Reauthorizing VAWA

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How VAWA 4 Began

- National Task Force to End Sexual and Domestic Violence began the process in 2009 by holding a series of national meetings and national conference calls through more than 22 different committees.
- Gathered input of more than 2,000 law enforcement, court, prosecution, legal services, victim services and health services professionals and from advocates working with a wide range of different communities.
- Identified gaps and unmet needs and submitted recommendations to Judiciary Committees of the Senate and House.

The Bills

Definitions and Accountability

- Good definitional changes in each version, House and Senate.
- Good changes in grant conditions.
- Both versions strengthen accountability.

Stop Grants

- Making sure to consistently name all 4 crimes.
- New uses permitted, in BOTH bills:
  - Developing and promoting legislation and policies to enhance best practices.
  - SARTs and other coordinated community response.
  - Policies, protocols, best practices for law enforcement and prosecutors re SA cases.
  - SA in corrections.
  - Inventorying and clearing DNA backlogs.
  - Prevention and education (no more than 5% of funds).
STOP GRANTS

- Implementation plans
  - Documentation from each member of the planning committee as to their participation;
  - Documentation from prosecution, law enforcement, court, and victim service programs re. need for funds, use of funds, expected result, and demographics of victims to be served;
  - Demographic data on distribution of underserved populations and description of how State will meet needs;
  - Goals and objectives for reducing DV homicide

GTEAP GRANTS

- Purpose areas clarified and expanded
  - Develop and promote legislation and policies that enhance best practices re. treatment
  - SANE and SAFE programs
  - SARTs
  - Policies, protocols, trainings re. investigation and prosecution of SA
  - SAK backlogs
  - Multi-disciplinary high-risk teams, to reduce homicides
  - Make coalitions and providers eligible grantees (if partner with government)

OTHER IN TITLE I

- House bill would change DNA backlog grants (Debbie Smith grants) to require that 75% go to reduction of backlogs.

CAMPUS PROVISIONS

- Change campus grants program to add minimum requirements for grantees:
  - Develop coordinated community response including outside institutions;
  - Establish mandatory prevention and education program for all incoming students;
  - Train all campus law enforcement on response;
  - Train all campus disciplinary board members.

CAMPUS PROVISIONS

- Senate bill would add Campus SaVE
- House bill would create National Center for Campus Public Safety

SMART PREVENTION

- Consolidated prevention program
  - Teen Dating Violence Awareness and Prevention
  - Children Exposed to Violence and Abuse
  - Engaging Men as Leaders and Role Models
  - Largely in both bills.
STRENGTHENING HEALTHCARE SYSTEM RESPONSE

- Consolidates 3 existing grant programs:
  - Grants to Foster Public Health Responses to Intimate Partner Violence and Sexual Violence
  - Training and Education of Health Professionals
  - Research on Effective Public Health Approaches to End VAW

HOUSING

- Adds sexual assault
- Applies existing protections, that apply to Section 6 and 8, to nine other public housing programs
- Updates def of “affiliated individual”
- Provides emergency transfer policies

COMMUNITIES OF COLOR/UNDERSERVED

- Expand Grants for Outreach and Services to Underserved Populations to support the planning and development, as well as the implementation, of specially targeted programs for adult and youth victims in one or more underserved populations.
- Strengthen the ability of Culturally Specific Services grants to target the development and provision of innovative programming that provides culturally and linguistically specific services for marginalized racial and ethnic minority communities and builds community capacity and accountability.

OTHER

- Some changes to federal sexual abuse laws re. abuse of juvenile or adult defendants and extension of PREA to persons in custody of DHS or HHS.
- Stalking law changes.
- Mandatory minimum for aggravated sexual abuse.

IMMIGRANT VICTIMS

- Provisions included only in Senate bill:
  - Adds “stalking” to the crimes covered by the U visa
  - Allows DHS to issue up to 5,000 additional U visas each year for next 5 years through recapture of previously unused visas (e.g. increases annual cap to 15,000 U visas)
  - Requires annual report to Congress regarding outcomes and processing times for VAWA self-petitions, U visas and T visas
  - Broader improvement in protections under International Marriage Broker Regulation Act (IMBRA)

IMMIGRATION PROVISIONS IN COMMON

- Provisions found in both Senate & House bills:
  - Ensures protection for children of U visa applicants who age out during the process (when turn 21)
  - Clarifies that victims should not be charged as inadmissible for LPR status based on “public charge”
  - Extends the widow-fix to abused victims of domestic violence to include children in VAWA self-petition
  - Extends hardship waiver when underlying marriage to USC or LPR was invalid because of bigamy, unknown to victim spouse
  - Includes some IMBRA amendments, but omits most important ones in S1925 to enforce protections
Harmful Immigration Provisions
House bill includes changes to current provisions that roll back protections and endanger victims:
- Requires interviews with local USCIS office at outset of application (duplicative, unspecialized adjudicators, lengthy delays)
- Weakens confidentiality protections
- Suspends adjudication of VAWA self-petition while criminal charges pending against abuser
- Changes to U visa eligibility criteria creates barriers
- Denies access to Lawful Permanent Resident status to most victims who obtain U visa
- Would allow evidence outside criminal conviction record in determining deportability for domestic violence

LGBTQ Provisions
- Civil Rights – Senate version includes a nondiscrimination provision, including discrimination on basis of gender identity or sexual orientation. House version says grantees can consider an individual’s gender for purposes of a program if it finds gender segregation or gender-specific programming is necessary to the essential operation of the program. BUT must make alternative reasonable accommodations.

Senate adds new purpose under STOP
- “developing, enlarging, or strengthening programs and projects to provide services and responses targeting male and female victims ... whose ability to access traditional services and responses is affected by their sexual orientation or gender identity”

Tribal Provisions
- Senate bill restores concurrent tribal criminal jurisdiction for crimes of domestic violence, dating violence, and violations of protection orders committed by non-Indians against Native women
  - applies where the defendant is a non-Indian spouse or intimate partner or resides or works in Indian country
- House bill omits this important provision regarding tribal criminal jurisdiction; includes provision to create federal domestic violence order of protection for Native victims that is opposed by national experts

Prospects
- 2012
- 2013

What Can You Do
- Stay informed
  - https://4vawa.org
  - @NTFVAWA
- Like Facebook page, National Task Force to End Sexual and Domestic Violence
- Raise your voice
- Take note!