

Violence Against Women Act (VAWA)

The Violence Against Women Act (VAWA) has been of ongoing interest to Congress since its enactment in 1994 (P.L. 103-322). The original act was intended to change attitudes toward domestic violence, foster awareness of domestic violence, improve services and provisions for victims, and revise the manner in which the criminal justice system responds to domestic violence and sex crimes. The legislation created new programs within the Departments of Justice (DOJ) and Health and Human Services (HHS) that aimed to reduce domestic violence and improve response to and recovery from domestic violence incidents. VAWA primarily addresses certain types of violent crime through grant programs to state, tribal, and local governments; nonprofit organizations; and universities. VAWA programs target the crimes of intimate partner violence, dating violence, sexual assault, and stalking. In 1995, the Office on Violence Against Women (OVW) was created administratively within DOJ to administer federal grants authorized under VAWA. In 2002, Congress codified the OVW as a separate office within DOJ. Since its creation, the OVW has awarded more than \$5 billion in grants. While the OVW administers the majority of VAWA authorized grants, other federal agencies, including the Centers for Disease Control and Prevention (in HHS) and the Office of Justice Programs (in DOJ), also manage

VAWA grants. Since its passage in 1994, VAWA has been modified and reauthorized several times. In 2000, Congress reauthorized the programs under VAWA, enhanced federal domestic violence and stalking penalties, added protections for abused foreign nationals, and created programs for elderly and disabled women. In 2005, Congress again reauthorized VAWA. In addition to reauthorizing the programs under VAWA, the legislation enhanced penalties for repeat stalking offenders; added additional protections for battered and/or trafficked foreign nationals; created programs for sexual assault victims and American Indian victims of domestic violence and related crimes; and created programs designed to improve the public health response to domestic violence. In February 2013, Congress passed legislation (Violence Against Women Reauthorization Act of 2013; P.L. 113-4) that reauthorized most of the programs under VAWA, among other things. The VAWA reauthorization also amended and authorized appropriations for the Trafficking Victims Protection Act of 2000, enhanced measures to combat trafficking in persons, and amended some VAWA grant purpose areas to include sex trafficking. Moreover, VAWA 2013 gave Indian tribes authority to enforce domestic violence laws and related crimes against non-Indian individuals, and established a nondiscrimination provision for VAWA grant programs. The reauthorization also included new provisions to address the rape kit backlog in states. A description of the reauthorization is provided in this report.

Background and History of the Violence Against Women Act (VAWA)

The Violence Against Women Act (VAWA) was originally passed by Congress as Title IV of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322). This act addressed congressional concerns about violent crime, and violence against women in particular, in several ways. Among other things, it enhanced investigations and prosecutions of sex offenses by allowing for enhanced sentencing of repeat federal sex offenders; mandating restitution to victims of specified federal sex offenses; and providing grants to state, local, and tribal law enforcement entities to investigate and prosecute violent crimes against women. Congressional passage of VAWA was ultimately spurred on by decades of

growing unease over the rising violent crime rate and a focus on women as crime victims. Beginning in the 1960s, the violent crime rate rose steadily,¹ igniting concern from both the public and the federal government. Supplementing the concern for the nation's rising violent crime rate was the concern for violence against women. In the 1970s, grassroots organizations began to stress the need for attitudinal change regarding violence against women. These organizations sought a change in attitude among both the public as well as the law enforcement community.² In the 1980s, researchers began to address the violence against women issue as well. For instance, Straus and Gelles collected data on family violence and attributed declines in spousal assault to heightened awareness of the issue by both men and the criminal justice system.³ The criminal justice system and the public were beginning to view family violence as a crime rather than a private family matter.⁴ In 1984, Congress enacted the Family Violence Prevention and Services Act (FVPSA, P.L. 98- 457) to assist states in preventing incidents of family violence and to provide shelter and related assistance to victims of family violence and their dependents. While FVPSA authorized programs similar to those discussed in this report and has reauthorized programs that were originally created by VAWA, such as the National Domestic Violence Hotline, it is a separate piece of legislation and beyond the scope of this report.⁵ In 1994, Congress passed a major crime bill, the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322). Among other things, the bill created an unprecedented number of programs geared toward helping local law enforcement fight violent crime and servicing victims of violent crime. In their introduction to the Violence Against Women Act, then-Senator Joseph Biden and Senator Barbara Boxer highlighted the weak response to violence against women by police and prosecutors.⁶ The shortfalls of legal response and the need for a change in attitudes toward violence against women were primary reasons cited for the passage of VAWA.⁷ Since it was enacted in 1994, Congress has reauthorized VAWA three times. Most recently, Congress passed and President Obama signed the Violence Against Women Reauthorization Act of 2013 (P.L. 113-4) that reauthorized most of the programs under VAWA, among other things. The VAWA reauthorization also amended and authorized appropriations for the Trafficking Victims Protection Act of 2000, enhanced measures to combat trafficking in persons, and amended VAWA grant purpose areas to include sex trafficking. Moreover, P.L. 113-4 gave Indian tribes authority to enforce domestic violence laws and related crimes against non-Indian individuals, and established a nondiscrimination provision for VAWA grant programs. The reauthorization also included new provisions to address the rape kit backlog in states. This reauthorization and others are discussed in this report. This report provides a brief legislative history of VAWA and an overview of the crimes addressed through VAWA. The report concludes with a brief description of the most recent reauthorization of VAWA. The Appendix provides brief VAWA program descriptions and outlines funding information for VAWA authorized programs from FY2010 through FY2014.

Violence Against Women Act of 1994

VAWA was originally passed by Congress as part of the broader Violent Crime Control and Law Enforcement Act of 1994. The Violence Against Women Act of 1994 (1) enhanced investigations and prosecutions of sex offenses and (2) provided for a number of grant programs to address the issue of violence against women from a variety of angles, including law enforcement, public and private entities and service providers, and victims of crime. The sections below highlight examples of these VAWA provisions. Investigations and Prosecutions As passed in 1994, VAWA impacted federal investigations

and prosecutions of cases involving violence against women in a number of ways. For instance, it established new offenses and penalties for the violation of a protection order as well as stalking in which an abuser crossed a state line to injure or harass another, or forced a victim to cross a state line under duress and then physically harmed the victim in the course of a violent crime. It added new provisions to require states and territories to enforce protection orders issued by other states, tribes, and territories. VAWA also allowed for enhanced sentencing of repeat federal sex offenders. It also authorized funding for the Attorney General to develop training programs to assist probation and parole officers in working with released sex offenders. In addition, VAWA established a new requirement for pretrial detention in federal sex offense or child pornography felony cases. It also modified the Federal Rules of Evidence to include new procedures specifying that, with few exceptions, a victim's past sexual behavior was not admissible in federal criminal and civil cases of sexual misconduct.⁸ In addition, VAWA asked the Attorney General to study measures in place to ensure confidentiality between sexual assault or domestic violence victims and their counselors. VAWA mandated restitution to victims of specified federal sex offenses, specifically sexual abuse as well as sexual exploitation and other abuse of children. It also established new provisions, including a civil remedy that allows victims of sexual assault to seek civil penalties from their alleged assailants,⁹ and a provision that allows rape victims to demand that their alleged assailants be tested for the HIV virus.

Grant Programs

VAWA created a number of grant programs for a range of activities, including programs aimed at (1) preventing domestic violence and related crimes; (2) encouraging collaboration among law enforcement, judicial personnel, and public/private sector providers with respect to services for victims of domestic violence and related crimes; (3) investigating and prosecuting domestic violence and related crimes; and (4) addressing the needs of individuals in a special population group (e.g., elderly, disabled, children and youth, individuals of ethnic and racial communities, and nonimmigrant women). VAWA grants are administered by the Department of Justice, Office on Violence Against Women and Office of Justice Programs as well as by the Department of Health and Human Services, Centers for Disease Control and Prevention. Under VAWA, grants were authorized for capital improvements to prevent crime in public transportation systems as well as in public and national parks. It also expanded the Family Violence Prevention and Services Act (FVPSA)¹⁰ to include grants for youth education on domestic violence and intimate partner violence as well as to include grants for community intervention and prevention programs. As mentioned, VAWA provided for federal grants to state, local, and tribal law enforcement entities to investigate and prosecute violent crimes against women. It established an additional grant to bolster investigations and prosecutions in rural areas. It also established a grant program to encourage state, local, and tribal arrest policies in domestic violence cases. VAWA authorized grants for education and training for judges and court personnel in state and federal courts on the laws of rape, sexual assault, domestic violence, and other crimes of violence motivated by the victim's gender. It also authorized grants to assist state and local governments in entering data on stalking and domestic violence into national databases. VAWA authorized the expansion of grants under the Public Health Service Act¹¹ to include rape prevention education. Additionally, it expanded the purposes of the Runaway and Homeless Youth Act¹² to allow for grant funding to assist youth at risk of (or who have been subjected to) sexual abuse. VAWA reauthorized the Court-Appointed Special

Advocate Program and the Child Abuse Training Programs for Judicial Personnel and Practitioners. It also authorized funding for Grants for Televised Testimony by Victims of Child Abuse. VAWA established the National Domestic Violence Hotline and authorized funding for its operation.¹³ It also authorized funding for battered women's shelters, in addition to including special protections for battered nonimmigrant women and children.

Other VAWA Requirements

Beyond the criminal justice improvements and grant programs, VAWA included provisions for several other activities, including • requiring that the U.S. Postal Service take measures to ensure confidentiality of domestic violence shelters and abused persons' addresses; • mandating federal research by the Attorney General, National Academy of Sciences, and Secretary of Health and Human Services to increase the government's understanding of violence against women; and • requesting special studies on campus sexual assault and battered women's syndrome.

Office on Violence Against Women

In 1995, the Office on Violence Against Women (OVW) was administratively created within the Department of Justice (DOJ) to administer the grants authorized under VAWA.¹⁵ Since its creation through FY2013, the OVW has awarded more than \$5 billion in grants and cooperative agreements to state, tribal, and local governments, nonprofit organizations, and universities.¹⁶ While the OVW

administers the majority of VAWA authorized grants, other federal agencies, including the Centers for Disease Control and Prevention (CDC) and the Office of Justice Programs (OJP), also manage VAWA funds. See Table A-1 for an outline of current VAWA authorized grant programs.

Categories of Crime Addressed through VAWA

VAWA grant programs address the needs of victims of domestic violence, sexual assault, dating violence, and stalking. VAWA treats these as distinct crimes which involve a wide range of victim demographics. For domestic violence, sexual assault, and stalking, the risk of victimization is highest for women.¹⁷ For dating violence, the risk of victimization is the same for both men and women.¹⁸ Victimization data on these crimes are available from two national surveys, the National Crime Victimization Survey (NCVS) and the Youth Risk Behavior Surveillance System,¹⁹ and the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) Program.²⁰ UCR data vary from survey data because the UCR describes crimes that were reported to law enforcement while survey data describe self-reported crimes that were not necessarily reported to law enforcement. Due to differences in methodology, survey data are not comparable to UCR data.

Domestic Violence

Public concern over violence against women prompted the original passage of VAWA. As such, VAWA legislation and programs have historically emphasized women as victims. More recently, however, there has been a focus on ensuring the needs of all victims are met through provisions of VAWA programs.²²

Domestic violence is a complex crime and is often labeled as family violence or intimate partner violence. Under VAWA, domestic violence is generally interpreted as intimate partner violence. Intimate partner violence includes felony or misdemeanor crimes committed by spouses or exspouses, boyfriends or girlfriends, and ex-boyfriends or ex-girlfriends. Crimes may include sexual assault, simple or aggravated assault, and homicide. As defined in statute for the purposes of VAWA grant programs, domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

From 1994 to 2011, the rate of serious intimate partner violence²⁴ declined by 72% for females, from 5.9 victimizations per 1,000 females aged 12 and older in 1994 to 1.6 per 1,000 in 2011, and 64% for males, from 1.1 victimizations per 1,000 males aged 12 and older in 1994 to 0.4 per 1,000 in 2011.²⁵ According to NCVS data, intimate partner victimization rates also vary by age and race. Females aged 18 or older generally experience higher rates of intimate partner violence than females aged 12 to 17. Rates of intimate partner violence have also been historically higher for black females than white females.²⁶ In 2010, a survey conducted by the Centers for Disease Control and Prevention included questions about lifetime victimization. The CDC estimates that 24.3% of women (one in four women) and 13.8% of men (one in seven men) have experienced severe physical violence²⁷ by an intimate partner in their lifetime.

Intimate Partner Homicide

Since peaking in the early 1990s, the violent and property crime rates have declined through 2011.²⁹ Overall homicide rates and intimate partner homicide rates have also declined. Researchers have studied the range of social factors that may influence homicide rates and have suggested possible reasons for the decline in intimate partner homicide rates. For instance, most intimate partner homicides involve married couples; as such, some researchers have suggested the decline in marriage rates among young adults as a contributing factor in the decline in intimate partner homicide rates.³⁰ Additionally, divorce and separation rates have increased. Fewer marriages may result in less exposure to abusive partners and fewer marriages may suggest that those who do marry are more selective in choosing a partner.³¹ Overall, homicide is committed largely by males, mostly victimizing other males. From 1980 through 2008, males made up 90% of all offenders and 77% of all homicide victims; however, females were more likely than males to be victims of intimate partner homicide.³² From 1980 through 2008, female homicide victims were six times more likely than male victims to have been a victim of intimate partner homicide, and 63% of all intimate partner homicide victims were female.³³

Sexual Assault

While intimate partner violence can, and often does, include sexual assault,³⁴ it is viewed as a separate category of crime under VAWA. Sexual assault may include the crimes of forcible rape, attempted forcible rape, assault with intent to rape, statutory rape, and other sexual offenses. Under VAWA, sexual assault is defined as any conduct proscribed by chapter 109A of title 18, United States Code [18 USCS

§§2241 et seq.], whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison 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.³⁵ Sexual assault is not specifically defined under Title 18, but other associated crimes, such as sexual abuse and aggravated sexual abuse, are defined under Title 18.³⁶ According to statistics from the National Crime Victimization Survey (NCVS), there were 346,830 sexual assaults in 2012.³⁷ These data are not comparable to Uniform Crime Reporting (UCR) Program data because these data are self-reported during interviews and are not necessarily reported to law enforcement. Moreover, the NCVS includes male victims in its definition of sexual assault, and UCR statistics from 2012 do not include male victims. According to the FBI's UCR Program, 84,376 forcible rapes were reported to law enforcement in 2012. Since 1990, when 102,555 forcible rapes were reported to law enforcement, this figure has fluctuated but has declined overall. Until 2012, the FBI defined forcible rape as, "the carnal knowledge of a female forcibly and against her will."³⁸ Forcible rape statistics include attempted forcible rape and assault with intent to rape, but exclude statutory rape without force and other sex offenses.³⁹ In January 2012, the FBI revised its definition of forcible rape to include male victims.⁴⁰ Future UCR reports will include rape statistics for male victims.

Dating Violence

Under VAWA, dating violence refers to "violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim."⁴¹ The relationship between the offender and victim is determined based on the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.⁴² Reports on dating violence usually refer to teenagers as the relevant age demographic. According to the 2011 Youth Risk Behavior Survey, approximately 9.4% of high school students had been "hit, slapped, or physically hurt on purpose by their boyfriend or girlfriend" in the past year.⁴³ Unlike other crimes addressed by VAWA, males were equally likely as females to report this outcome.

Stalking

Stalking is defined as "a course of conduct directed at a specific person that would cause a reasonable person to feel fear."⁴⁵ All 50 states, the District of Columbia, and U.S. Territories have enacted antistalking laws, and these laws vary in their definition.⁴⁶ Federal law makes it unlawful to (1) travel across state lines or use the mail or computer; (2) with the intent to injure or harass another; and (3) as a result, places that person in reasonable fear of death or serious bodily injury or causes substantial emotional distress to that person or a member of that person's family.⁴⁷ According to the NCVS, 3.3 million individuals aged 18 and older were victims of stalking in 2006.⁴⁸ Females were at greater risk than males for stalking victimization, and individuals aged 18-24 were at greater risk than those individuals aged 25 or older.⁴⁹ According to the CDC, 10.7% of women and 2.1% of men have been stalked by an intimate partner in their lifetime.

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Here is the link: <https://fas.org/sgp/crs/misc/R42499.pdf>

12 Teaching Scenarios: Responding to Rape, Domestic Violence, and Child Abuse

The following teaching scenarios are designed for use in groups and classes of all kinds. Although they are phrased in terms of what to do if you have "a friend" in a given situation, the scenarios are designed to educate everyone, including people who work with victims in a professional capacity, such as victim advocates; teachers, law enforcement, clergy, health workers, and counselors.

The best way to use these scenarios is to break up a larger group into smaller groups of three or four people each. Give each group a copy of the scenario (without the answers, of course), and then give the groups enough time to discuss each situation and come up with a plan of action. This approach accomplishes an additional educational goal of getting people to talk with each other seriously and in detail about violence against women - something that is still very difficult for most people in our culture. Small groups also tend to generate well-thought-out responses. In fact, don't be surprised if you get some action plans and answers that are better than the ones we've provided here.

And one word of warning! Remember, these are fictional examples. Real situations are complex and require full consideration of individual circumstances. Remember too, that in a real situation you shouldn't take a given action until you're sure it's something the victim wants you to do. 1. A friend comes to you extremely agitated and says her husband beat her last night. She says she doesn't know what to do. You can see she's very panicky.

Everything you suggest just seems to provoke more anxiety and fears. When you try to respond to one aspect of the problem, your friend interrupts frantically and jumps to another. What can you do to help?

FACT: No matter how good your advice, it simply won't be of much help to give that advice to someone who is overwhelmed with panic or anxiety. The suggestions and thoughts you put out won't get through to her, and it's not very likely she'll remember them later. Assuming there's no imminent danger, a panicky victim of trauma must first be calmed before any kind of problem solving can be effective.

WHAT TO DO:

- a. Tell your friend firmly you want her to stop for a minute. Ask her to try to listen to you for just a minute without interrupting. When you have her focused attention, tell her it's perfectly natural for her to feel panicky and afraid given what she's been through. Reassure her that you're going to help, but first the two of you need to slow everything down.
- b. Set the stage. Get your friend seated and physically comfortable. Get her a drink of water or tea. Get a notebook so you and she can write things down you want to remember. Ask her to tell you what happened. As much as possible, ask questions in a logical order. Then try to evaluate and prioritize her most urgent needs, putting aside those things that can be solved later.
- c. Recent victims of crime and trauma usually have to be calmed down repeatedly, because the very powerful emotions overcome them in waves. When that happens, stop the problem-solving conversation, suggest taking a minute or two out, talk soothingly to your friend, then ask her if she feels ready to work on the problems again. 2. You find your teenage daughter crying and sobbing inconsolably in her bedroom. When you finally get your daughter to talk, she tells you that she was raped the night before by her boyfriend. But when you suggest calling the police or a rape crisis center, your daughter adamantly refuses, and says she doesn't want to talk to anyone. How do you help your daughter?

FACT: This is a very common and difficult situation. On the one hand, because rape is a crime that robs a person of their self determination at the most intimate level, the last thing you want to do is force that person to do

something else against their will; especially something like trying to make them talk about the rape when they don't want to talk about it. At the same time, a teenage girl is still a child, and as with all youngsters in crisis, it's often necessary for adults to step in and take charge for the sake of the youngster's safety and welfare.

WHAT TO DO:

a. Acknowledge this dilemma in words to your daughter. Tell her that you want very much to respect her wishes as to how to handle the rape, but at the same time, as her mother (or father), you need to make sure she is safe and cared for. Throughout the time you're dealing with your daughter's rape, repeat this concern for her often and in different ways.

b. Instead of trying to probe and push your daughter for the details of the rape, explore with her whom she would feel most comfortable talking to. Suggest the possibility of talking to someone anonymously over the phone. Ask her what she feels she most needs, and try to fulfill those needs, even if she says she wants to be left alone for a while. Then come back in and talk with her some more.

Talk with her about her fears and any threats that were made. Offer to get the information necessary to calm her fears or to protect her from the object of her fears. For example, if your daughter fears going to the police because she thinks her name will be in the paper, offer to call the local police department and find out for your daughter exactly what the department's policies are regarding release of rape victims' names.

c. The parental decisions you make about when and if to take actions against your daughter's wishes are likely to be difficult, and may bring on strong reactions from your daughter. Try to keep her as much involved in the decisions as possible. For example, if you decide to call the police even though she doesn't want you to, give her as much control over the situation as possible, such as having her choose who she would like to accompany her to police, or having her decide whether you go to the station or call the police to your home. 3. You notice that a young woman with a baby in your neighborhood seems alone, isolated, and depressed. She seems afraid to get into conversations,

as if she fears getting punished. You suspect she's being abused. What can you do?

FACT: Isolated young mothers with small children are at the highest risk for domestic violence.

WHAT TO DO:

a. At a safe time, invent a pretext to talk with her; ask to borrow something, ask for a ride to the store, or offer a ride, invite her to go to a garage sale, etc.

b. In a calm moment, tell her directly you've been worried about her because she seems so isolated and afraid. Ask her if she is OK. Tell her you are willing to help her find help, or to make phone calls for her to get information, if she wishes. Tell her that even if she doesn't want or need anything right now, that she should feel free to ask anytime. Try to stay in contact with her. 4. Your friend comes to you and tells you her husband was arrested last night for domestic violence. She says she doesn't know what's going

to happen next, what exactly he was arrested for, whether or not she has to do anything like testify or get a restraining order, and she doesn't know how to find all this out either. How can you help your friend?

FACT: It's extremely important that victims of violent crime be informed and stay informed about the criminal case. The information itself greatly reduces a victim's anxiety. Staying informed is also the first step in guarding against any mishandling of the case.

WHAT TO DO:

a. Get your friend a notebook. Then help her and show her how to get the information.

b. Start by calling the county jail. Almost all county jails provide current suspect information 24 hours a day. At any time of day or night, you can call the county jail and find out the charges he was booked on, the amount of bail, the arresting agency, the crime report number, the next court date, court time, and place.

c. Some other ways to get additional information are: read over any paperwork the responding officers left with your friend, call and talk to an on-duty sergeant at the arresting police department, or call the arresting officer. Call a victim advocate, too. As the case progresses, add the district attorney's office to your list of sources of information. 5. You've been helping your friend ever since she was raped by a coworker. Today she tells you she just called the detective because she hadn't heard from him in four weeks. She says the detective told her he was very sorry but the case is a "he said, she said" situation and they won't be able to prosecute. The detective also said he had interviewed the suspect and the suspect seemed like a nice guy. Your friend is devastated. She feels there is a lot of evidence pointing to the rapist's guilt. What can you do for your friend?

FACT: Although police handling of rape cases is improving, it is still generally inexcusably poor. Way too many police remain ignorant about how to handle and investigate rape cases, and way too many just plain don't like rape cases, so they try to get rid of these cases, often by letting the case run dormant and cold. But there are many unique investigative techniques that make acquaintance rape cases often very simple to solve, such as pretext phone calls, close examination of the suspect's pre-rape behavior, of the victim's post-rape behavior, her post-rape conversations with others, and much more.

WHAT TO DO:

a. Tell your friend it's nowhere near time to lose hope. Tell her it sounds to you as if this detective is just trying to dump the case. The fact that the detective didn't call her for four weeks is suspicious to begin with. So is the fact that he referred to the case as a "he said, she said," which is true of virtually all crimes. After all, the suspect usually says the opposite of the victim no matter what the crime. That the detective didn't send the case to the District Attorney's office to make the final decision on prosecution is also suspicious. And perhaps most alarming of all is the detective's cruel statement to the victim that the suspect "seemed like a nice guy." That's the kind of statement that reveals a detective's attitude toward rape cases, and by itself is a strong indication the detective is dumping the case.

b. Tell your friend there are a number of things you and she can do to get the case handled properly. The two of you can arrange a meeting with the head of the sex crimes unit. Or you can write a letter outlining your concerns, what the

detective said, and give your reasons why you think the case can be solved. You can send the letter to the chief of police and a copy to the mayor. Or you can call a victim advocate and ask her to help you be heard, or you can call a trusted police officer in another department and ask him or her for advice.

c. If your friend is nervous about doing these things, remind her that she has every right to a full and competent investigation of the rape. It's just that sometimes women have to fight very hard for justice.

6. You've been helping your friend get out of a violent marriage. She got the police to arrest him, she testified against him, she got a restraining order and she got custody of the children. And even with all this going on, she got a new job, too. Your friend has been doing very well, indeed, putting together a new life for herself and her kids.

But today your friend calls you in tears and desperation. She just got a legal notice of cause from the landlord to evict her from her apartment. The notice says police have been called to the household too many times, and because there's a 'no crime on the premises' policy, the landlord has taken the first legal step to evict. What can you do to help her?

FACT: This situation is all too common and very unjust. Most landlords just don't care whether she was the victim or the perpetrator of the crime. Theoretically, this kind of eviction of domestic violence victims should be considered discrimination against women under the housing civil rights codes. But case law to date doesn't support that view. Nonetheless, there are a couple of things you can try that may save her housing.

WHAT TO DO:

a. Have your friend gather her rental agreement, the legal notice that came in the mail, and a notebook. Find out as much as you can about her legal rights and options. Start by calling your regional office of Fair Housing and other housing agencies. Even if your friend doesn't have a legal right to stay in the apartment, there are usually a number of steps she can take to delay the eviction process a number of months.

b. Make a direct appeal to the landlord. But first appeal to the most professional people your friend knows - perhaps a teacher, her minister, her health care worker, a professional neighbor, or her boss. Ask them to help by

signing a letter to the landlord or by meeting with the landlord. Ask them to explain to the landlord how hard your friend has fought to get the violence out of the apartment, and the many ways in which she is stabilizing her life. Suggest to the landlord that your friend has proved she won't tolerate violence, and that she is exactly the kind of tenant he should want to keep.

c. If all else fails, plead with the landlord for sufficient time for your friend to look around and find an appropriate new home. 7. Your friend is very upset about the abusive behavior she received from police when she went to report being beaten by her ex-husband. And she's also upset because she doesn't think the officer took her situation seriously because he didn't take any notes. When you suggest going to a sergeant or a captain to protest the abusive officer, and to ask that the report be better handled, your friend seems more frightened than ever and says she doesn't want the police to be hostile with her too.

FACT: Remember that one of the deepest injuries of rape and domestic violence, is that the victim's right to self-determination has been violently taken over by another. When you're trying to help an adult victim of rape or domestic violence, one of the most important guidelines is to respect at all times the victim's right to control her own course of action, even when you feel strongly that another course of action is better.

WHAT TO DO:

a. Before trying to tell your friend why you think it would be better to go to a sergeant or captain to complain and get the report redone, tell your friend very clearly that you're going to respect her decision 100 percent about how to handle the situation. Tell her you're never going to intervene against her will. Then ask her if you can explain why you think your suggestion is good for her safety.

b. If your friend still thinks this idea isn't right for her, try suggesting some other possibilities, like having her write up a statement of the things she thinks the officer should have written down, taking that statement to the police department, and telling the person at the desk that you want to enter the statement into the crime report if one was written, or suggesting she get a restraining order. Tell her without something on the record, you're very worried for her safety.

c. If your friend still doesn't want to do any of these things, don't push her. Remind her that you're going to respect her decision. Tell her that you're still going to be there for her any time she wants help. Very often, even though it doesn't seem so to you, other people know what timing and action is best for themselves. Remember too, that just by having laid out options to your friend, you have helped her immensely by having opened her field of possibilities.

8. A coworker friend of yours is being sexually harassed by another coworker at the company where you all work. It all started when your friend said she didn't want to go out on a date with the guy. At first, he started sending her sexy cards and flowers even when your friend told the man she wanted it to stop. Then he began following your friend out to the parking lot after work. She just kept repeating to him that she didn't want to date him, and kept asking him to please leave her alone. But he just kept getting more persistent. Now your friend comes to you shaking. She shows you a note that was left on her windshield that says, "You will die, bitch." She wants to know what she can say to him to just make him leave her alone. What can you do now to help your friend?

FACT: It is true that this is a case of sexual harassment in the workplace, which is a violation of your friend's civil rights. And as such, the company is required under civil rights law to make sure the harassment of your friend is stopped. But if you look closely at most cases of workplace and school sexual harassment, you'll often see that the harasser's actions are also criminal. Stalkers are very dangerous. They rarely stop unless they are made to stop by authorities, and they should be reported to the police.

WHAT TO DO:

a. Tell your friend you are very worried for her safety. Tell her she should stop talking or responding to him in any way, that even her negative response to him will make things worse. Tell her you will accompany her to report to the police and to the company.

b. Before going to report to the police and to the company, make photocopies of the threatening note and of the cards. Make at least one set of copies for your friend to keep and one for the company. Police will want the originals. Also before going to report, have your friend jot down as many of the incidents as possible and have her bring those notes with her when she goes to report so that she can give as thorough a report as possible. Once at the police

station or in a manager's office nervousness often causes people to forget important aspects of the situation.

c. Help your friend get a restraining order against the perpetrator so that all future attempts at contact by the perpetrator will be criminal acts for which he can be arrested. 9. Your friend tells you that she received a subpoena in the mail to testify against the man who raped her. She says she's really afraid to go forward with the case because she lied to the detective that interviewed her. She told the detective she wasn't using drugs when she was raped. She tells you she was afraid that if she told the detective she was using drugs, they wouldn't pursue the case, or that they would arrest her, or not believe her about the rape. But the truth is she was using cocaine with the man who raped her. Your friend doesn't want to lie about this anymore, but she's still afraid if she tells the truth now the case will be ruined. What advice can you give your friend?

FACT: Though it is extremely unusual for women to lie about a rape or domestic assault, it sometimes happens that a victim withholds key information, or lies about, peripheral aspects of the case at early police interviews. Victims may do this because they fear that police won't believe them, won't pursue the case, or will arrest them. In general, however, if the victim of a serious crime (such as rape or domestic violence) was herself in violation of a lesser crime (such as using drugs or violating her probation), police will pursue the more serious crime and ignore the victim's lesser offense. In addition, a good prosecutor can explain this kind of victim behavior to the court, and can explain the reason for the lie. And they can usually keep it from damaging the prosecution case.

WHAT TO DO:

a. Tell your friend that victims sometimes withhold or lie about information surrounding a rape for the reasons given above. But now it's important that she go to the detective or the prosecutor on the case and tell the truth. Tell her this kind of lie rarely derails the possibility of prosecution.

b. If at all possible, try to arrange an in-person meeting with the detective or prosecutor to convey this information. And try to make sure that when she goes to this meeting that you or another good friend will accompany her.

10. Your friend calls you to tell you that she called 911 last night because her husband was threatening to kill her. She said her husband even showed her the gun he was going to use, and then he showed her the bullet. Her husband pushed the bullet hard against her forehead and said, "It's going right through there." Your friend says that the police officer that came to the house didn't speak very good Spanish, and since your friend doesn't speak any English, she doesn't think the officer understood most of what she was saying. She says her husband just kept telling the police, "She's crazy, she's crazy," and it seemed like the officer believed him. Your friend says the officer didn't arrest the man or take his gun out of the house. How can you help your friend?

FACT: 1. Threats to kill are a crime, and they should be taken very seriously, especially when the threat contains specific details about how it will be carried out. The police officer in this case should have arrested the man, or at the very least the officer should have given your friend an emergency protective order, removed the man from the house, removed the guns from the house, and written a criminal report against the man for making terrorist threats.

2. It is most crucial in domestic violence, rape, and child abuse cases that all interviews with non-English speaking victims be done by fully bilingual officers or by professional translators. Most all police departments have 24 hour access by telephone to banks of professional interpreters. There's no excuse for officers' not using these services to assure full and accurate victim statements.

WHAT TO DO:

a. Remind your friend that she has a Constitutional right to equal protection of the law, even though she doesn't speak English, and even though she may not be in the country with proper documents. Go down to the police station with your friend. Tell the front desk the story of what happened with your friend the night before. Tell them you are concerned that the officer didn't understand the seriousness of the situation because of language problems. Tell them you want either a fully bilingual officer or a professional translator to talk with your friend so that police will have an accurate victim statement. And so that the case can get handled properly, including having the guns and the perpetrator removed from the home.

b. Also, have your friend write out a full statement of what happened. Naturally she should write it in Spanish. Make two or three photocopies of that

statement. Have your friend keep at least one copy for herself. Give the original to the police. Ask the police to enter that statement into the criminal case file. Your friend should also get a domestic violence restraining order against her husband. And if the husband isn't in custody, your friend should stay in a shelter or other safe place.

c. Suggest to your friend that she file a formal complaint against the officer for failing to treat her case competently and seriously. 11. For a couple of years now you've tried to convince your friend to get out of a violent relationship and sometimes it seems like she tries. You notice that things have gotten much more serious over the last month. You've seen a lot more bruises. She's told you he's been playing with his guns and making threats to hunt her down if she tries to leave. She says that the last couple days he's been constantly waking her up in the middle of the night to rant and order her around, and during the day he won't leave the house. Today she calls you and says that last night things were so bad she tried to leave. But he grabbed her before she could get out the door, threw her in their room and raped her brutally. He said he would never let her go, and threatened that if she dared call the police he was going to kill her for sure. There are moments in the conversation when your friend sounds terrorized, but mostly she seems paralyzed by numbness, despair, and exhaustion. Suddenly she says "He's here", and hangs up. How can you help your friend?

FACT: Though you should always respect a victim's decisions about how to handle her own situation, there are exceptions. In this case there are a number of things indicating a very high risk of imminent danger - the escalating violence around her attempts to leave, the repeated threats to kill, the gun play, the middle of the night rants and daytime unwillingness to leave, the sexual violence, and your friend's

terror and exhaustion - all these together suggest a very high potential for homicide. Every once in a while there comes a situation like this where you may well decide you just have to reach in and save a life.

WHAT TO DO:

a. It's difficult to decide when to reach in and take drastic action. But once you make that decision, be sure you follow through. Once you decide to take action, it's then often just as difficult to decide which action to take. Again,

once you decide, follow through fully. Here are a couple things you might do in this case.

b. You could consider calling your friend back in ten minutes. If you can get her on the phone, tell her you are concerned enough for her safety, you're going to call the police. Tell her that when the police arrive she should tell them everything she told you.

c. You could call the police with or without having talked with your friend. Ask to speak to a sergeant. Don't vacillate and don't minimize the situation. Tell the sergeant you are concerned for your friend's immediate safety and tell the sergeant why. Don't get off the phone with the officer until you are certain he or she understands the urgency. Tell the officer whether or not your friend knows you are calling. Ask them what action they will take.

d. Another possible course of action in this case would be to call other significant people in the couple's life. Communicate your sense of urgency and tell them the reasons why. Tell them you want to get together with them right away and together decide on a course of action. Perhaps together you can come up with a plan you can suggest to police, such as a way to lure him out of the house so police can get to her safely. 12. Your friend asked you to accompany her to courthouse for her interview with the prosecutor and then to be with her when she testifies against her rapist. At the District Attorney's office, the prosecutor motions for your friend to come into his office. You get up to join them and the prosecutor stops you and says he wants to talk to your friend alone. Your friend tells the prosecutor it's OK, that she wants you to be with her. The prosecutor says you can't be in the meeting because that would make you a witness in the case. Your friend looks distressed. She wants you to be with her. What can you do?

FACT: Too many prosecutors and police try to isolate victims from their support person during interviews and meetings. These prosecutors and police may say that the victim's friend can't be present because being present would make her a witness, or because the victim needs to be asked personal questions, or they may give any number of other reasons why the victim has to be alone in the interview. They are wrong. It's extremely rare that there would be any legitimate reason why the victim would have to be interviewed alone. The real reason some police and prosecutors isolate victims in interviews is so they can maintain control of the victim and the case.

Sometimes they want to convince the victim the case is weak so the victim will go away, or they may want to pressure the victim into going along on a giveaway plea bargain, or they may want to use coercive interviewing techniques.

Because so many police and prosecutors have used isolating of victims for abusive reasons, California passed a law that gives sexual assault victims the right to have at least two persons of their choosing in

interviews with police and prosecutors (California Penal Code Section 679.04). Although this California law doesn't cover you if you live in another state, the existence of this law does show that the reasons given by officials to keep victims isolated from their support person during interviews are bogus.

WHAT TO DO:

a. The best way to handle this all too common situation of police and prosecutors attempting to isolate victims from their support persons is to plan your strategy ahead of time. Before going with your friend to an interview or meeting with officials, tell her what might likely happen. Tell her you think it's important for you to be with her in the interview in order to minimize any attempts by the officials to play games with her case. If she agrees that she really wants you present at the interview, tell her she may have to state this firmly and clearly to the official. In fact, she may have to get right down to telling the official that she won't do the interview unless you, her friend, can be present.

Some police, prosecutors, and other criminal justice officials can be very bullying and intimidating at times like this. It's very hard to stand up to them when they start throwing their weight around and telling you things you're not quite sure are true or untrue. And though many officials are caring and professional, you just never know when you're going to encounter an abusive one. So be prepared with a plan and stick together. Remember, your friend's safety and access to justice depend more than anything else, on a good criminal justice response.

b. If the officer still won't do the interview with you present, your friend should tell the officer that she wants to cooperate and do the interview, but she first wants to talk to an advocate or another official.

c. If at any point your friend feels like she doesn't want to struggle the point further, it's important that you abide by your friend's decision. If she does do the interview by herself, it may very well be that just by having made the

officer aware that the two of you are willing to put up a fight, that will be enough to discourage the officer from further abusiveness.

d. Whether or not you are present in the interview, a couple other points of advice will help prevent abuse by officials during interviews and meetings.

1. Always take a notebook with you and from time to time take notes. 2. If the official asks you to make a decision during the interview, whenever possible tell the official you want to talk it over with a friend first and then get back to them. The victim should try never to make decisions on the spot. 3. The victim should also talk over the events of an interview afterward with someone who cares about her, and she should write down lingering questions, concerns, and events that weren't fully understood.

This information above came from <http://justicewomen.com> website. We have reviewed the twelve scenarios and believe they are to be very helpful in certain situations.

Local Police Department

Sarasota County Police Department: 941-316-1199

Venice Police Department: 941-486-2444

Bradenton Police Department: 941-932-9300

Charlotte County Department: 941-205-5636

Drug Hotline

Florida Drug Hot Line 1-800-788-2800

Florida Coalition Against Domestic Violence

SPARCC (Safe Place and Rape Crisis Center) 941-365-1976

<http://www.sparcc.net/Resources.aspx>

Rape Hotline

Florida Council Against Sexual Violence 1-866-828-7273