et seq.*

No information requirements are contained in this rule. Any information collection requirements contained in future application notices for this program will be reviewed by the Office of Management and Budget, as is required by provisions of the Paperwork Reduction Act, 44 U.S.C. § 3504(h).

List of Subjects

Grant Programs, Judicial Administration.

For the reasons set out in the preamble, Title 28, Chapter I of the Code of Federal Regulations is proposed to be amended by adding the new Part 90 as set forth below.

Part 90—Violence Against Women

Subpart A—General Provisions

Sec.

- 90.1 General
- 90.2 Definitions

Subpart B—Grants To Combat Violence Against Women Program

- 90.10 Description of Grants To Combat Violence Against Women
- 90.11 Program Criteria
- 90.12 Eligible Purposes
- 90.13 Eligibility
- 90.14 Rape Exam Payment Requirement
- 90.15 Filing Costs for Criminal Charges
- 90.16 Availability and Allocation of Funds
- 90.17 Matching Requirements

- 90.18 Non-supplantation
- 90.19 State Office
- 90.20 Application Content
- 90.21 Evaluation
- 90.22 Review of State Applications
- 90.23 Grantee Reporting

Subpart C—Discretionary Grants for Indian Tribal Governments

- 90.50 Indian Tribal Governments Discretionary Program
- 90.51 Program Criteria for Indian Tribal Government Discretionary Grants
- 90.52 Eligible Purposes
- 90.53 Eligibility of Indian Tribal Governments
- 90.54 Allocation of Funds
- 90.55 Matching Requirements
- 90.56 Non-supplantation
- 90.57 Application Content
- 90.58 Evaluation
- 90.59 Grantee Reporting

Authority: Title I of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3711 *et seq.*, as amended by Pub. L. No. 103-322.

Subpart A--General Provisions

§ 90.1 General.

a) This Part implements provisions of the Violence Against Women Act (VAWA), which was enacted by Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322 (Sept. 13, 1994).

b) Subpart B of this part defines program eligibility criteria and sets forth requirements for application for and administration of formula grants to States to combat violent crimes against women. This program under VAWA was enacted as a new

'Part T' of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (the Omnibus Act), codified at 42 U.S.C. §§ 3796gg through 3796gg-5. Units of local government, Indian tribal governments, and non-profit, non-governmental victim services programs are eligible to apply for subgrants from this program.

c) Indian tribal governments are eligible to receive assistance as part of the State program pursuant to Subpart B of this part. In addition, Indian tribal governments may apply directly for discretionary grants under Subpart C of this part.

§ 90.2 Definitions.

a) **Domestic Violence.** As used in this Part, “domestic violence” includes felony or misdemeanor crimes of violence (including threats or attempts) committed:

- 1) by a current or former spouse of the victim;
- 2) by a person with whom the victim shares a child in common;
- 3) by a person who is co-habiting with or has co-habited with the victim as a spouse;
- 4) by a person similarly situated to a spouse of the victim under domestic or family violence laws of the jurisdiction receiving grant monies; or
- 5) by any other adult person against a victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction receiving grant monies. (Section 2003(1).)

b) **Forensic Medical Examination.** The term “forensic medical examination” means:

- 1) All medical diagnostic procedures performed for a sexual assault victim, including, but not limited to:
 - i) examination of physical trauma;
 - ii) determination of penetration, force, or lack of consent;
 - iii) patient interview; and
 - iv) collection and evaluation of evidence.
- 2) The records and test results of such diagnostic procedures and evidence collection must be obtained in a manner suitable for use in a court of law.

c) **Indian Tribe.** The term “Indian Tribe” means a tribe, band, pueblo, nation, or other organized

group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. § 1601 *et seq.*), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. (Section 2003(3).)

d) **Law Enforcement.** The term “law enforcement” means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs). (Section 2003(4).)

e) **Prosecution.** For purpose of this program the term “prosecution” means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency’s component bureaus such as governmental victim services programs. (Section 2003(5).)

f) **Sexual Assault.** The term “sexual assault” means any conduct proscribed by Chapter 109A of Title 18, United States Code, and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim. (Section 2003(6).)

g) **State.** The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

h) **Unit of Local Government.** For the purposes of Subpart B of this part, the term “unit of local government” means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, or Indian tribe which performs law enforcement functions as determined by the Secretary of Interior, or for the purpose of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia and the Trust Territory of the Pacific Islands.

i) **Victim Services.** The term “victim services” means a private non-profit, non-governmental organization that assists domestic violence or sexual assault victims, including rape crisis centers, battered women’s shelters, and other sexual assault or domestic violence programs, such as non-profit, non-governmental organizations assisting domestic violence or sexual assault victims through the legal process. (Section 2003(8).)

Subpart B—Grants To Combat Violence Against Women Program

§ 90.10 Description of Grants To Combat Violence Against Women.

It is the purpose of this program to assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women. (Section 2001(a).)

§ 90.11 Program Criteria.

a) The Assistant Attorney General for the Office of Justice Programs is authorized to make grants to the States, for use by States, Indian tribal governments, units of local government and non-profit, non-governmental victim services programs for the purpose of developing and strengthening effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women.

b) States and localities shall develop plans for implementation and shall consult and coordinate with non-profit, non-governmental victim services programs, including sexual assault and domestic violence victim services programs. (Section 2002(c)(2).) The goal of the planning process is the

enhanced coordination and integration of law enforcement, prosecution, and victim services in the prevention, identification, and response to cases involving violence against women. States and localities are encouraged to include Indian tribal governments in developing their plans. States and localities should, therefore, consider the needs of Indian tribal governments in developing their law enforcement, prosecution and victims services in cases involving violence against women. Indian tribal governments may also be considered subgrantees of the State. (Section 2002(a).)

§ 90.12 Eligible Purposes.

a) **In General.** Grants under this program shall provide personnel, training, technical assistance, evaluation, data collection and equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women.

b) **Eligible Purposes.** (Section 2001(b).) Grants under this program may be used for the following purposes:

- 1) training law enforcement officers and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of sexual assault and domestic violence;
- 2) developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault and domestic violence;
- 3) developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of sexual assault and domestic violence;

4) developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of sexual assault and domestic violence;

5) developing, enlarging, or strengthening victim services programs, including sexual assault and domestic violence programs; developing or improving delivery of victim services to racial, cultural, ethnic, and language minorities; providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted; and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault and domestic violence;

6) developing, enlarging, or strengthening programs addressing stalking; and

7) developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of sexual assault and domestic violence.

§ 90.13 Eligibility.

a) All States are eligible to apply for, and to receive, grants to combat violent crimes against women under this program. Indian tribal governments, units of local government, and non-profit, non-governmental victim service programs may receive subgrants from the States under this program.

b) For the purpose of this Subpart B, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as one State and, for these purposes, 67% of the amounts allocated shall be allocated to American Samoa, and 33% to the Commonwealth of the Northern Mariana Islands.

§ 90.14 Rape Exam Payment Requirement.

a) For the purpose of this Subpart B, a State, Indian tribal government or unit of local government shall not be entitled to funds under this program unless the State, Indian tribal government, unit of local government, or another governmental entity incurs the full costs of forensic medical exams for victims of sexual assault. (Section 005(a)(1).)

b) A State, Indian tribal government, or unit of local government shall be deemed to incur the full cost of forensic medical exams for victims of sexual assault if that governmental entity or some other:

1) provides such exams to victims free of charge;

2) arranges for victims to obtain such exams free of charge; or

3) reimburses victims for the cost of such exams if:

i) the reimbursement covers the full cost of such exams, without any deductible requirement or limit on the amount of reimbursement;

ii) the governmental entity permits victims to apply for reimbursement for not less than one year from the date of the exam;

iii) the governmental entity provides reimbursement not later than ninety days after written notification of the victim's expense; and

iv) the governmental entity provides information at the time of the exam to all victims, including victims with limited or no English proficiency, regarding how to obtain reimbursement. Section 2005(b).

§ 90.15 Filing Costs for Criminal Charges.

a) A State shall not be entitled to funds under this Subpart B unless it:

1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the victim bear the costs associated with the filing of criminal charges against the domestic violence offender, or the costs associated with the issuance or service of a warrant, protection order, and witness subpoena; or

2) assures that its laws, policies and practices will be in compliance with the requirements of paragraph (a)(1) of this section by the date on which the next session of the State legislature ends, or by September 13, 1996, whichever is later.

b) An Indian tribal government or unit of local government shall not be eligible for subgrants from the State unless it complies with the requirements of paragraph (a) of this section with respect to its laws, policies and practices.

c) If a State does not come into compliance within the time allowed in paragraph (a)(2) of this section, the State will not receive its share of the grant money whether or not individual units of local government are in compliance.

§ 90.16 Availability and Allocation of Funds.

a) Section 2002(b) provides for the allocation of the amounts appropriated for this program as follows:

1) Allocation to Indian tribal governments. Of the total amounts appropriated for this program, 4% shall be available for grants directly to Indian tribal governments. This program is addressed in Subpart C of this part.

2) Allocation to States. Of the total amounts appropriated for this program in any fiscal year, after setting aside the portion allocated for discretionary grants to Indian tribal governments covered in paragraph (a)(1) of this section, and setting aside a portion for evaluation, training and technical assistance, a base amount shall be allocated for grants to eligible

applicants in each State. After these allocations are made, the remaining funds will be allocated to each State on the basis of the State's relative share of total U.S. population. For purposes of determining the distribution of the remaining funds, the most accurate and complete data compiled by the U.S. Bureau of the Census shall be used.

3) Allocation of Funds within the State. Funds granted to qualified States are to be further subgranted by the State to agencies and programs including, but not limited to State agencies, public or private non-profit organizations, units of local government, Indian tribal governments, non-profit, non-governmental victim services programs, and legal services programs to carry out programs and projects specified in Section 90.12.

b) In distributing funds received under this part, States must:

1) Give priority to areas of varying geographic size with the greatest showing of need. In assessing need, States must consider the range and availability of existing domestic violence and sexual assault programs in the population and geographic area to be served in relation to the availability of such programs in other such populations and geographic areas. Applications submitted by a State for program funding must include a proposal which delineates the method by which States will distribute funds within the State to assure compliance with this requirement on an annual or multi-year basis. (Section 002(e)(2)(A).)

2) Take into consideration the population of the geographic area to be served when determining subgrants. (Section 2002(e)(2)(B).) Applications submitted by a State for program funding must include a proposal which delineates the method by which States will distribute funds within the State to assure compliance with this requirement on an annual or multi-year basis.

3) Equitably distribute monies on a geographic basis, including non-urban and rural areas of

various geographic sizes. (Section 2002(e)(2)(C).) Applications submitted by the State for program funding must include a proposal which delineates the method by which States will distribute funds within the State to assure compliance with this requirement on an annual or multi-year basis.

4) In disbursing monies, States must ensure that the needs of previously underserved populations are identified and addressed in its funding plan. (Section 2002(e)(2)(D).) For the purposes of this program, underserved populations include, but are not limited to, populations underserved because of geographic location (such as rural isolation), underserved racial or ethnic populations, and populations underserved because of special needs due to language barriers or physical disabilities. (Section 2003(7).) Each State has flexibility to determine its basis for identifying underserved populations, which may include public hearings, needs assessments, task forces, and U.S. Bureau of Census data. Applications submitted by the State for program funding must include a proposal which delineates the method by which States will distribute funds within the State to assure compliance with this requirement on an annual or multi-year basis.

c) States must certify that a minimum of 25% of each year's grant award (75% total) will be allocated, without duplication, to each of the following areas: prosecution, law enforcement, and victim services. (Section 2002(c)(3).) This requirement applies to States and does not apply to individual subrecipients, or Indian tribal governments.

§ 90.17 Matching Requirements.

A grant made under the State formula program may not be expended for more than 75% of the total costs of the projects specified in a State's application submission. (Section 2002(f).) The States are expected to submit a budget which identifies the source of the 25% non-Federal portion of the budget. The non-Federal expenditures must be committed for each funded project and cannot be derived from other Federal funds. States may

satisfy this 25% match through in-kind services. Indian tribes, who are subgrantees of a State under this program, may meet the 25% matching requirement for programs under Subpart B by using funds appropriated by Congress for the activities of any agency of an Indian tribal government or for the activities of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands. All funds designated as match are restricted to the same uses as the Violence Against Women Program funds and must be expended within the grant period.

§ 90.18 Non-supplantation.

Federal funds received under this part shall be used to supplement, not supplant non-Federal funds that would otherwise be available for expenditure on activities described in this part. (Section 2002(c)(4).)

§ 90.19 State Office.

a) Statewide plan and application. The chief executive of each participating State shall designate a State office for the purposes of:

- 1) certifying qualifications for funding under this Subpart B;
- 2) developing a statewide plan for implementation of the grants to combat violence against women in consultation and coordination with non-profit, non-governmental victim services programs, including sexual assault and domestic violence service programs;
- 3) preparing an application to obtain funds under this Subpart B;

b) Administration and fund disbursement. In addition to the duties specified by paragraph (a) of this section above the office shall:

- 1) administer funds received under this Subpart B, including receipt, review, processing, monitoring, progress and financial report review, technical assistance, grant adjustments, accounting, auditing and fund disbursements; and

2) coordinate the disbursement of funds provided under this part with other State agencies receiving Federal, State, or local funds for domestic or family violence and sexual assault prosecution, prevention, treatment, education, and research activities and programs.

§ 90.20 Application Content.

a) **Format.** Applications from the States for grants to Combat Violence Against Women must be submitted on Standard Form 424, Application for Federal Assistance, at a time specified by the Office of Justice Programs. The Office of Justice Programs will request the Governor of each State to identify which State agency should receive the Application Kit. The Application Kit will include a Standard Form 424, a list of assurances that the applicant must agree to, a table of fund allocations, and additional guidance on how to prepare and submit an application for grants under this Subpart.

b) **Programs.** Applications must set forth programs and projects which meet the purposes and criteria of the Grants to Combat Crimes Against Women program set out in Sections 90.11 and 90.12 on an annual or multi-year basis.

c) **Requirements.** Applicants in their applications shall at the minimum:

1) include documentation from non-profit, non-governmental victim services programs describing their participation in developing the plan as provided in Section 90.19(a);

2) include documentation from prosecution, law enforcement, and victim services programs to be assisted, demonstrating the need for grant funds, the intended use of the grant funds, the expected results from the use of grant funds, and demographic characteristics of the populations to be served, including age, marital status, disability, race, ethnicity and language background. (Section 2002(d)(1));

3) include proof of compliance with the requirements for rape exam payments as provided

in Section 90.14(a);

4) include proof of compliance with the requirements for filing and service costs for domestic violence cases as provided in Section 90.15 of this Subpart; and

5) describe how the State and its subgrantees will provide for evaluation of programs funded under this Subpart, as provided in Section 90.21(b), and agree to cooperate with the National Institute of Justice in a federally-sponsored evaluation.

d) Certifications.

1) As required by Section 2002(c) each State must certify in its application that it has met the requirements of this Subpart regarding the use of funds for eligible purposes (Section 90.12); allocation of funds for prosecution, law enforcement, and victims services (Section 90.16(c)); non-supplantation (Section 90.18); and the development of a statewide plan and consultation with victim services programs (Section 90.19(a)(2)).

2) Each State must certify that all the information contained in the application is correct, that all submissions will be treated as a material representation of fact upon which reliance will be placed, that any false or incomplete representation may result in suspension or termination of funding, recovery of funds provided, and civil and/or criminal sanctions.

§ 90.21 Evaluation.

a) The National Institute of Justice will conduct an evaluation of these programs. A portion of the overall funds authorized under this grant program will be set aside for this purpose. Recipients of funds under this Subpart must agree to cooperate with federally-sponsored evaluations of their projects.

b) Recipients of program funds are strongly encouraged to develop a local evaluation strategy to

assess the impact and effectiveness of the program funded under this Subpart. Applicants should consider entering into partnerships with research organizations that are submitting simultaneous grant applications to the National Institute of Justice for this purpose.

§ 90.22 Review of State Applications.

a) **Review Criteria.** The provisions of Part T of the Omnibus Act and of these regulations provide the basis for review and approval or disapproval of State applications and amendments in whole or in part.

b) **Intergovernmental Review.** This program is covered by Executive Order 12372 (Intergovernmental Review of Federal Programs) and implementing regulations at 28 CFR Part 30. A copy of the application submitted to the Office of Justice Programs should also be submitted at the same time to the State's Single Point of Contact, if there is a Single Point of Contact.

c) **Written notification and reasons for disapproval.** The Office of Justice Programs shall approve or disapprove applications within sixty days of official receipt and shall notify the applicant in writing of the specific reasons for the disapproval of the application in whole or in part. (Section 2002(e)(1).)

§ 90.23 Grantee Reporting.

a) Upon completion of the grant period under this Subpart, a State shall file a performance report with the Assistant Attorney General for the Office of Justice Programs explaining the activities carried out, including an assessment of the effectiveness of those activities in achieving the purposes of this part.

b) A section of the performance report shall be completed by each grantee and subgrantee that performed the direct services contemplated in the application, certifying performance of direct services under the grant. (Section 2002(h)(2).)

c) The Assistant Attorney General shall suspend funding for an approved application if:

1) an applicant fails to submit an annual performance report;

2) funds are expended for purposes other than those described in this subchapter; or

3) a report under this Section or accompanying assessments demonstrate to the Assistant Attorney General that the program is ineffective or financially unsound.

Subpart C—Discretionary Grants for Indian Tribal Governments

§ 90.50 Indian Tribal Governments Discretionary Program.

a) Indian tribal governments are eligible to receive assistance as part of the State program pursuant to Subpart B of this part. In addition, Indian tribal governments may also apply directly to the Office of Justice Programs for discretionary grants under this Subpart, based on Section 2002(b)(1).

b) Indian tribal governments under the Violence Against Women Act (VAWA) do not need to have law enforcement authority. Thus, the requirements, applicable to State formula grants under Subpart B that at least 25% of the total grant award be allocated to law enforcement and 25% to prosecution, are not applicable to Indian tribal governments which do not have law enforcement authority.

§ 90.51 Program Criteria for Indian Tribal Government Discretionary Grants.

a) The Assistant Attorney General for the Office of Justice Programs is authorized to make grants to Indian tribal governments for the purpose of developing and strengthening effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women.

b) Grantees shall develop plans for implementation and shall consult and coordinate with, to the extent

that they exist, tribal law enforcement; prosecutors; courts; and non-profit, non-governmental victim services programs, including sexual assault and domestic violence victim services programs. The goal of the planning process should be to achieve better coordination and integration of law enforcement, prosecution, and victim services in the prevention, identification, and response to cases involving violence against women.

§ 90.52 Eligible Purposes.

a) Grants under this program may provide personnel, training, technical assistance, evaluation, data collection and equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women.

b) Grants may be used for the following purposes (Section 2001(b)):

- 1) training law enforcement officers and prosecutors to identify and respond more effectively to violent crimes against women, including the crimes of sexual assault and domestic violence;
- 2) developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault and domestic violence;
- 3) developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of sexual assault and domestic violence;
- 4) developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of sexual assault and domestic violence;

5) developing, enlarging, or strengthening victim services programs, including sexual assault and domestic violence programs; providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted; and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault and domestic violence; and

6) developing, enlarging, or strengthening programs addressing stalking.

7) developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of sexual assault and domestic violence.

§ 90.53 Eligibility of Indian Tribal Governments.

a) **General.** Indian tribes as defined by Section 90.2 of this Part shall be eligible for grants under this Subpart.

b) **Rape Exam Payment Requirement.**

- 1) An Indian tribal government shall not be entitled to funds under this program unless the Indian tribal government (or other governmental entity) incurs the full costs of forensic medical exams for victims of sexual assault.
- 2) An Indian tribal government shall be deemed to incur the full cost of forensic medical exams for victims of sexual assault if, where applicable, it meets the requirements of Section 90.14(b) or establishes that another governmental entity is responsible for providing the services or reimbursements meeting the requirements of Section 90.14(b).

c) **Filing Costs for Criminal Charges Requirement.** An Indian tribal government shall not be entitled to funds under this Part unless the Indian tribal government:

1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the victim bear the costs associated with the filing of criminal charges against the domestic violence offender, or the costs associated with the issuance or service of a warrant, protection order, witness subpoena; or

2) assures that its laws, policies and practices will be in compliance with the requirements of paragraph (a) of this section by September 13, 1996. (Section 2006.)

§ 90.54 Allocation of Funds.

a) 4% of the total amounts appropriated for this program under Section 2002(b) shall be available for grants directly to Indian tribal governments.

b) Indian tribal governments may make individual applications, or apply as a consortium.

c) Limited funding restricts the awarding of grants to approximately fifteen to twenty awards in FY 1995. The selection process will be sensitive to the differences among tribal governments and will take into account the applicants' varying needs in addressing violence against women.

§ 90.55 Matching Requirements.

A grant made to an Indian tribal government under Subpart C may not be expended for more than 75% of the total cost of the projects specified in the application. Applicants should submit a budget which identifies the source of the 25% matching funds. Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide matching share of the cost of programs or projects funded. An Indian tribal government may also satisfy the 25% match through in-kind services. All funds designated as match are restricted to the same uses as the grant funds and must be expended within the grant period.

§ 90.56 Non-supplantation.

Federal funds received under this part shall be used to supplement, not supplant funds that would otherwise be available for expenditure on activities described in this part. (Section 2002(c)(4).)

§ 90.57 Application Content.

a) **Format.** Applications from the Indian tribal groups for discretionary grants to Combat Violence Against Women must, under this Subpart, be submitted on Standard Form 424, Application for Federal Assistance, at a time specified by the Office of Justice Programs.

b) **Programs.**

1) Applications must set forth programs and projects for a one year period which meet the purposes and criteria of the Grants to Combat Crimes Against Women program set out in Section 2001(b) and Section 90.12.

2) Plans should be developed by consulting with tribal law enforcement, prosecutors, courts, and victim services, to the extent that they exist. Applicants are also encouraged to integrate into their plans traditional models of dispute resolution, such as peacemaker forums. Additionally, tribes may want to develop a domestic violence code, if one is not already in place, to facilitate the implementation of strategies which have reduced violence against women in other court systems.

c) **Requirements.** Applicants in their applications shall at the minimum:

1) Describe the project or projects to be funded.

2) Agree to cooperate with the National Institute of Justice in a Federally-sponsored evaluation of their projects.

d) **Certifications.**

1) As required by Section 2002(c) each Indian tribal government must certify in its application

that it has met the requirements of this Subpart regarding the use of funds for eligible purposes (Section 90.52); and non-supplantation (Section 90.56).

2) A certification that all the information contained in the application is correct, that all submissions will be treated as a material representation of fact upon which reliance will be placed, that any false or incomplete representation may result in suspension or termination of funding, recovery of funds provided, and civil and/or criminal sanctions.

§ 90.58 Evaluation.

The National Institute of Justice will conduct an evaluation of these programs.

§ 90.59 Grantee Reporting.

a) Upon completion of the grant period under this Part, an Indian tribal grantee shall file a perfor-

mance report with the Assistant Attorney General for the Office of Justice Programs explaining the activities carried out, including an assessment of the effectiveness of those activities in achieving the purposes of this Subpart. (Section 2002(h)(1).)

b) The Assistant Attorney General shall suspend funding for an approved application if:

- 1) an applicant fails to submit an annual performance report;
- 2) funds are expended for purposes other than those described in this subchapter; or
- 3) a report under this Section or accompanying assessments demonstrate to the Assistant Attorney General that the program is ineffective or financially unsound.

Grants to Combat Violent Crime Against Women: Proposed Regulations



As published in the *Federal Register*, December 28, 1994

NCJ 152159

DEPARTMENT OF JUSTICE
Office of Justice Programs
December 28, 1994

28 CFR Part 90
[OJP No. 1015]
RIN 1121-AA27

Grants to Combat Violent Crimes Against Women

AGENCY: U.S. Department of Justice, Office of Justice Programs.

ACTION: Proposed Rule.

SUMMARY: This proposed rule implements and requests comments on the Grants to Combat Violence Against Women Program as authorized by Sections 2001 through 2006 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Title IV, Section 40121 of the Violent Crime Control and Law Enforcement Act of 1994.

DATE: Comments on this proposed rule must be received on or before February 27, 1995.

ADDRESS: All comments concerning these proposed regulations should be addressed to the Office of the General Counsel, Office of Justice Programs, Room 1245, 633 Indiana Avenue, NW, Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT:
The Department of Justice Response Center at 1-800-421-6770 or (202)301-1480.

SUPPLEMENTARY INFORMATION:
The Violence Against Women Act (VAWA), as enacted by the 103rd Congress, is set out in Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796 (Sept. 13, 1994). VAWA, in part, amends the Omnibus Crime Control and Safe Streets Act of 1968, as amended (the Omnibus Act), 42 U.S.C. § 3711 *et seq.* by adding a new 'Part T'. Part T comprises Sections 2001 through 2006, to be codified at 42 U.S.C. §§ 3796gg through 3796gg-5.

Unless otherwise specified, statutory references to those provisions will be to the Sections in Part T of the Omnibus Act, as amended by VAWA.

This new program authorizes FY 1995 Federal financial assistance to States for developing and strengthening effective law enforcement and prosecution strategies and victim services in cases involving violent crimes against women. Units of local government, Indian tribal governments and non-profit, non-governmental victim service programs are eligible to apply to States for subgrants under this program. Indian tribal governments are also eligible to apply directly to the Office of Justice Programs for discretionary grants under Subpart C of these regulations.

Statement of the Problem

There are three aspects to violence against women in the United States which reflect the compelling nature of the problem. First, there are a tremendous number of incidents of violent crimes against women, many of which are often hidden and under-reported. The following statistics taken from the Bureau of Justice Statistics' 1994 data from the National Crime Victimization Survey, and a recent Bureau of Justice Statistic report, **Violence Against Women** (January 1994), paint a grim picture of violence against women in America:

- ☐ Over two-thirds of violent crimes committed against women were committed by someone known to them.
- ☐ Over 1 million women a year are victims of violence perpetrated by husbands or boyfriends.

- ❑ Every year, nearly 500,000 women age 12 or older are victims of rape or attempted rape.
- ❑ Data from 1992 show that one-third of all female murder victims over age 14 were killed by an intimate, such as a boyfriend, spouse, or ex-spouse.
- ❑ Over half of the family violence crime victimizations result in injuries to the victim; female victims are more likely to sustain injuries at the hands of intimates than strangers.
- ❑ Less than half of all violent crime against women is ever reported to law enforcement officials.
- ❑ Over one-fifth of those convicted of intimate violent offenses reported having been physically or sexually abused during childhood.
- ❑ Over one-third of those incarcerated for harming an intimate had a previous conviction for a violent offense.

Second, it is only recently that society has begun to view violence against women as a serious criminal problem. In domestic violence cases, where the victim knows the perpetrator, there has been a tendency to consider the matter a private dispute and not a crime for public scrutiny or judgment. Even when the violence comes at the hands of a stranger, as in many cases of sexual assault, the incident has too often been blamed more on the victim than on the perpetrator.

The third aspect of the problem lies in the traditional response by the justice system to incidents of violence against women. Existing criminal justice and victim services efforts to alleviate the problem have been fragmented due to lack of resources and/or coordination. Consequently, the criminal justice system has too often not been responsive to women in domestic violence and sexual assault cases.

The Violence Against Women Act of 1994

VAWA reflects a firm commitment towards working to change the criminal justice system's response to violence that occurs when any woman is threatened

or assaulted by someone with whom she has or has had an intimate relationship, with whom she was previously acquainted, or who is a stranger. By committing significant Federal resources and attention to issues of violence against women, VAWA can assist the nation's criminal justice system in responding to the needs and concerns of women who have been, or potentially could be, victimized by violence.

Law Enforcement and Prosecution Grants To Reduce Violent Crimes Against Women

For FY 1995, Congress appropriated \$26 million to the Department of Justice as a down payment towards assistance to combat violent crimes against women. Part T authorizes an appropriation of \$130 million for FY 1996 and increasing amounts in following years.

Thus, the \$26 million appropriation for FY 1995 is the initial step of a multi-year program designed to encourage States to implement innovative and effective criminal justice approaches to this problem. VAWA enumerates the following seven broad purpose areas for which funds may be used:

- 1) training for law enforcement officers and prosecutors to identify and respond more effectively to violent crimes against women, including crimes of sexual assault and domestic violence;
- 2) developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women;
- 3) developing and implementing more effective police and prosecution policies and services for preventing and responding to violent crimes against women;
- 4) developing and improving data collection and communications systems linking police, prosecutors, and courts or for purposes of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions;

5) developing, expanding, or improving victim services programs, including improved delivery of such services for racial, cultural, and ethnic minorities, and providing specialized domestic violence court advocates;

6) developing and enhancing programs addressing stalking; and

7) developing and enhancing programs addressing the special needs and circumstances of Indian tribes in dealing with violent crimes against women.

Additionally, by statute, 4% of the of the amount appropriated each year is available for Indian tribal governments through a discretionary program. For FY 1995, this program will fund up to fifteen to twenty programs. Tribes, which may apply individually or as a consortium in order to maximize resources, are encouraged to develop programs which address their unique needs.

A Coordinated and Integrated Approach to the Problem

By definition, a coordinated and integrated approach suggests a partnership among law enforcement, prosecution, the courts, victim advocates and service providers. The goal of this program is to encourage States and localities to restructure and strengthen the criminal justice response to be proactive in dealing with this problem; to draw on the experience of all the players in the system, including the advocate community; and to develop a comprehensive set of strategies to deal with this complex problem. The development of such strategies necessitates collaboration among police, prosecutors, the courts, and victim services providers. Thus, the program requires that jurisdictions draw into the planning process the experience of non-governmental victim services and State domestic violence and sexual assault coalitions, as well as existing domestic violence and sexual assault task forces and coordinating councils, in addition to police, prosecutors and the courts. Examples of innovative approaches include those:

❑ Instituting comprehensive training programs to change attitudes that have traditionally prevented the criminal justice system from adequately responding to the problem.

❑ Forming specialized units within police departments and prosecutors' offices, or specialized multidisciplinary units, devoted exclusively to the handling of domestic violence and sexual assault cases.

❑ Establishing sexual trauma units in emergency rooms where forensic examinations, victim counseling, and victim advocacy are equally available.

❑ Developing strategies that maximize resources by establishing regional approaches, such as the registration and enforcement of protective orders across jurisdictional lines.

❑ Establishing protocols to achieve better coordination in the handling of cases involving violence against women between civil and criminal courts.

❑ Establishing and expanding victim services that address the special needs of women from minority and ethnic communities, women who are disabled, or who do not speak English.

Eligibility Requirements Applicable To The States

To be eligible to receive grants under this program, States must develop plans which comply with the requirements set out in VAWA. Although grant amounts are limited for FY 1995, States should plan their VAWA activities with a view to implementing a continuing program over the next several years.

First, States will have to demonstrate how they plan each year to distribute their grant funds. At least 25% must be allocated to law enforcement, 25% to prosecution, and 25% to victim services programs. (Section 2002(c)(3).) Second, priority must be given to areas within the State of varying geographic size with the greatest showing of need. Need is based on population and the availability of existing domestic violence and sexual assault programs in the population and geographic area to

be served. (Section 2002(e)(2)(C).) States must insure equitable geographic distribution among urban, non-urban, and rural areas. They must also address the needs of populations previously underserved due to geographic location, racial or ethnic barriers, or special needs such as language barriers or physical disabilities. (Section 2002(e)(2)(D).) States are encouraged to develop preliminary multi-year plans for the disbursement of funds based on geography, need, and underserved populations to achieve a balanced distribution, consistent with the statute, over the life of the program extending through FY 2000.

Third, in their applications, States and Indian tribal governments must certify that they (or another level of government) will incur the full out-of-pocket costs for forensic medical exams involving sexual assault victims. (Section 2005(a)(1).) Additionally, each State and Indian tribal government must also provide certification that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the victim bear the costs associated with the filing of criminal charges against the domestic violence offender, or the costs associated with the issuance or service of a warrant, protection order, and witness subpoena. (Section 2006(a)(1).) If the latter condition is not satisfied, States and Indian tribal governments must provide assurances that they will be in compliance by September 13, 1996, or at the end of the next legislative session, whichever is later.

Finally, an important goal of the legislation is to create vehicles for the various participants in the system to begin a dialogue. To help foster this communication, States are required to consult and coordinate with non-profit, non-governmental victim services programs, including sexual assault and domestic violence victim services programs.

Indian Tribal Governments Discretionary Program

Indian tribal governments are eligible recipients for these funds either through the States as subgrantees

or directly from the Office of Justice Programs through a small discretionary program. As described, the Office of Justice Programs will make grants to States and the State will make funds available to units of local government, Indian tribal governments and non-profit, non-governmental victim services programs. In addition, VAWA requires that 4% of the total funds be set aside for Indian tribal governments. These funds may be used for the same general purposes set out for the State recipients in the block grant program.

Tribes will be invited to make individual applications, or apply as a consortium or as an inter-tribal group. VAWA defines Indian tribes to include both those with and without law enforcement authority. (Section 2003(3).) Consequently, the requirement applicable to State block grants, that at least 25% of the total grant award be allocated respectively to law enforcement, prosecution, and victim assistance, would not be applicable to Indian tribal governments that do not have law enforcement authority. Nonetheless, program plans should be developed through consultation with tribal law enforcement, prosecutors, courts, and victims services to the extent they exist. Tribal applicants are also encouraged to integrate into their plans traditional models of dispute resolution such as peacemaker forums. Additionally, tribes may want to develop a domestic violence code, if one is not already in place, to facilitate the implementation of strategies which have reduced violence against women in other court systems.

Funding limits the number of discretionary grants in FY 1995 to approximately fifteen to twenty awards. To be eligible for funding under the discretionary program, Indian tribal governments must comply with the forensic exam cost and the filing and serving fee requirements applicable to the State block grant program.

Technical Assistance and Training/ Evaluation

The Office of Justice Programs intends to assist States and Indian tribal governments in meeting the

program goal of developing effective coordinated and integrated strategies. A small portion of the funds provided under this program has been set aside to provide specialized training and technical assistance to States and units of local government and Indian tribal governments to help restructure the system's response to violence against women.

Further, consistent with the statute, the Office of Justice Programs, in conjunction with the National Institute of Justice, will evaluate the effectiveness of the programs established with these funds. Recipients of grants must agree to cooperate with Federally-sponsored evaluations of their projects. In addition, the Attorney General is required by VAWA to report to Congress on a profile of the persons served, the programs funded, and their effectiveness. Program recipients must therefore specifically provide a statistical summary of persons served, detailing the nature of victimization, and providing data on age, relationship of victim to offender, geographic distribution, race, ethnicity, language, and disability. Additionally, program recipients are expected to cooperate with any investigations or audits performed by components of the Department of Justice, including the Civil Rights Division or the Office of the Inspector General.

Request for Comments

The Office of Justice Programs seeks to fulfill Congressional intent by soliciting, encouraging and incorporating comments on all aspects of this program while ensuring that the statutory limitations are applied appropriately to all recipients. Comments are specifically solicited on, but not limited to, the following issues:

- 1) The scope of the impact on States, units of local government, and Indian tribal governments of the mandate, contained in Section 90.14 of Subpart B of this regulation, that exempts sexual assault victims from paying out-of-pocket expenses with regard to forensic medical exams.
- 2) Whether the scope of the services identified in Section 90.2(b) of Subpart A (the definition of

forensic exam) of this proposed regulation adequately covers the needs of victims and prosecutors.

- 3) The special needs of Indian tribal governments in implementing the discretionary grant program.
- 4) The scope of the impact on States, units of local government, and Indian tribal governments of the mandate, contained in Section 90.15 of Subpart B of this regulation, prohibiting the imposition of criminal court-related costs on domestic violence victims, and proposed timetables for States, local governments and Indian tribal governments in meeting this mandate.
- 5) Approaches to addressing allocation and distribution requirements applicable to States, as set out in Section 90.16 of Subpart B, in making subgrants to units of local government.

A detailed Program Announcement for the States for FY 1995 will be available in March 1995. An Application Kit for Indian tribal governments will also be available in March 1995.

Administrative Requirements

The Office of Justice Programs has determined that this rule is a "significant regulatory action" for purposes of Executive Order 12866 and, accordingly, this rule has been reviewed by the Office of Management and Budget.

In addition, this rule will not have a significant impact on a substantial number of small entities; therefore, an analysis of the impact of these rules on such entities is not required by the Regulatory Flexibility Act, 5 U.S.C. § 601 *et seq.*

No information requirements are contained in this rule. Any information collection requirements contained in future application notices for this program will be reviewed by the Office of Management and Budget, as is required by provisions of the Paperwork Reduction Act, 44 U.S.C. § 3504(h).

List of Subjects

Grant Programs, Judicial Administration.

For the reasons set out in the preamble, Title 28, Chapter I of the Code of Federal Regulations is proposed to be amended by adding the new Part 90 as set forth below.

Part 90—Violence Against Women

Subpart A—General Provisions

Sec.

- 90.1 General
- 90.2 Definitions

Subpart B—Grants To Combat Violence Against Women Program

- 90.10 Description of Grants To Combat Violence Against Women
- 90.11 Program Criteria
- 90.12 Eligible Purposes
- 90.13 Eligibility
- 90.14 Rape Exam Payment Requirement
- 90.15 Filing Costs for Criminal Charges
- 90.16 Availability and Allocation of Funds
- 90.17 Matching Requirements

- 90.18 Non-supplantation
- 90.19 State Office
- 90.20 Application Content
- 90.21 Evaluation
- 90.22 Review of State Applications
- 90.23 Grantee Reporting

Subpart C—Discretionary Grants for Indian Tribal Governments

- 90.50 Indian Tribal Governments Discretionary Program
- 90.51 Program Criteria for Indian Tribal Government Discretionary Grants
- 90.52 Eligible Purposes
- 90.53 Eligibility of Indian Tribal Governments
- 90.54 Allocation of Funds
- 90.55 Matching Requirements
- 90.56 Non-supplantation
- 90.57 Application Content
- 90.58 Evaluation
- 90.59 Grantee Reporting

Authority: Title I of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3711 *et seq.*, as amended by Pub. L. No. 103-322.

Subpart A--General Provisions

§ 90.1 General.

a) This Part implements provisions of the Violence Against Women Act (VAWA), which was enacted by Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322 (Sept. 13, 1994).

b) Subpart B of this part defines program eligibility criteria and sets forth requirements for application for and administration of formula grants to States to combat violent crimes against women. This program under VAWA was enacted as a new

'Part T' of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (the Omnibus Act), codified at 42 U.S.C. §§ 3796gg through 3796gg-5. Units of local government, Indian tribal governments, and non-profit, non-governmental victim services programs are eligible to apply for subgrants from this program.

c) Indian tribal governments are eligible to receive assistance as part of the State program pursuant to Subpart B of this part. In addition, Indian tribal governments may apply directly for discretionary grants under Subpart C of this part.

§ 90.2 Definitions.

a) **Domestic Violence.** As used in this Part, “domestic violence” includes felony or misdemeanor crimes of violence (including threats or attempts) committed:

- 1) by a current or former spouse of the victim;
- 2) by a person with whom the victim shares a child in common;
- 3) by a person who is co-habiting with or has co-habited with the victim as a spouse;
- 4) by a person similarly situated to a spouse of the victim under domestic or family violence laws of the jurisdiction receiving grant monies; or
- 5) by any other adult person against a victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction receiving grant monies. (Section 2003(1).)

b) **Forensic Medical Examination.** The term “forensic medical examination” means:

- 1) All medical diagnostic procedures performed for a sexual assault victim, including, but not limited to:
 - i) examination of physical trauma;
 - ii) determination of penetration, force, or lack of consent;
 - iii) patient interview; and
 - iv) collection and evaluation of evidence.
- 2) The records and test results of such diagnostic procedures and evidence collection must be obtained in a manner suitable for use in a court of law.

c) **Indian Tribe.** The term “Indian Tribe” means a tribe, band, pueblo, nation, or other organized

group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. § 1601 *et seq.*), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. (Section 2003(3).)

d) **Law Enforcement.** The term “law enforcement” means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs). (Section 2003(4).)

e) **Prosecution.** For purpose of this program the term “prosecution” means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency’s component bureaus such as governmental victim services programs. (Section 2003(5).)

f) **Sexual Assault.** The term “sexual assault” means any conduct proscribed by Chapter 109A of Title 18, United States Code, and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim. (Section 2003(6).)

g) **State.** The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

h) **Unit of Local Government.** For the purposes of Subpart B of this part, the term “unit of local government” means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, or Indian tribe which performs law enforcement functions as determined by the Secretary of Interior, or for the purpose of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia and the Trust Territory of the Pacific Islands.

i) **Victim Services.** The term “victim services” means a private non-profit, non-governmental organization that assists domestic violence or sexual assault victims, including rape crisis centers, battered women’s shelters, and other sexual assault or domestic violence programs, such as non-profit, non-governmental organizations assisting domestic violence or sexual assault victims through the legal process. (Section 2003(8).)

Subpart B—Grants To Combat Violence Against Women Program

§ 90.10 Description of Grants To Combat Violence Against Women.

It is the purpose of this program to assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women. (Section 2001(a).)

§ 90.11 Program Criteria.

a) The Assistant Attorney General for the Office of Justice Programs is authorized to make grants to the States, for use by States, Indian tribal governments, units of local government and non-profit, non-governmental victim services programs for the purpose of developing and strengthening effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women.

b) States and localities shall develop plans for implementation and shall consult and coordinate with non-profit, non-governmental victim services programs, including sexual assault and domestic violence victim services programs. (Section 2002(c)(2).) The goal of the planning process is the

enhanced coordination and integration of law enforcement, prosecution, and victim services in the prevention, identification, and response to cases involving violence against women. States and localities are encouraged to include Indian tribal governments in developing their plans. States and localities should, therefore, consider the needs of Indian tribal governments in developing their law enforcement, prosecution and victims services in cases involving violence against women. Indian tribal governments may also be considered subgrantees of the State. (Section 2002(a).)

§ 90.12 Eligible Purposes.

a) In General. Grants under this program shall provide personnel, training, technical assistance, evaluation, data collection and equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women.

b) Eligible Purposes. (Section 2001(b).) Grants under this program may be used for the following purposes:

- 1) training law enforcement officers and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of sexual assault and domestic violence;
- 2) developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault and domestic violence;
- 3) developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of sexual assault and domestic violence;

4) developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of sexual assault and domestic violence;

5) developing, enlarging, or strengthening victim services programs, including sexual assault and domestic violence programs; developing or improving delivery of victim services to racial, cultural, ethnic, and language minorities; providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted; and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault and domestic violence;

6) developing, enlarging, or strengthening programs addressing stalking; and

7) developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of sexual assault and domestic violence.

§ 90.13 Eligibility.

a) All States are eligible to apply for, and to receive, grants to combat violent crimes against women under this program. Indian tribal governments, units of local government, and non-profit, non-governmental victim service programs may receive subgrants from the States under this program.

b) For the purpose of this Subpart B, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as one State and, for these purposes, 67% of the amounts allocated shall be allocated to American Samoa, and 33% to the Commonwealth of the Northern Mariana Islands.

§ 90.14 Rape Exam Payment Requirement.

a) For the purpose of this Subpart B, a State, Indian tribal government or unit of local government shall not be entitled to funds under this program unless the State, Indian tribal government, unit of local government, or another governmental entity incurs the full costs of forensic medical exams for victims of sexual assault. (Section 005(a)(1).)

b) A State, Indian tribal government, or unit of local government shall be deemed to incur the full cost of forensic medical exams for victims of sexual assault if that governmental entity or some other:

1) provides such exams to victims free of charge;

2) arranges for victims to obtain such exams free of charge; or

3) reimburses victims for the cost of such exams if:

i) the reimbursement covers the full cost of such exams, without any deductible requirement or limit on the amount of reimbursement;

ii) the governmental entity permits victims to apply for reimbursement for not less than one year from the date of the exam;

iii) the governmental entity provides reimbursement not later than ninety days after written notification of the victim's expense; and

iv) the governmental entity provides information at the time of the exam to all victims, including victims with limited or no English proficiency, regarding how to obtain reimbursement. Section 2005(b).

§ 90.15 Filing Costs for Criminal Charges.

a) A State shall not be entitled to funds under this Subpart B unless it:

1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the victim bear the costs associated with the filing of criminal charges against the domestic violence offender, or the costs associated with the issuance or service of a warrant, protection order, and witness subpoena; or

2) assures that its laws, policies and practices will be in compliance with the requirements of paragraph (a)(1) of this section by the date on which the next session of the State legislature ends, or by September 13, 1996, whichever is later.

b) An Indian tribal government or unit of local government shall not be eligible for subgrants from the State unless it complies with the requirements of paragraph (a) of this section with respect to its laws, policies and practices.

c) If a State does not come into compliance within the time allowed in paragraph (a)(2) of this section, the State will not receive its share of the grant money whether or not individual units of local government are in compliance.

§ 90.16 Availability and Allocation of Funds.

a) Section 2002(b) provides for the allocation of the amounts appropriated for this program as follows:

1) Allocation to Indian tribal governments. Of the total amounts appropriated for this program, 4% shall be available for grants directly to Indian tribal governments. This program is addressed in Subpart C of this part.

2) Allocation to States. Of the total amounts appropriated for this program in any fiscal year, after setting aside the portion allocated for discretionary grants to Indian tribal governments covered in paragraph (a)(1) of this section, and setting aside a portion for evaluation, training and technical assistance, a base amount shall be allocated for grants to eligible

applicants in each State. After these allocations are made, the remaining funds will be allocated to each State on the basis of the State's relative share of total U.S. population. For purposes of determining the distribution of the remaining funds, the most accurate and complete data compiled by the U.S. Bureau of the Census shall be used.

3) Allocation of Funds within the State. Funds granted to qualified States are to be further subgranted by the State to agencies and programs including, but not limited to State agencies, public or private non-profit organizations, units of local government, Indian tribal governments, non-profit, non-governmental victim services programs, and legal services programs to carry out programs and projects specified in Section 90.12.

b) In distributing funds received under this part, States must:

1) Give priority to areas of varying geographic size with the greatest showing of need. In assessing need, States must consider the range and availability of existing domestic violence and sexual assault programs in the population and geographic area to be served in relation to the availability of such programs in other such populations and geographic areas. Applications submitted by a State for program funding must include a proposal which delineates the method by which States will distribute funds within the State to assure compliance with this requirement on an annual or multi-year basis. (Section 2002(e)(2)(A).)

2) Take into consideration the population of the geographic area to be served when determining subgrants. (Section 2002(e)(2)(B).) Applications submitted by a State for program funding must include a proposal which delineates the method by which States will distribute funds within the State to assure compliance with this requirement on an annual or multi-year basis.

3) Equitably distribute monies on a geographic basis, including non-urban and rural areas of

various geographic sizes. (Section 2002(e)(2)(C).) Applications submitted by the State for program funding must include a proposal which delineates the method by which States will distribute funds within the State to assure compliance with this requirement on an annual or multi-year basis.

4) In disbursing monies, States must ensure that the needs of previously underserved populations are identified and addressed in its funding plan. (Section 2002(e)(2)(D).) For the purposes of this program, underserved populations include, but are not limited to, populations underserved because of geographic location (such as rural isolation), underserved racial or ethnic populations, and populations underserved because of special needs due to language barriers or physical disabilities. (Section 2003(7).) Each State has flexibility to determine its basis for identifying underserved populations, which may include public hearings, needs assessments, task forces, and U.S. Bureau of Census data. Applications submitted by the State for program funding must include a proposal which delineates the method by which States will distribute funds within the State to assure compliance with this requirement on an annual or multi-year basis.

c) States must certify that a minimum of 25% of each year's grant award (75% total) will be allocated, without duplication, to each of the following areas: prosecution, law enforcement, and victim services. (Section 2002(c)(3).) This requirement applies to States and does not apply to individual subrecipients, or Indian tribal governments.

§ 90.17 Matching Requirements.

A grant made under the State formula program may not be expended for more than 75% of the total costs of the projects specified in a State's application submission. (Section 2002(f).) The States are expected to submit a budget which identifies the source of the 25% non-Federal portion of the budget. The non-Federal expenditures must be committed for each funded project and cannot be derived from other Federal funds. States may

satisfy this 25% match through in-kind services. Indian tribes, who are subgrantees of a State under this program, may meet the 25% matching requirement for programs under Subpart B by using funds appropriated by Congress for the activities of any agency of an Indian tribal government or for the activities of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands. All funds designated as match are restricted to the same uses as the Violence Against Women Program funds and must be expended within the grant period.

§ 90.18 Non-supplantation.

Federal funds received under this part shall be used to supplement, not supplant non-Federal funds that would otherwise be available for expenditure on activities described in this part. (Section 2002(c)(4).)

§ 90.19 State Office.

a) Statewide plan and application. The chief executive of each participating State shall designate a State office for the purposes of:

- 1) certifying qualifications for funding under this Subpart B;
- 2) developing a statewide plan for implementation of the grants to combat violence against women in consultation and coordination with non-profit, non-governmental victim services programs, including sexual assault and domestic violence service programs;
- 3) preparing an application to obtain funds under this Subpart B;

b) Administration and fund disbursement. In addition to the duties specified by paragraph (a) of this section above the office shall:

- 1) administer funds received under this Subpart B, including receipt, review, processing, monitoring, progress and financial report review, technical assistance, grant adjustments, accounting, auditing and fund disbursements; and

2) coordinate the disbursement of funds provided under this part with other State agencies receiving Federal, State, or local funds for domestic or family violence and sexual assault prosecution, prevention, treatment, education, and research activities and programs.

§ 90.20 Application Content.

a) **Format.** Applications from the States for grants to Combat Violence Against Women must be submitted on Standard Form 424, Application for Federal Assistance, at a time specified by the Office of Justice Programs. The Office of Justice Programs will request the Governor of each State to identify which State agency should receive the Application Kit. The Application Kit will include a Standard Form 424, a list of assurances that the applicant must agree to, a table of fund allocations, and additional guidance on how to prepare and submit an application for grants under this Subpart.

b) **Programs.** Applications must set forth programs and projects which meet the purposes and criteria of the Grants to Combat Crimes Against Women program set out in Sections 90.11 and 90.12 on an annual or multi-year basis.

c) **Requirements.** Applicants in their applications shall at the minimum:

1) include documentation from non-profit, non-governmental victim services programs describing their participation in developing the plan as provided in Section 90.19(a);

2) include documentation from prosecution, law enforcement, and victim services programs to be assisted, demonstrating the need for grant funds, the intended use of the grant funds, the expected results from the use of grant funds, and demographic characteristics of the populations to be served, including age, marital status, disability, race, ethnicity and language background. (Section 2002(d)(1));

3) include proof of compliance with the requirements for rape exam payments as provided

in Section 90.14(a);

4) include proof of compliance with the requirements for filing and service costs for domestic violence cases as provided in Section 90.15 of this Subpart; and

5) describe how the State and its subgrantees will provide for evaluation of programs funded under this Subpart, as provided in Section 90.21(b), and agree to cooperate with the National Institute of Justice in a federally-sponsored evaluation.

d) Certifications.

1) As required by Section 2002(c) each State must certify in its application that it has met the requirements of this Subpart regarding the use of funds for eligible purposes (Section 90.12); allocation of funds for prosecution, law enforcement, and victims services (Section 90.16(c)); non-supplantation (Section 90.18); and the development of a statewide plan and consultation with victim services programs (Section 90.19(a)(2)).

2) Each State must certify that all the information contained in the application is correct, that all submissions will be treated as a material representation of fact upon which reliance will be placed, that any false or incomplete representation may result in suspension or termination of funding, recovery of funds provided, and civil and/or criminal sanctions.

§ 90.21 Evaluation.

a) The National Institute of Justice will conduct an evaluation of these programs. A portion of the overall funds authorized under this grant program will be set aside for this purpose. Recipients of funds under this Subpart must agree to cooperate with federally-sponsored evaluations of their projects.

b) Recipients of program funds are strongly encouraged to develop a local evaluation strategy to

assess the impact and effectiveness of the program funded under this Subpart. Applicants should consider entering into partnerships with research organizations that are submitting simultaneous grant applications to the National Institute of Justice for this purpose.

§ 90.22 Review of State Applications.

a) **Review Criteria.** The provisions of Part T of the Omnibus Act and of these regulations provide the basis for review and approval or disapproval of State applications and amendments in whole or in part.

b) **Intergovernmental Review.** This program is covered by Executive Order 12372 (Intergovernmental Review of Federal Programs) and implementing regulations at 28 CFR Part 30. A copy of the application submitted to the Office of Justice Programs should also be submitted at the same time to the State's Single Point of Contact, if there is a Single Point of Contact.

c) **Written notification and reasons for disapproval.** The Office of Justice Programs shall approve or disapprove applications within sixty days of official receipt and shall notify the applicant in writing of the specific reasons for the disapproval of the application in whole or in part. (Section 2002(e)(1).)

§ 90.23 Grantee Reporting.

a) Upon completion of the grant period under this Subpart, a State shall file a performance report with the Assistant Attorney General for the Office of Justice Programs explaining the activities carried out, including an assessment of the effectiveness of those activities in achieving the purposes of this part.

b) A section of the performance report shall be completed by each grantee and subgrantee that performed the direct services contemplated in the application, certifying performance of direct services under the grant. (Section 2002(h)(2).)

c) The Assistant Attorney General shall suspend funding for an approved application if:

1) an applicant fails to submit an annual performance report;

2) funds are expended for purposes other than those described in this subchapter; or

3) a report under this Section or accompanying assessments demonstrate to the Assistant Attorney General that the program is ineffective or financially unsound.

Subpart C—Discretionary Grants for Indian Tribal Governments

§ 90.50 Indian Tribal Governments Discretionary Program.

a) Indian tribal governments are eligible to receive assistance as part of the State program pursuant to Subpart B of this part. In addition, Indian tribal governments may also apply directly to the Office of Justice Programs for discretionary grants under this Subpart, based on Section 2002(b)(1).

b) Indian tribal governments under the Violence Against Women Act (VAWA) do not need to have law enforcement authority. Thus, the requirements, applicable to State formula grants under Subpart B that at least 25% of the total grant award be allocated to law enforcement and 25% to prosecution, are not applicable to Indian tribal governments which do not have law enforcement authority.

§ 90.51 Program Criteria for Indian Tribal Government Discretionary Grants.

a) The Assistant Attorney General for the Office of Justice Programs is authorized to make grants to Indian tribal governments for the purpose of developing and strengthening effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women.

b) Grantees shall develop plans for implementation and shall consult and coordinate with, to the extent

that they exist, tribal law enforcement; prosecutors; courts; and non-profit, non-governmental victim services programs, including sexual assault and domestic violence victim services programs. The goal of the planning process should be to achieve better coordination and integration of law enforcement, prosecution, and victim services in the prevention, identification, and response to cases involving violence against women.

§ 90.52 Eligible Purposes.

a) Grants under this program may provide personnel, training, technical assistance, evaluation, data collection and equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women.

b) Grants may be used for the following purposes (Section 2001(b)):

- 1) training law enforcement officers and prosecutors to identify and respond more effectively to violent crimes against women, including the crimes of sexual assault and domestic violence;
- 2) developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault and domestic violence;
- 3) developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of sexual assault and domestic violence;
- 4) developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of sexual assault and domestic violence;

5) developing, enlarging, or strengthening victim services programs, including sexual assault and domestic violence programs; providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted; and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault and domestic violence; and

6) developing, enlarging, or strengthening programs addressing stalking.

7) developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of sexual assault and domestic violence.

§ 90.53 Eligibility of Indian Tribal Governments.

a) **General.** Indian tribes as defined by Section 90.2 of this Part shall be eligible for grants under this Subpart.

b) **Rape Exam Payment Requirement.**

- 1) An Indian tribal government shall not be entitled to funds under this program unless the Indian tribal government (or other governmental entity) incurs the full costs of forensic medical exams for victims of sexual assault.
- 2) An Indian tribal government shall be deemed to incur the full cost of forensic medical exams for victims of sexual assault if, where applicable, it meets the requirements of Section 90.14(b) or establishes that another governmental entity is responsible for providing the services or reimbursements meeting the requirements of Section 90.14(b).

c) **Filing Costs for Criminal Charges Requirement.** An Indian tribal government shall not be entitled to funds under this Part unless the Indian tribal government:

1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the victim bear the costs associated with the filing of criminal charges against the domestic violence offender, or the costs associated with the issuance or service of a warrant, protection order, witness subpoena; or

2) assures that its laws, policies and practices will be in compliance with the requirements of paragraph (a) of this section by September 13, 1996. (Section 2006.)

§ 90.54 Allocation of Funds.

a) 4% of the total amounts appropriated for this program under Section 2002(b) shall be available for grants directly to Indian tribal governments.

b) Indian tribal governments may make individual applications, or apply as a consortium.

c) Limited funding restricts the awarding of grants to approximately fifteen to twenty awards in FY 1995. The selection process will be sensitive to the differences among tribal governments and will take into account the applicants' varying needs in addressing violence against women.

§ 90.55 Matching Requirements.

A grant made to an Indian tribal government under Subpart C may not be expended for more than 75% of the total cost of the projects specified in the application. Applicants should submit a budget which identifies the source of the 25% matching funds. Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide matching share of the cost of programs or projects funded. An Indian tribal government may also satisfy the 25% match through in-kind services. All funds designated as match are restricted to the same uses as the grant funds and must be expended within the grant period.

§ 90.56 Non-supplantation.

Federal funds received under this part shall be used to supplement, not supplant funds that would otherwise be available for expenditure on activities described in this part. (Section 2002(c)(4).)

§ 90.57 Application Content.

a) **Format.** Applications from the Indian tribal groups for discretionary grants to Combat Violence Against Women must, under this Subpart, be submitted on Standard Form 424, Application for Federal Assistance, at a time specified by the Office of Justice Programs.

b) Programs.

1) Applications must set forth programs and projects for a one year period which meet the purposes and criteria of the Grants to Combat Crimes Against Women program set out in Section 2001(b) and Section 90.12.

2) Plans should be developed by consulting with tribal law enforcement, prosecutors, courts, and victim services, to the extent that they exist. Applicants are also encouraged to integrate into their plans traditional models of dispute resolution, such as peacemaker forums. Additionally, tribes may want to develop a domestic violence code, if one is not already in place, to facilitate the implementation of strategies which have reduced violence against women in other court systems.

c) **Requirements.** Applicants in their applications shall at the minimum:

1) Describe the project or projects to be funded.

2) Agree to cooperate with the National Institute of Justice in a Federally-sponsored evaluation of their projects.

d) Certifications.

1) As required by Section 2002(c) each Indian tribal government must certify in its application

that it has met the requirements of this Subpart regarding the use of funds for eligible purposes (Section 90.52); and non-supplantation (Section 90.56).

2) A certification that all the information contained in the application is correct, that all submissions will be treated as a material representation of fact upon which reliance will be placed, that any false or incomplete representation may result in suspension or termination of funding, recovery of funds provided, and civil and/or criminal sanctions.

§ 90.58 Evaluation.

The National Institute of Justice will conduct an evaluation of these programs.

§ 90.59 Grantee Reporting.

a) Upon completion of the grant period under this Part, an Indian tribal grantee shall file a perfor-

mance report with the Assistant Attorney General for the Office of Justice Programs explaining the activities carried out, including an assessment of the effectiveness of those activities in achieving the purposes of this Subpart. (Section 2002(h)(1).)

b) The Assistant Attorney General shall suspend funding for an approved application if:

1) an applicant fails to submit an annual performance report;

2) funds are expended for purposes other than those described in this subchapter; or

3) a report under this Section or accompanying assessments demonstrate to the Assistant Attorney General that the program is ineffective or financially unsound.

Grants to Combat Violent Crime Against Women: Proposed Regulations



As published in the *Federal Register*, December 28, 1994

NCJ 152159

Grants to Combat Violent Crimes Against Women

AGENCY: U.S. Department of Justice, Office of Justice Programs.

ACTION: Proposed Rule.

SUMMARY: This proposed rule implements and requests comments on the Grants to Combat Violence Against Women Program as authorized by Sections 2001 through 2006 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Title IV, Section 40121 of the Violent Crime Control and Law Enforcement Act of 1994.

DATE: Comments on this proposed rule must be received on or before February 27, 1995.

ADDRESS: All comments concerning these proposed regulations should be addressed to the Office of the General Counsel, Office of Justice Programs, Room 1245, 633 Indiana Avenue, NW, Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: The Department of Justice Response Center at 1-800-421-6770 or (202)301-1480.

SUPPLEMENTARY INFORMATION: The Violence Against Women Act (VAWA), as enacted by the 103rd Congress, is set out in Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796 (Sept. 13, 1994). VAWA, in part, amends the Omnibus Crime Control and Safe Streets Act of 1968, as amended (the Omnibus Act), 42 U.S.C. § 3711 *et seq.* by adding a new 'Part T'. Part T comprises Sections 2001 through 2006, to be codified at 42 U.S.C. §§ 3796gg through 3796gg-5.

Unless otherwise specified, statutory references to those provisions will be to the Sections in Part T of the Omnibus Act, as amended by VAWA.

This new program authorizes FY 1995 Federal financial assistance to States for developing and strengthening effective law enforcement and prosecution strategies and victim services in cases involving violent crimes against women. Units of local government, Indian tribal governments and non-profit, non-governmental victim service programs are eligible to apply to States for subgrants under this program. Indian tribal governments are also eligible to apply directly to the Office of Justice Programs for discretionary grants under Subpart C of these regulations.

Statement of the Problem

There are three aspects to violence against women in the United States which reflect the compelling nature of the problem. First, there are a tremendous number of incidents of violent crimes against women, many of which are often hidden and under-reported. The following statistics taken from the Bureau of Justice Statistics' 1994 data from the National Crime Victimization Survey, and a recent Bureau of Justice Statistic report, *Violence Against Women* (January 1994), paint a grim picture of violence against women in America:

- ☐ Over two-thirds of violent crimes committed against women were committed by someone known to them.
- ☐ Over 1 million women a year are victims of violence perpetrated by husbands or boyfriends.

- ❑ Every year, nearly 500,000 women age 12 or older are victims of rape or attempted rape.
- ❑ Data from 1992 show that one-third of all female murder victims over age 14 were killed by an intimate, such as a boyfriend, spouse, or ex-spouse.
- ❑ Over half of the family violence crime victimizations result in injuries to the victim; female victims are more likely to sustain injuries at the hands of intimates than strangers.
- ❑ Less than half of all violent crime against women is ever reported to law enforcement officials.
- ❑ Over one-fifth of those convicted of intimate violent offenses reported having been physically or sexually abused during childhood.
- ❑ Over one-third of those incarcerated for harming an intimate had a previous conviction for a violent offense.

Second, it is only recently that society has begun to view violence against women as a serious criminal problem. In domestic violence cases, where the victim knows the perpetrator, there has been a tendency to consider the matter a private dispute and not a crime for public scrutiny or judgment. Even when the violence comes at the hands of a stranger, as in many cases of sexual assault, the incident has too often been blamed more on the victim than on the perpetrator.

The third aspect of the problem lies in the traditional response by the justice system to incidents of violence against women. Existing criminal justice and victim services efforts to alleviate the problem have been fragmented due to lack of resources and/or coordination. Consequently, the criminal justice system has too often not been responsive to women in domestic violence and sexual assault cases.

The Violence Against Women Act of 1994

VAWA reflects a firm commitment towards working to change the criminal justice system's response to violence that occurs when any woman is threatened

or assaulted by someone with whom she has or has had an intimate relationship, with whom she was previously acquainted, or who is a stranger. By committing significant Federal resources and attention to issues of violence against women, VAWA can assist the nation's criminal justice system in responding to the needs and concerns of women who have been, or potentially could be, victimized by violence.

Law Enforcement and Prosecution Grants To Reduce Violent Crimes Against Women

For FY 1995, Congress appropriated \$26 million to the Department of Justice as a down payment towards assistance to combat violent crimes against women. Part T authorizes an appropriation of \$130 million for FY 1996 and increasing amounts in following years.

Thus, the \$26 million appropriation for FY 1995 is the initial step of a multi-year program designed to encourage States to implement innovative and effective criminal justice approaches to this problem. VAWA enumerates the following seven broad purpose areas for which funds may be used:

- 1) training for law enforcement officers and prosecutors to identify and respond more effectively to violent crimes against women, including crimes of sexual assault and domestic violence;
- 2) developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women;
- 3) developing and implementing more effective police and prosecution policies and services for preventing and responding to violent crimes against women;
- 4) developing and improving data collection and communications systems linking police, prosecutors, and courts or for purposes of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions;

5) developing, expanding, or improving victim services programs, including improved delivery of such services for racial, cultural, and ethnic minorities, and providing specialized domestic violence court advocates;

6) developing and enhancing programs addressing stalking; and

7) developing and enhancing programs addressing the special needs and circumstances of Indian tribes in dealing with violent crimes against women.

Additionally, by statute, 4% of the of the amount appropriated each year is available for Indian tribal governments through a discretionary program. For FY 1995, this program will fund up to fifteen to twenty programs. Tribes, which may apply individually or as a consortium in order to maximize resources, are encouraged to develop programs which address their unique needs.

A Coordinated and Integrated Approach to the Problem

By definition, a coordinated and integrated approach suggests a partnership among law enforcement, prosecution, the courts, victim advocates and service providers. The goal of this program is to encourage States and localities to restructure and strengthen the criminal justice response to be proactive in dealing with this problem; to draw on the experience of all the players in the system, including the advocate community; and to develop a comprehensive set of strategies to deal with this complex problem. The development of such strategies necessitates collaboration among police, prosecutors, the courts, and victim services providers. Thus, the program requires that jurisdictions draw into the planning process the experience of non-governmental victim services and State domestic violence and sexual assault coalitions, as well as existing domestic violence and sexual assault task forces and coordinating councils, in addition to police, prosecutors and the courts. Examples of innovative approaches include those:

❑ Instituting comprehensive training programs to change attitudes that have traditionally prevented the criminal justice system from adequately responding to the problem.

❑ Forming specialized units within police departments and prosecutors' offices, or specialized multidisciplinary units, devoted exclusively to the handling of domestic violence and sexual assault cases.

❑ Establishing sexual trauma units in emergency rooms where forensic examinations, victim counseling, and victim advocacy are equally available.

❑ Developing strategies that maximize resources by establishing regional approaches, such as the registration and enforcement of protective orders across jurisdictional lines.

❑ Establishing protocols to achieve better coordination in the handling of cases involving violence against women between civil and criminal courts.

❑ Establishing and expanding victim services that address the special needs of women from minority and ethnic communities, women who are disabled, or who do not speak English.

Eligibility Requirements Applicable To The States

To be eligible to receive grants under this program, States must develop plans which comply with the requirements set out in VAWA. Although grant amounts are limited for FY 1995, States should plan their VAWA activities with a view to implementing a continuing program over the next several years.

First, States will have to demonstrate how they plan each year to distribute their grant funds. At least 25% must be allocated to law enforcement, 25% to prosecution, and 25% to victim services programs. (Section 2002(c)(3).) Second, priority must be given to areas within the State of varying geographic size with the greatest showing of need. Need is based on population and the availability of existing domestic violence and sexual assault programs in the population and geographic area to

be served. (Section 2002(e)(2)(C).) States must insure equitable geographic distribution among urban, non-urban, and rural areas. They must also address the needs of populations previously underserved due to geographic location, racial or ethnic barriers, or special needs such as language barriers or physical disabilities. (Section 2002(e)(2)(D).) States are encouraged to develop preliminary multi-year plans for the disbursement of funds based on geography, need, and underserved populations to achieve a balanced distribution, consistent with the statute, over the life of the program extending through FY 2000.

Third, in their applications, States and Indian tribal governments must certify that they (or another level of government) will incur the full out-of-pocket costs for forensic medical exams involving sexual assault victims. (Section 2005(a)(1).) Additionally, each State and Indian tribal government must also provide certification that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the victim bear the costs associated with the filing of criminal charges against the domestic violence offender, or the costs associated with the issuance or service of a warrant, protection order, and witness subpoena. (Section 2006(a)(1).) If the latter condition is not satisfied, States and Indian tribal governments must provide assurances that they will be in compliance by September 13, 1996, or at the end of the next legislative session, whichever is later.

Finally, an important goal of the legislation is to create vehicles for the various participants in the system to begin a dialogue. To help foster this communication, States are required to consult and coordinate with non-profit, non-governmental victim services programs, including sexual assault and domestic violence victim services programs.

Indian Tribal Governments Discretionary Program

Indian tribal governments are eligible recipients for these funds either through the States as subgrantees

or directly from the Office of Justice Programs through a small discretionary program. As described, the Office of Justice Programs will make grants to States and the State will make funds available to units of local government, Indian tribal governments and non-profit, non-governmental victim services programs. In addition, VAWA requires that 4% of the total funds be set aside for Indian tribal governments. These funds may be used for the same general purposes set out for the State recipients in the block grant program.

Tribes will be invited to make individual applications, or apply as a consortium or as an inter-tribal group. VAWA defines Indian tribes to include both those with and without law enforcement authority. (Section 2003(3).) Consequently, the requirement applicable to State block grants, that at least 25% of the total grant award be allocated respectively to law enforcement, prosecution, and victim assistance, would not be applicable to Indian tribal governments that do not have law enforcement authority. Nonetheless, program plans should be developed through consultation with tribal law enforcement, prosecutors, courts, and victims services to the extent they exist. Tribal applicants are also encouraged to integrate into their plans traditional models of dispute resolution such as peacemaker forums. Additionally, tribes may want to develop a domestic violence code, if one is not already in place, to facilitate the implementation of strategies which have reduced violence against women in other court systems.

Funding limits the number of discretionary grants in FY 1995 to approximately fifteen to twenty awards. To be eligible for funding under the discretionary program, Indian tribal governments must comply with the forensic exam cost and the filing and serving fee requirements applicable to the State block grant program.

Technical Assistance and Training/ Evaluation

The Office of Justice Programs intends to assist States and Indian tribal governments in meeting the

program goal of developing effective coordinated and integrated strategies. A small portion of the funds provided under this program has been set aside to provide specialized training and technical assistance to States and units of local government and Indian tribal governments to help restructure the system's response to violence against women.

Further, consistent with the statute, the Office of Justice Programs, in conjunction with the National Institute of Justice, will evaluate the effectiveness of the programs established with these funds. Recipients of grants must agree to cooperate with Federally-sponsored evaluations of their projects. In addition, the Attorney General is required by VAWA to report to Congress on a profile of the persons served, the programs funded, and their effectiveness. Program recipients must therefore specifically provide a statistical summary of persons served, detailing the nature of victimization, and providing data on age, relationship of victim to offender, geographic distribution, race, ethnicity, language, and disability. Additionally, program recipients are expected to cooperate with any investigations or audits performed by components of the Department of Justice, including the Civil Rights Division or the Office of the Inspector General.

Request for Comments

The Office of Justice Programs seeks to fulfill Congressional intent by soliciting, encouraging and incorporating comments on all aspects of this program while ensuring that the statutory limitations are applied appropriately to all recipients. Comments are specifically solicited on, but not limited to, the following issues:

- 1) The scope of the impact on States, units of local government, and Indian tribal governments of the mandate, contained in Section 90.14 of Subpart B of this regulation, that exempts sexual assault victims from paying out-of-pocket expenses with regard to forensic medical exams.
- 2) Whether the scope of the services identified in Section 90.2(b) of Subpart A (the definition of

forensic exam) of this proposed regulation adequately covers the needs of victims and prosecutors.

- 3) The special needs of Indian tribal governments in implementing the discretionary grant program.
- 4) The scope of the impact on States, units of local government, and Indian tribal governments of the mandate, contained in Section 90.15 of Subpart B of this regulation, prohibiting the imposition of criminal court-related costs on domestic violence victims, and proposed timetables for States, local governments and Indian tribal governments in meeting this mandate.
- 5) Approaches to addressing allocation and distribution requirements applicable to States, as set out in Section 90.16 of Subpart B, in making subgrants to units of local government.

A detailed Program Announcement for the States for FY 1995 will be available in March 1995. An Application Kit for Indian tribal governments will also be available in March 1995.

Administrative Requirements

The Office of Justice Programs has determined that this rule is a "significant regulatory action" for purposes of Executive Order 12866 and, accordingly, this rule has been reviewed by the Office of Management and Budget.

In addition, this rule will not have a significant impact on a substantial number of small entities; therefore, an analysis of the impact of these rules on such entities is not required by the Regulatory Flexibility Act, 5 U.S.C. § 601 *et seq.*

No information requirements are contained in this rule. Any information collection requirements contained in future application notices for this program will be reviewed by the Office of Management and Budget, as is required by provisions of the Paperwork Reduction Act, 44 U.S.C. § 3504(h).

List of Subjects

Grant Programs, Judicial Administration.

For the reasons set out in the preamble, Title 28, Chapter I of the Code of Federal Regulations is proposed to be amended by adding the new Part 90 as set forth below.

Part 90—Violence Against Women

Subpart A—General Provisions

Sec.

90.1 General

90.2 Definitions

Subpart B—Grants To Combat Violence Against Women Program

90.10 Description of Grants To Combat Violence Against Women

90.11 Program Criteria

90.12 Eligible Purposes

90.13 Eligibility

90.14 Rape Exam Payment Requirement

90.15 Filing Costs for Criminal Charges

90.16 Availability and Allocation of Funds

90.17 Matching Requirements

90.18 Non-supplantation

90.19 State Office

90.20 Application Content

90.21 Evaluation

90.22 Review of State Applications

90.23 Grantee Reporting

Subpart C—Discretionary Grants for Indian Tribal Governments

90.50 Indian Tribal Governments Discretionary Program

90.51 Program Criteria for Indian Tribal Government Discretionary Grants

90.52 Eligible Purposes

90.53 Eligibility of Indian Tribal Governments

90.54 Allocation of Funds

90.55 Matching Requirements

90.56 Non-supplantation

90.57 Application Content

90.58 Evaluation

90.59 Grantee Reporting

Authority: Title I of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3711 *et seq.*, as amended by Pub. L. No. 103-322.

Subpart A--General Provisions

§ 90.1 General.

a) This Part implements provisions of the Violence Against Women Act (VAWA), which was enacted by Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322 (Sept. 13, 1994).

b) Subpart B of this part defines program eligibility criteria and sets forth requirements for application for and administration of formula grants to States to combat violent crimes against women. This program under VAWA was enacted as a new

'Part T' of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (the Omnibus Act), codified at 42 U.S.C. §§ 3796gg through 3796gg-5. Units of local government, Indian tribal governments, and non-profit, non-governmental victim services programs are eligible to apply for subgrants from this program.

c) Indian tribal governments are eligible to receive assistance as part of the State program pursuant to Subpart B of this part. In addition, Indian tribal governments may apply directly for discretionary grants under Subpart C of this part.

§ 90.2 Definitions.

a) **Domestic Violence.** As used in this Part, “domestic violence” includes felony or misdemeanor crimes of violence (including threats or attempts) committed:

- 1) by a current or former spouse of the victim;
- 2) by a person with whom the victim shares a child in common;
- 3) by a person who is co-habiting with or has co-habited with the victim as a spouse;
- 4) by a person similarly situated to a spouse of the victim under domestic or family violence laws of the jurisdiction receiving grant monies; or
- 5) by any other adult person against a victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction receiving grant monies. (Section 2003(1).)

b) **Forensic Medical Examination.** The term “forensic medical examination” means:

- 1) All medical diagnostic procedures performed for a sexual assault victim, including, but not limited to:
 - i) examination of physical trauma;
 - ii) determination of penetration, force, or lack of consent;
 - iii) patient interview; and
 - iv) collection and evaluation of evidence.
- 2) The records and test results of such diagnostic procedures and evidence collection must be obtained in a manner suitable for use in a court of law.

c) **Indian Tribe.** The term “Indian Tribe” means a tribe, band, pueblo, nation, or other organized

group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. § 1601 *et seq.*), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. (Section 2003(3).)

d) **Law Enforcement.** The term “law enforcement” means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs). (Section 2003(4).)

e) **Prosecution.** For purpose of this program the term “prosecution” means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency’s component bureaus such as governmental victim services programs. (Section 2003(5).)

f) **Sexual Assault.** The term “sexual assault” means any conduct proscribed by Chapter 109A of Title 18, United States Code, and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim. (Section 2003(6).)

g) **State.** The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

h) **Unit of Local Government.** For the purposes of Subpart B of this part, the term “unit of local government” means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, or Indian tribe which performs law enforcement functions as determined by the Secretary of Interior, or for the purpose of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia and the Trust Territory of the Pacific Islands.

i) **Victim Services.** The term “victim services” means a private non-profit, non-governmental organization that assists domestic violence or sexual assault victims, including rape crisis centers, battered women’s shelters, and other sexual assault or domestic violence programs, such as non-profit, non-governmental organizations assisting domestic violence or sexual assault victims through the legal process. (Section 2003(8).)

Subpart B—Grants To Combat Violence Against Women Program

§ 90.10 Description of Grants To Combat Violence Against Women.

It is the purpose of this program to assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women. (Section 2001(a).)

§ 90.11 Program Criteria.

a) The Assistant Attorney General for the Office of Justice Programs is authorized to make grants to the States, for use by States, Indian tribal governments, units of local government and non-profit, non-governmental victim services programs for the purpose of developing and strengthening effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women.

b) States and localities shall develop plans for implementation and shall consult and coordinate with non-profit, non-governmental victim services programs, including sexual assault and domestic violence victim services programs. (Section 2002(c)(2).) The goal of the planning process is the

enhanced coordination and integration of law enforcement, prosecution, and victim services in the prevention, identification, and response to cases involving violence against women. States and localities are encouraged to include Indian tribal governments in developing their plans. States and localities should, therefore, consider the needs of Indian tribal governments in developing their law enforcement, prosecution and victims services in cases involving violence against women. Indian tribal governments may also be considered subgrantees of the State. (Section 2002(a).)

§ 90.12 Eligible Purposes.

a) **In General.** Grants under this program shall provide personnel, training, technical assistance, evaluation, data collection and equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women.

b) **Eligible Purposes.** (Section 2001(b).) Grants under this program may be used for the following purposes:

1) training law enforcement officers and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of sexual assault and domestic violence;

2) developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault and domestic violence;

3) developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of sexual assault and domestic violence;

4) developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of sexual assault and domestic violence;

5) developing, enlarging, or strengthening victim services programs, including sexual assault and domestic violence programs; developing or improving delivery of victim services to racial, cultural, ethnic, and language minorities; providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted; and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault and domestic violence;

6) developing, enlarging, or strengthening programs addressing stalking; and

7) developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of sexual assault and domestic violence.

§ 90.13 Eligibility.

a) All States are eligible to apply for, and to receive, grants to combat violent crimes against women under this program. Indian tribal governments, units of local government, and non-profit, non-governmental victim service programs may receive subgrants from the States under this program.

b) For the purpose of this Subpart B, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as one State and, for these purposes, 67% of the amounts allocated shall be allocated to American Samoa, and 33% to the Commonwealth of the Northern Mariana Islands.

§ 90.14 Rape Exam Payment Requirement.

a) For the purpose of this Subpart B, a State, Indian tribal government or unit of local government shall not be entitled to funds under this program unless the State, Indian tribal government, unit of local government, or another governmental entity incurs the full costs of forensic medical exams for victims of sexual assault. (Section 005(a)(1).)

b) A State, Indian tribal government, or unit of local government shall be deemed to incur the full cost of forensic medical exams for victims of sexual assault if that governmental entity or some other:

1) provides such exams to victims free of charge;

2) arranges for victims to obtain such exams free of charge; or

3) reimburses victims for the cost of such exams if:

i) the reimbursement covers the full cost of such exams, without any deductible requirement or limit on the amount of reimbursement;

ii) the governmental entity permits victims to apply for reimbursement for not less than one year from the date of the exam;

iii) the governmental entity provides reimbursement not later than ninety days after written notification of the victim's expense; and

iv) the governmental entity provides information at the time of the exam to all victims, including victims with limited or no English proficiency, regarding how to obtain reimbursement. Section 2005(b).

§ 90.15 Filing Costs for Criminal Charges.

a) A State shall not be entitled to funds under this Subpart B unless it:

1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the victim bear the costs associated with the filing of criminal charges against the domestic violence offender, or the costs associated with the issuance or service of a warrant, protection order, and witness subpoena; or

2) assures that its laws, policies and practices will be in compliance with the requirements of paragraph (a)(1) of this section by the date on which the next session of the State legislature ends, or by September 13, 1996, whichever is later.

b) An Indian tribal government or unit of local government shall not be eligible for subgrants from the State unless it complies with the requirements of paragraph (a) of this section with respect to its laws, policies and practices.

c) If a State does not come into compliance within the time allowed in paragraph (a)(2) of this section, the State will not receive its share of the grant money whether or not individual units of local government are in compliance.

§ 90.16 Availability and Allocation of Funds.

a) Section 2002(b) provides for the allocation of the amounts appropriated for this program as follows:

1) Allocation to Indian tribal governments. Of the total amounts appropriated for this program, 4% shall be available for grants directly to Indian tribal governments. This program is addressed in Subpart C of this part.

2) Allocation to States. Of the total amounts appropriated for this program in any fiscal year, after setting aside the portion allocated for discretionary grants to Indian tribal governments covered in paragraph (a)(1) of this section, and setting aside a portion for evaluation, training and technical assistance, a base amount shall be allocated for grants to eligible

applicants in each State. After these allocations are made, the remaining funds will be allocated to each State on the basis of the State's relative share of total U.S. population. For purposes of determining the distribution of the remaining funds, the most accurate and complete data compiled by the U.S. Bureau of the Census shall be used.

3) Allocation of Funds within the State. Funds granted to qualified States are to be further subgranted by the State to agencies and programs including, but not limited to State agencies, public or private non-profit organizations, units of local government, Indian tribal governments, non-profit, non-governmental victim services programs, and legal services programs to carry out programs and projects specified in Section 90.12.

b) In distributing funds received under this part, States must:

1) Give priority to areas of varying geographic size with the greatest showing of need. In assessing need, States must consider the range and availability of existing domestic violence and sexual assault programs in the population and geographic area to be served in relation to the availability of such programs in other such populations and geographic areas. Applications submitted by a State for program funding must include a proposal which delineates the method by which States will distribute funds within the State to assure compliance with this requirement on an annual or multi-year basis. (Section 002(e)(2)(A).)

2) Take into consideration the population of the geographic area to be served when determining subgrants. (Section 2002(e)(2)(B).) Applications submitted by a State for program funding must include a proposal which delineates the method by which States will distribute funds within the State to assure compliance with this requirement on an annual or multi-year basis.

3) Equitably distribute monies on a geographic basis, including non-urban and rural areas of

various geographic sizes. (Section 2002(e)(2)(C).) Applications submitted by the State for program funding must include a proposal which delineates the method by which States will distribute funds within the State to assure compliance with this requirement on an annual or multi-year basis.

4) In disbursing monies, States must ensure that the needs of previously underserved populations are identified and addressed in its funding plan. (Section 2002(e)(2)(D).) For the purposes of this program, underserved populations include, but are not limited to, populations underserved because of geographic location (such as rural isolation), underserved racial or ethnic populations, and populations underserved because of special needs due to language barriers or physical disabilities. (Section 2003(7).) Each State has flexibility to determine its basis for identifying underserved populations, which may include public hearings, needs assessments, task forces, and U.S. Bureau of Census data. Applications submitted by the State for program funding must include a proposal which delineates the method by which States will distribute funds within the State to assure compliance with this requirement on an annual or multi-year basis.

c) States must certify that a minimum of 25% of each year's grant award (75% total) will be allocated, without duplication, to each of the following areas: prosecution, law enforcement, and victim services. (Section 2002(c)(3).) This requirement applies to States and does not apply to individual subrecipients, or Indian tribal governments.

§ 90.17 Matching Requirements.

A grant made under the State formula program may not be expended for more than 75% of the total costs of the projects specified in a State's application submission. (Section 2002(f).) The States are expected to submit a budget which identifies the source of the 25% non-Federal portion of the budget. The non-Federal expenditures must be committed for each funded project and cannot be derived from other Federal funds. States may

satisfy this 25% match through in-kind services. Indian tribes, who are subgrantees of a State under this program, may meet the 25% matching requirement for programs under Subpart B by using funds appropriated by Congress for the activities of any agency of an Indian tribal government or for the activities of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands. All funds designated as match are restricted to the same uses as the Violence Against Women Program funds and must be expended within the grant period.

§ 90.18 Non-supplantation.

Federal funds received under this part shall be used to supplement, not supplant non-Federal funds that would otherwise be available for expenditure on activities described in this part. (Section 2002(c)(4).)

§ 90.19 State Office.

a) Statewide plan and application. The chief executive of each participating State shall designate a State office for the purposes of:

- 1) certifying qualifications for funding under this Subpart B;
- 2) developing a statewide plan for implementation of the grants to combat violence against women in consultation and coordination with non-profit, non-governmental victim services programs, including sexual assault and domestic violence service programs;
- 3) preparing an application to obtain funds under this Subpart B;

b) Administration and fund disbursement. In addition to the duties specified by paragraph (a) of this section above the office shall:

- 1) administer funds received under this Subpart B, including receipt, review, processing, monitoring, progress and financial report review, technical assistance, grant adjustments, accounting, auditing and fund disbursements; and

2) coordinate the disbursement of funds provided under this part with other State agencies receiving Federal, State, or local funds for domestic or family violence and sexual assault prosecution, prevention, treatment, education, and research activities and programs.

§ 90.20 Application Content.

a) **Format.** Applications from the States for grants to Combat Violence Against Women must be submitted on Standard Form 424, Application for Federal Assistance, at a time specified by the Office of Justice Programs. The Office of Justice Programs will request the Governor of each State to identify which State agency should receive the Application Kit. The Application Kit will include a Standard Form 424, a list of assurances that the applicant must agree to, a table of fund allocations, and additional guidance on how to prepare and submit an application for grants under this Subpart.

b) **Programs.** Applications must set forth programs and projects which meet the purposes and criteria of the Grants to Combat Crimes Against Women program set out in Sections 90.11 and 90.12 on an annual or multi-year basis.

c) **Requirements.** Applicants in their applications shall at the minimum:

1) include documentation from non-profit, non-governmental victim services programs describing their participation in developing the plan as provided in Section 90.19(a);

2) include documentation from prosecution, law enforcement, and victim services programs to be assisted, demonstrating the need for grant funds, the intended use of the grant funds, the expected results from the use of grant funds, and demographic characteristics of the populations to be served, including age, marital status, disability, race, ethnicity and language background. (Section 2002(d)(1));

3) include proof of compliance with the requirements for rape exam payments as provided

in Section 90.14(a);

4) include proof of compliance with the requirements for filing and service costs for domestic violence cases as provided in Section 90.15 of this Subpart; and

5) describe how the State and its subgrantees will provide for evaluation of programs funded under this Subpart, as provided in Section 90.21(b), and agree to cooperate with the National Institute of Justice in a federally-sponsored evaluation.

d) **Certifications.**

1) As required by Section 2002(c) each State must certify in its application that it has met the requirements of this Subpart regarding the use of funds for eligible purposes (Section 90.12); allocation of funds for prosecution, law enforcement, and victims services (Section 90.16(c)); non-supplantation (Section 90.18); and the development of a statewide plan and consultation with victim services programs (Section 90.19(a)(2)).

2) Each State must certify that all the information contained in the application is correct, that all submissions will be treated as a material representation of fact upon which reliance will be placed, that any false or incomplete representation may result in suspension or termination of funding, recovery of funds provided, and civil and/or criminal sanctions.

§ 90.21 Evaluation.

a) The National Institute of Justice will conduct an evaluation of these programs. A portion of the overall funds authorized under this grant program will be set aside for this purpose. Recipients of funds under this Subpart must agree to cooperate with federally-sponsored evaluations of their projects.

b) Recipients of program funds are strongly encouraged to develop a local evaluation strategy to

assess the impact and effectiveness of the program funded under this Subpart. Applicants should consider entering into partnerships with research organizations that are submitting simultaneous grant applications to the National Institute of Justice for this purpose.

§ 90.22 Review of State Applications.

a) **Review Criteria.** The provisions of Part T of the Omnibus Act and of these regulations provide the basis for review and approval or disapproval of State applications and amendments in whole or in part.

b) **Intergovernmental Review.** This program is covered by Executive Order 12372 (Intergovernmental Review of Federal Programs) and implementing regulations at 28 CFR Part 30. A copy of the application submitted to the Office of Justice Programs should also be submitted at the same time to the State's Single Point of Contact, if there is a Single Point of Contact.

c) **Written notification and reasons for disapproval.** The Office of Justice Programs shall approve or disapprove applications within sixty days of official receipt and shall notify the applicant in writing of the specific reasons for the disapproval of the application in whole or in part. (Section 2002(e)(1).)

§ 90.23 Grantee Reporting.

a) Upon completion of the grant period under this Subpart, a State shall file a performance report with the Assistant Attorney General for the Office of Justice Programs explaining the activities carried out, including an assessment of the effectiveness of those activities in achieving the purposes of this part.

b) A section of the performance report shall be completed by each grantee and subgrantee that performed the direct services contemplated in the application, certifying performance of direct services under the grant. (Section 2002(h)(2).)

c) The Assistant Attorney General shall suspend funding for an approved application if:

1) an applicant fails to submit an annual performance report;

2) funds are expended for purposes other than those described in this subchapter; or

3) a report under this Section or accompanying assessments demonstrate to the Assistant Attorney General that the program is ineffective or financially unsound.

Subpart C—Discretionary Grants for Indian Tribal Governments

§ 90.50 Indian Tribal Governments Discretionary Program.

a) Indian tribal governments are eligible to receive assistance as part of the State program pursuant to Subpart B of this part. In addition, Indian tribal governments may also apply directly to the Office of Justice Programs for discretionary grants under this Subpart, based on Section 2002(b)(1).

b) Indian tribal governments under the Violence Against Women Act (VAWA) do not need to have law enforcement authority. Thus, the requirements, applicable to State formula grants under Subpart B that at least 25% of the total grant award be allocated to law enforcement and 25% to prosecution, are not applicable to Indian tribal governments which do not have law enforcement authority.

§ 90.51 Program Criteria for Indian Tribal Government Discretionary Grants.

a) The Assistant Attorney General for the Office of Justice Programs is authorized to make grants to Indian tribal governments for the purpose of developing and strengthening effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women.

b) Grantees shall develop plans for implementation and shall consult and coordinate with, to the extent

that they exist, tribal law enforcement; prosecutors; courts; and non-profit, non-governmental victim services programs, including sexual assault and domestic violence victim services programs. The goal of the planning process should be to achieve better coordination and integration of law enforcement, prosecution, and victim services in the prevention, identification, and response to cases involving violence against women.

§ 90.52 Eligible Purposes.

a) Grants under this program may provide personnel, training, technical assistance, evaluation, data collection and equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women.

b) Grants may be used for the following purposes (Section 2001(b)):

- 1) training law enforcement officers and prosecutors to identify and respond more effectively to violent crimes against women, including the crimes of sexual assault and domestic violence;
- 2) developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault and domestic violence;
- 3) developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of sexual assault and domestic violence;
- 4) developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of sexual assault and domestic violence;

5) developing, enlarging, or strengthening victim services programs, including sexual assault and domestic violence programs; providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted; and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault and domestic violence; and

6) developing, enlarging, or strengthening programs addressing stalking.

7) developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of sexual assault and domestic violence.

§ 90.53 Eligibility of Indian Tribal Governments.

a) **General.** Indian tribes as defined by Section 90.2 of this Part shall be eligible for grants under this Subpart.

b) Rape Exam Payment Requirement.

1) An Indian tribal government shall not be entitled to funds under this program unless the Indian tribal government (or other governmental entity) incurs the full costs of forensic medical exams for victims of sexual assault.

2) An Indian tribal government shall be deemed to incur the full cost of forensic medical exams for victims of sexual assault if, where applicable, it meets the requirements of Section 90.14(b) or establishes that another governmental entity is responsible for providing the services or reimbursements meeting the requirements of Section 90.14(b).

c) **Filing Costs for Criminal Charges Requirement.** An Indian tribal government shall not be entitled to funds under this Part unless the Indian tribal government:

1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the victim bear the costs associated with the filing of criminal charges against the domestic violence offender, or the costs associated with the issuance or service of a warrant, protection order, witness subpoena; or

2) assures that its laws, policies and practices will be in compliance with the requirements of paragraph (a) of this section by September 13, 1996. (Section 2006.)

§ 90.54 Allocation of Funds.

- a) 4% of the total amounts appropriated for this program under Section 2002(b) shall be available for grants directly to Indian tribal governments.
- b) Indian tribal governments may make individual applications, or apply as a consortium.
- c) Limited funding restricts the awarding of grants to approximately fifteen to twenty awards in FY 1995. The selection process will be sensitive to the differences among tribal governments and will take into account the applicants' varying needs in addressing violence against women.

§ 90.55 Matching Requirements.

A grant made to an Indian tribal government under Subpart C may not be expended for more than 75% of the total cost of the projects specified in the application. Applicants should submit a budget which identifies the source of the 25% matching funds. Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide matching share of the cost of programs or projects funded. An Indian tribal government may also satisfy the 25% match through in-kind services. All funds designated as match are restricted to the same uses as the grant funds and must be expended within the grant period.

§ 90.56 Non-supplantation.

Federal funds received under this part shall be used to supplement, not supplant funds that would otherwise be available for expenditure on activities described in this part. (Section 2002(c)(4).)

§ 90.57 Application Content.

a) **Format.** Applications from the Indian tribal groups for discretionary grants to Combat Violence Against Women must, under this Subpart, be submitted on Standard Form 424, Application for Federal Assistance, at a time specified by the Office of Justice Programs.

b) Programs.

1) Applications must set forth programs and projects for a one year period which meet the purposes and criteria of the Grants to Combat Crimes Against Women program set out in Section 2001(b) and Section 90.12.

2) Plans should be developed by consulting with tribal law enforcement, prosecutors, courts, and victim services, to the extent that they exist. Applicants are also encouraged to integrate into their plans traditional models of dispute resolution, such as peacemaker forums. Additionally, tribes may want to develop a domestic violence code, if one is not already in place, to facilitate the implementation of strategies which have reduced violence against women in other court systems.

c) **Requirements.** Applicants in their applications shall at the minimum:

- 1) Describe the project or projects to be funded.
- 2) Agree to cooperate with the National Institute of Justice in a Federally-sponsored evaluation of their projects.

d) Certifications.

1) As required by Section 2002(c) each Indian tribal government must certify in its application

that it has met the requirements of this Subpart regarding the use of funds for eligible purposes (Section 90.52); and non-supplantation (Section 90.56).

2) A certification that all the information contained in the application is correct, that all submissions will be treated as a material representation of fact upon which reliance will be placed, that any false or incomplete representation may result in suspension or termination of funding, recovery of funds provided, and civil and/or criminal sanctions.

§ 90.58 Evaluation.

The National Institute of Justice will conduct an evaluation of these programs.

§ 90.59 Grantee Reporting.

a) Upon completion of the grant period under this Part, an Indian tribal grantee shall file a perfor-

mance report with the Assistant Attorney General for the Office of Justice Programs explaining the activities carried out, including an assessment of the effectiveness of those activities in achieving the purposes of this Subpart. (Section 2002(h)(1).)

b) The Assistant Attorney General shall suspend funding for an approved application if:

- 1) an applicant fails to submit an annual performance report;
- 2) funds are expended for purposes other than those described in this subchapter; or
- 3) a report under this Section or accompanying assessments demonstrate to the Assistant Attorney General that the program is ineffective or financially unsound.

U.S. Department of Justice
Office of Justice Programs

Washington, D.C. 20531

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THE WHITE HOUSE
WASHINGTON

September 28, 1995

URGENT

SEP 28 1995

file # 6-1978

Dennis Burke

Betsy Meyers

x67311

Julia
Moffitt

MEMORANDUM FOR:

Lana Dickey
FIRST LADY'S STAFF (MELANNE VERVEER)
TODD STERN (PHIL CAPLAN)
ABNER MIKVA (JAMES COSTELLO)
KITTY HIGGINS
PAT GRIFFIN
CAROL RASCO
DOUG SOSNIK
ALEXIS HERMAN (DANA WYCKOFF)
JODIE TORKELSON
BILLY WEBSTER - FYI

FROM:

Lana Dickey/Julia Bator
for JIM DORSKIND

SUBJECT:

(Draft Proclamation)
National Domestic Violence Awareness
Month

Attached for your review is the above-mentioned proclamation designating October 1995 as "National Domestic Violence Awareness Month."

It was submitted by the Department of Health and Human Services, through the Office of Management and Budget, and edited/revised by the Presidential Letters and Messages Office.

IMMEDIATE ATTENTION REQUIRED. Written or oral response required by no later than 5:00 p.m., Thursday, September 28, 1995. IF WE HAVE NOT HEARD FROM YOU BY 5:00 P.M., WE WILL ASSUME THAT THE DRAFT IS ACCEPTABLE TO YOU.

For questions, discussion, or routine clearance, contact Lana Dickey, extension 67487, or Julia Bator, extension 66518, via phone or interoffice mail, in room 91. Thank you.

Boston

letter

from

Pres

ERIK
REED

NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH, 1996

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Domestic violence disrupts communities, destroys relationships, and harms hundreds of thousands of Americans each year. It is a serious crime that takes many forms and a complex problem with multiple causes. Those abused can be children, siblings, spouses, or parents, and both victims and offenders come from all racial, social, religious, ethnic, and economic backgrounds. Among the most tragic effects of family violence is the cycle of abuse perpetuated by children and teenagers who see and experience brutality at home -- these young people lack crucial guidance to help them form strong, positive bonds of kinship.

Americans are fortunate that knowledge about domestic violence has increased and that public interest in deterrence is stronger than ever. During the past decade, vital partnerships have formed between Federal agencies and private-sector organizations to expand prevention services in urban, rural, and underserved areas across the country. These efforts have helped to coordinate aid for victims and their children -- not only providing shelter, but also furnishing alcohol and drug abuse treatment, child care, and counseling. In addition, I am proud that the Violent Crime Control and Law Enforcement Act of 1994 includes a provision for a national "hot line" where victims can receive information and assistance.

But the struggle to end domestic violence is far from over -- we need more prevention campaigns and public awareness efforts; we must develop and share successful methods of prevention, intervention, and treatment for victims and

perpetrators; and we must continue to build alliances among government, community associations, businesses, educators, and religious organizations to strengthen our families and to teach alternatives to violent behavior.

2

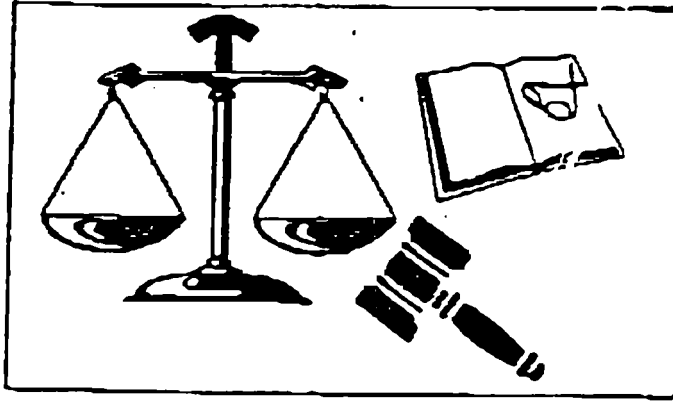
NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim October 1995, as "National Domestic Violence Awareness Month." I call upon Government officials, health professionals, educators, and the people of the United States to join together to end the family violence that threatens so many citizens. I further encourage all Americans to recognize the dedication of those working to end the horrors of abuse. Offering support, guidance, encouragement, and compassion to survivors, these caring individuals exemplify our Nation's highest ideals of service and citizenship.

IN WITNESS WHEREOF, I have hereunto set my hand this
day of , in the year of our
Lord nineteen hundred and ninety-five, and of the Independence
of the United States of America the two hundred and twentieth.

U.S. DEPARTMENT OF JUSTICE

OFFICE OF LEGISLATIVE AFFAIRS

FACSIMILE COVER SHEET



TO: Dennis Burke

FAX NO.: 456-7028

FROM: ELLEN DAVIS

PHONE: 202/514-7014

DATE: 9/26/95

NO. OF PAGES: 3 (EXCLUDING COVER)

COMMENTS: _____



U.S. Department of Justice

Washington, D.C. 20530

Memorandum

TO: Andy Fois

cc: Bonnie Campbell
Ellen Davis

FROM: — Albie Dickson *AD*

DATE: September 21, 1995

SUBJECT: Attached memo

We had a meeting at the White House today regarding the October 3 event. They would like it to be a budget/crime related event. The attached memo was drafted at the White House Women's Office based on this morning's meeting, pending our comments.

Please review and note that they intend to have the President speak forcefully in support of full-funding for VAWA. Bonnie would like to discuss it with you this afternoon.

Thanks very much.

EVENT DESCRIPTION

EVENT: Domestic Violence Event with POTUS

DATE OF EVENT: October 3, 1995

DESIRED "HEADLINE": President fights Republicans over funding for battered women

MESSAGE:

Domestic violence is a national problem and a crime problem and -- as business leaders, police chiefs and women will tell the President -- we cannot allow GOP budget cuts to pass.

Republicans are breaking their promise to families: They unanimously passed the Violence Against Women Act, -- funded by the Crime Trust Fund. The Republicans' budget proposals threaten women and families in general -- and their assault on battered women is particularly galling. The Senate would cut Violence Against Women funding by \$70 million; the House by \$40 million. The Republicans are threatening to de-fund a national hotline created by the Republican-supported Violence Against Women Act.

The President's progress for battered women cannot be impeded by GOP. The President has been making great strides forward -- including a new federal workplace awareness campaign, a new HHS hotline number, the Violence Against Women Act and the Office of Violence Against Women at DOJ.

Welfare Reform can only be successful if it is complemented by responsible domestic violence funding.

STOP Grants

SITE: East Room

DESIRED VISUAL: President surrounded by corporate, religious, police and advocate leaders.

PARTICIPANTS: Corporate leaders; religious leaders; police leaders; advocates

FORMAT:

- (1) Bonnie Campbell introduces
- (2) President talks about national problem of domestic violence and about his own mother
- (3) A police chief raises alarm about GOP cuts to this national crime problem.
- (4) A survivor of domestic violence raises alarm about GOP cuts and describes her story.
- (5) A business leader raises alarm about GOP cuts and explains the impact of domestic violence on the workplace

AUDIENCE:

Corporate, advocate, religious, police and Congressional leaders.

PRESS PLAN:

Open Press. Women's specialty press and business press. Local press through the DOJ/HHS Violence Against Women Advisory Council.

Press Kit will include data on violence against women, Presidential Proclamation on a federal workplace awareness campaign; description of new business leaders' initiative; information on community policing and domestic violence and information on HHS hotline.

Stakeout will include: Attorney General Reno on President's proclamation; CEO of Acta describing business leaders' workplace resource campaign;

"WHY ARE WE DOING THIS EVENT?"

To put a human face on the GOP budget cuts.

RECOMMENDED BY:

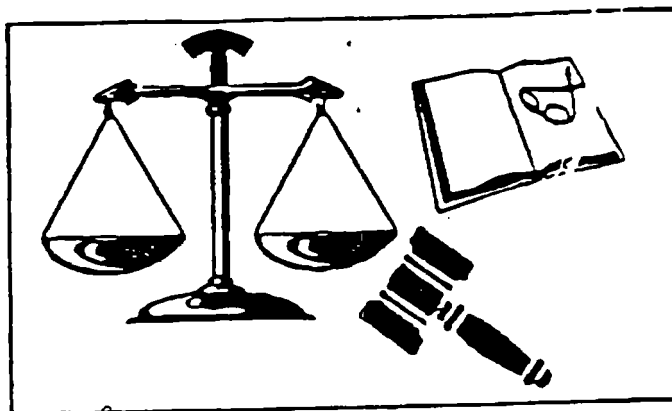
Melanne Verveer, Laura Tyson, Betsy Myers, Karen Hancox

Bonnie Campbell

U.S. DEPARTMENT OF JUSTICE

OFFICE OF LEGISLATIVE AFFAIRS

FACSIMILE COVER SHEET



TO:

Dennis Burke

FAX NO.:

FROM:

~~Ellen Davis~~ Ellen Davis

PHONE:

202/514-~~4001~~ 7014

DATE:

NO. OF PAGES:

1

(EXCLUDING COVER)

COMMENTS:

Hope this helpsX O O X

**VIOLENCE AGAINST WOMEN ACT
COMMERCE, JUSTICE, STATE & RELATED AGENCIES
FY 1996 APPROPRIATIONS CHRONOLOGY**

HOUSE

- As passed by Congress, the 1994 Crime Control Act authorized \$174.9 million for the Department of Justice's portion of the FY 1996 Violence Against Women Act (VAWA) grants.
- The House Commerce, Justice, State (CJS) Appropriations Subcommittee (Rogers-Chair) appropriated \$74.5 million for VAWA programs in FY 1996. This represents a cut of almost \$100 million from the authorization level and from the President's FY 1996 request. The STOP grant program received the largest cut. It had been authorized at \$130 million and was appropriated at \$32.75 million.
- Congresswoman Lowey offered two amendments in full Committee to restore VAWA funding, both of which were defeated. The first amendment would have reallocated \$61 million from the CJS Subcommittee's Crime Trust Fund allocation to the Labor, HHS, & Education's Fund in an attempt to boost VAWA funding in that bill. It failed by voice vote. The second amendment would have fully funded VAWA programs in the CJS bill at the authorized level. She sought offsets from the State Department and the NOAA GOES Satellite account. It was defeated by a party line vote of 19-29.
- Chairman Rogers then offered an amendment which reallocated \$40 million of the CJS portion of the Trust Fund allocation to Labor, HHS, and specifically designated it for HHS VAWA programs.
- Chairman Rogers and Congresswoman Lowey offered an amendment during floor consideration that added \$50 million to the STOP grant portion of the VAWA programs. It passed by voice vote.
- The final FY 1996 CJS, VAWA appropriation in the House was \$124.5 million.
- House Republicans broke their promise to the American people that they would fully fund VAWA, a program that is critical to the health and safety of American women and their families.

SENATE

- The Senate CJS Appropriations Subcommittee (Gramm-Chair) appropriated \$100.9 million for VAWA programs, \$25 million below the House appropriation. An additional \$19 million came from the STOP grant program. These cuts were not challenged in full Committee. Senator Biden offered an amendment on the floor that restored full funding for VAWA. It passed unanimously.

U.S. DEPARTMENT OF JUSTICE

OFFICE OF PUBLIC AFFAIRS

IMPORTANT INFORMATION

ATTENTION: Dennis BurkeDATE: 4/5/96OF: WHSUBJECT: FYI *FAX NUMBER: 456-7028NUMBER OF PAGES: COVER +ORIGINATOR: Bert B.

ORIGINATOR'S PHONE: _____

ORIGINATOR'S FAX: _____

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MAR-26-96 TUE 11:44 AM NAT'L DOMESTIC VIOLENCE

FAX NO. 512 453 8541

P. 02



National Domestic Violence Hotline

A Project of Texas Council on Family Violence

1-800-799-SAFE (7233)**1-800-787-3224 (TDD)**

FOR IMMEDIATE RELEASE: FEBRUARY 21, 1996

(Austin, Texas) President William J. Clinton today announced the opening of the National Domestic Violence Hotline, a project of the Texas Council on Family Violence and released the Hotline's toll-free telephone numbers: **1-800-799-SAFE** and **1-800-787-3224 (TDD)**.

The National Domestic Violence Hotline will play an important role in linking individuals residing in all 50 states, District of Columbia, Puerto Rico and the U.S. Virgin Islands with services by way of a nationwide database developed and maintained at its offices located in Austin, Texas. The system stores up-to-date information on domestic violence and other emergency shelters, legal advocacy and assistance programs and social services programs thereby directly contributing to positive working relationships among local, state and federal service providers. The Hotline's telephones are answered 24 hours a day, seven days a week by both English and Spanish-speaking Advocates who provide crisis intervention, referrals and information to battered women, their friends and families and others seeking assistance. A toll-free telecommunication device for the deaf (TDD) is also available as well as access to translators in 139 languages. During its first year in operation, calls to the Hotline are expected to number approximately 10,000 per month. The annual operating cost of the National Domestic Violence Hotline is financed through a broad-based mix of private and public funds.

"Support for this project from its inception to this momentous day from elected and appointed officials at all levels of government, state domestic violence coalitions, social service agencies and corporate and individual donors has been phenomenal," said Ellen Rubenstein Fisher, Director of the National Domestic Violence Hotline. "I have no doubt," Fisher said, "that continued support and collaboration from everyone who is committed to ensuring that battered women know where to find and receive the help that they need will save lives."

**FOR MORE INFORMATION, CONTACT:
NDVH PUBLIC RELATIONS OFFICE AT 512/453-8117**



Department of Justice

FOR IMMEDIATE RELEASE
FRIDAY, MAY 24, 1996

VAW
(202) 514-2008
TDD (202) 514-1888

JUSTICE DEPARTMENT ANNOUNCES THE AVAILABILITY OF \$130 MILLION IN VIOLENCE AGAINST WOMEN GRANTS

The Justice Department today announced the availability of \$130 million in grant funding for the states to assist police, prosecutors, and victim service providers in combating domestic violence and sexual assault. The STOP Violence Against Women formula grants were authorized by the Violent Crime Control and Law Enforcement Act of 1994 (the Crime Bill). STOP stands for services, training, officers and prosecutors.

The grants will be used by the states to train law enforcement officers, expand law enforcement and prosecution agencies, develop more effective strategies and programs to prevent violent crimes against women, and apply advanced technology to improving data collection and tracking systems. By law, at least a quarter of the funds must be dedicated to enhance direct services for crime victims.

"We view these grants as a major step in advancing the promise of the Violence Against Women Act," said Attorney General Janet Reno. To receive these funds, states must submit an implementation

plan, indicating how they will coordinate efforts among police, prosecutors and service providers. Priorities for this year's grants include: judicial education and court related programs; strengthening intra and interstate enforcement of protection orders; and addressing sexual assault, stalking and underserved populations. The grants will be distributed by the Violence Against Women Grants Office in the Office of Justice Programs.

Bonnie J. Campbell, Director of the Violence Against Women Office, indicated that states are being encouraged to enhance the coordination of anti-violence efforts among law enforcement agencies and victim service agencies. "It is vitally important that the collaborative relationships envisioned by the Violence Against Women Act continue to develop and we look forward to working with the states as they put this funding to work," Campbell said.

Over the next four years, a total of \$800 million in federal funds is scheduled to assist states as they restructure their law enforcement response to address violent crimes against women. Last year, \$26 million was available for the programs, with each state receiving \$426,000. This year, and in future years, funds will be allocated according to state populations, with each state guaranteed a base amount of \$500,000. Four percent of each year's appropriation will be available to Indian tribal governments through a discretionary grant program.

A detailed list of the states receiving STOP grants is attached.

###

96-235

*Dennis -**I don't have a copy of the*THE VIOLENCE AGAINST WOMEN ACT (VAWA): AN OVERVIEW

Enacted as part of the Violent Crime Control and Law Enforcement Act of 1994, the Violence Against Women Act (VAWA) is landmark legislation -- combining tough law enforcement strategies with important safeguards for victims of domestic violence and sexual assault.

Federal action on this front comes at a critical time. A recently released Department of Justice Bureau of Statistics report, based on the National Crime Victimization Survey, reveals the following:

- In 1993 and 1994, women age 12 or older annually sustained almost 5 million victimizations;
- In 1994, about 60% of all violence against women was perpetrated by offenders the victim knew;
- In 1994, about 15% of violence against women was committed by relatives of the victim, and in 30% of violence against women, the perpetrator was someone well-known to the victim;
- Nearly a third of the women who experienced violence at the hands of an intimate were victimized again during the same year;
- In 1994, Women were approximately 6 times as likely as men to experience violence committed by an intimate;
- During 1992 and 1993, women annually reported to interviewers about 500,000 rapes and sexual assaults. Friends or acquaintances of the victims committed over half of these rapes or sexual assaults.
- In 1994, female victims of rape or sexual assault stated that in only about a third of the incidents of rape was the crime reported to the police, regardless of the victim's relationship to the offender;
- The most recent data on prison releases nationwide indicates that discharged rape offenders had served just under half the sentence they had received. The average time served for rape was 63 months, and 34 months for other sexual assault offenses, such as statutory rape or lewd acts with children.
- More than 81,000 rape and sexual assault offenders were serving time in state prison in 1993, a four-fold increase since 1980.

report but here is a summary.
Call me

Domestic violence affects millions of lives each year, occurring with alarming frequency and staggering brutality. More Americans are personally affected by domestic violence than by robberies and muggings combined. (We're not familiar with this statistics and cannot document it) At least one-fifth of all hospital emergency room visits by women are the result of domestic violence. (Council on Scientific Affairs, American Medical Association. "Violence Against Women Relevance for Medical Practitioners." JAMA. Vol. 267 No. 23. June 17, 1992. p. 3184.) And one of the greatest tragedies of this violence is its effect on our young people: more than 3 million children are witness to family violence every year. (American Psychological Association, "Violence and the Family." 1996. p.11)

Family violence threatens the very core of what we hold dear. It is a crime that transcends race, religion, ethnicity, and economic stature. We must be vigilant in our work to prevent and eliminate domestic violence--to change despair into hope for women and their families throughout the country. We must encourage individuals in every sector of society to increase public awareness and understanding of domestic abuse and the needs of its victims.

The Violence Against Women Act, which I signed into law, is already making a profound difference. Federal penalties and prevention efforts included in this legislation have strengthened our response against crimes of sexual and domestic abuse.

Now Federal, state, and local prosecutors are working together to ensure that batterers do not slip through the cracks of the criminal justice system when they cross state lines. Unprecedented resources are supporting states to train police, expand prosecuting attorneys' offices, and in every way forge partnerships to prevent violent crimes against women.

In February, we established a 24-hour a day, 7-day a week National Domestic Violence Hotline. This toll free number--1-800-799-SAFE--is a lifeline for ~~domestic violence~~ victims across the country and has already helped more than 42,000 callers.

As a result of these and other efforts at the state and local level, we are one step closer to eliminating domestic violence and building in its place a brighter, more secure future for our families and loved ones. I salute all those whose efforts are helping in this noble endeavor and pay special tribute to survivors of domestic violence whose courage is an inspiration for all of us. I urge all Americans to join me working toward the day when no one raises a hand in violence against a family member.

NOW, THEREFORE, I, WILLIAM CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the month of October 1996 as National Domestic Violence Awareness Month. I call upon all Americans to observe this month by demonstrating their respect and gratitude for all those individuals who unselfishly share their experiences, skills, and talents with those affected by domestic violence.

IN WITNESS WHEREOF, I have hereunto set my hand this XXX day of XXX, in the year of our Lord nineteen hundred and ninety six, and of the Independence of the United States of America the two hundred and twenty-first.

**THE WHITE HOUSE
OFFICE FOR WOMEN'S INITIATIVES AND OUTREACH**

TO: LYN HOGAN & DENNIS BURKE
FAX: 6-7028

DATE: _____

NUMBER OF PAGES (including cover sheet): 4

FROM: _____ BETSY MYERS, Director
_____ LISA OSBORNE ROSS, Deputy Director
_____ MARY DIXON, Agency Rep., Interagency
Committee
_____ LEANNE POWELL, Agency Rep., Interagency
Committee
_____ SONDRA SEBA, Agency Rep., Interagency
Committee
_____ Other

NOTES:

RE: DOMESTIC VIOLENCE PROCLAMATION
EDITS & STATS SUGGESTED
BY DOJ. WILL YOU 2 DECIDE
WHAT'S BEST + TALK TO LANA Dickey? Thanks
Carrie

**THE WHITE HOUSE
OFFICE FOR WOMEN'S INITIATIVES AND OUTREACH
708 JACKSON PLACE, NW
WASHINGTON, DC 20503
PHONE: (202) 456-7300 FAX: (202) 456-7311**

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U.S. Department of Justice

Washington, D.C. 20530

FACSIMILE TRANSMITTAL COVER SHEET

DATE:

9/27/96

TO:

Carrie Wofford
Women's Office

FACSIMILE NO.

456 - 7311

TELEPHONE NO.

FROM:

Bonnie Campbell

Office of Violence Against Women

U.S. Department of Justice

FACSIMILE NO.

202--307-3911

TELEPHONE NO.

202--616-8894

NUMBER OF PAGES (INCLUDING COVER SHEET):

-3-

COMMENTS:

We inserted cites for reference/NOT for the
proclamation, and made some edits to reflect
VAWA accomplishments. Plus attached is a one page
face sheet from BJS.

The Interstate Stalking Punishment and Prevention Act

This measure, introduced by Senator Kay Bailey Hutchison (R-TX) and Congressman Ed Royce (R-CA), would make it a felony for a stalker to cross state lines with the intent of harming, harassing, injuring or killing another person and, in the course of, or as a result of such travel, 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.

The 1994 Clinton Crime Bill contained the Violence Against Women Act, which for the first time made 1) interstate domestic violence a federal crime (violence between intimate partners) and 2) interstate violation of a protection order a federal crime.

The Interstate Stalking Punishment and Prevention Act of 1996 builds upon those two Crime Bill provisions -- and thereby fills gaps in existing Federal law -- by now providing Federal jurisdiction for interstate stalking cases where 1) the stalker did not yet commit bodily harm to an intimate; 2) the victim did not have an intimate relationship with the offender; 3) and cases where the victim has not obtained a protection order. The Act provides a mandatory minimum of five years to a life sentence.