

The Violence Against Women Act: Identifying Projects for Law Enforcement and Prosecution Grants: FY '95 Funding

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This paper is designed to assist advocates in the domestic violence and sexual assault communities identify and evaluate the array of potential programs that may be funded under the "Law Enforcement and Prosecution Grants," otherwise known as T-Grants, of the Violence Against Women Act. The paper first offers an overview of six (6) core programs currently employed by sexual assault and domestic violence organizations for advocacy in the justice arena. It then describes an array of supplemental advocacy strategies utilized by these victim services. Next it briefly identifies law enforcement and prosecution programs designed to end violence against women. Then it discusses other interventions that could be funded under VAWA. Finally, it suggests a process for critical evaluation in establishing priorities for funding initiatives under the T-Grants.

I. Core Advocacy Programs.

Over the course of the last twenty (20) years, battered women's programs, sexual assault centers and statewide coalitions of both groups have designed and implemented a range of successful, community-based advocacy projects related to the justice system's mandate to end violence against women. The six (6) most commonly employed are: civil protection order projects, criminal justice advocacy projects, intervention projects, local task forces, training and technical assistance projects and community-organizing projects.

Civil protection order projects. Legal advocates engage in a broad range of activity in civil protection order projects. These include: community education about civil protection order law and practice; safety planning both general and related to participation in the legal system; assistance in the preparation of petitions and identification of evidence; support during attorney interviews, if any; court accompaniment; assistance in filing, serving and registering petitions and orders; court preparation clinics; advocacy for enforcement with police, prosecutors, probation and the courts; assistance with crime victim compensation claims; advocacy with employers regarding workplace safety plans and retention of employment; identification of practice problems in the justice system from police intervention to court administration, procedures and rules, to judicial practice, to enforcement mechanisms, to statutory deficits and remediation of these problems; policy and protocol development; construction and training of curricula for justice system personnel; media advocacy to assure timely, accurate, victim-affirmative, perpetrator-accountable coverage; networking with other civil protection order advocates in the state to upgrade skills and exchange information about practice; and staffing of justice system task forces to end violence against women.

Typically, legal advocacy for civil protection order proceedings is undertaken by an individual advocate (or a part-time worker) employed by the battered women's program or the sexual assault center. In large urban areas, civil protection order advocacy is accomplished by legal centers based in victim services agencies. Less frequently, this work is court-based, and when it is located in the courts, particularly when advocates are court employees, the range of activity is curtailed to assistance in court proceedings from application through enforcement.

Criminal justice advocacy projects. Legal advocates engage in a similar range of activity in criminal justice advocacy projects. These include: community education about criminal law and practice related to sexual assault and domestic violence; safety planning both general and related to participation in the legal

system; advocacy with law enforcement for timely and effective intervention and investigation; victim notification of rights, of custodial status of perpetrator, of charges lodged, and of conditions of release; pre-trial services advocacy for victims, including risk assessment and identification of specific, individually-tailored release conditions; advocacy with prosecutors regarding victim participation in criminal proceedings and plea negotiations; advocacy for sentencing hearings and victim-protective outcomes; advocacy with probation, corrections and parole related to revocation, continued custody and protective modifications; assistance with crime victim compensation claims; certification, monitoring and training of batterer intervention services; advocacy with employers regarding workplace safety plans and retention of employment; identification of practice problems in the justice system from police intervention to prosecution practice, to court administration, procedures and rules, to judicial conduct, to probation and parole, to statutory deficits and remediation of these problems; policy and protocol development; training and construction of curricula for justice system personnel; media advocacy to assure timely, accurate, victim-affirmative, perpetrator-accountable coverage; networking with other criminal justice advocates in the state to upgrade skills and exchange information about practice; and staffing of justice system task forces to end violence against women.

While community-based criminal justice programs often engage in the full panoply of advocacy described above, work with victims located in the office of the prosecutor, court services or probation frequently is limited to supporting the functions of those justice system offices. Work located in public agencies is most typically victim assistance as distinguished from advocacy; victim assistance is typically designed to help the victim effectively participate in the criminal proceedings and to acquire compensation. It appears that a majority of criminal justice victim service programs are those housed in public agencies.

Intervention projects. Intervention projects are private sector programs designed to enhance justice system accountability to battered women. Their work includes orchestration of coordinated community initiatives related to domestic violence, education and negotiation for improved criminal justice system policy and practice, establishment of systems for tracking and monitoring perpetrators, pre-trial information and accountability services for all defendants in domestic violence criminal proceedings, educational or counseling programs for adjudicated and socially mandated batterers, supervised visitation centers to protect the children and victims of domestic violence during custodial access, and community organizing initiatives to end violence against women.

Advocacy, education and support for victim partners is sometimes undertaken by intervention projects, but more often the local battered women's shelter or counseling service engages in the criminal justice advocacy work, see above.

Intervention programs were birthed in Minnesota almost 15 years ago. The Domestic Abuse Intervention Project of Duluth (DAIP) is the model most replicated. DAIP undertakes all of the enumerated activities above, but many intervention projects are somewhat less comprehensive, while still centrally focused on systemic reform and services for batterers.

Task Forces to End Violence Against Women. Task Forces on Domestic Violence or Sexual Assault have been established in many communities. Task forces seek to coordinate all the components of the criminal justice system and the victim services community to improve justice system practice, to better communicate and collaborate in further justice work to end violence against women, to avert sexual and domestic assaults and homicides and to evaluate the efficacy of current and experimental practice in fostering coordination and an end to violence against women. Task forces frequently have an executive or core group of organizers/decision-makers; often including representatives from the judiciary, prosecution, law enforcement, court administration, pre-trial services, probation and parole, and domestic violence or sexual assault programs.

The initial work of a task force almost invariably is an assessment of the state of criminal justice practice and resources in the community, followed by a report on effective practice and systemic deficits, along with a description of recommended remedies and potential resources therefor. A task force may then develop a work plan for incremental change and elevated coordination. The promulgation of compatible and definitive protocols or guidelines for practice in each component of the justice system is often the first step in a work plan. While each agency retains the exclusive authority to develop the protocol for that component, sharing of work product with a request for feedback from the other components, particularly in terms of interface of the various components, is routinely invited. Other collaboration in training and problem-solving follows. Thereafter, evaluation is undertaken and systemic reform considered in light of the results thereof. Informal systems of communication, conflict resolution and coordination among task force participants are an outgrowth of the formal work of the task force.

Some of the earliest criminal justice initiatives to end violence against women were funded by the Law Enforcement Assistance Agency in the U. S. Department of Justice. Many of the funded programs undertook to establish local criminal justice task forces to facilitate communication and coordination among the various components of the criminal justice system and the civil protection order system. Early in the history of task force development, most were organized and staffed by domestic violence and sexual assault program personnel, working collaboratively with key professionals in the justice system both in leadership and development of coordinating task forces. Some have endured since inception, while others have been established for specific, time-limited purposes. While a significant number of the older task forces continue to be staffed and lead by victim services programs, those of more recent vintage are often organized and lead by judges, prosecutors or law enforcement executives with sharply limited participation from advocates in the formulation and execution of task force work. Although advocates are ambivalent about the shift of power to criminal justice system actors as principal convenors (citing a loss of vision, an absence of primary focus on safety for victims, discounting of the leadership and expertise of advocates, exclusion of victims and delimited task identification), they note that in communities where leadership has shifted to justice system professionals, but where the above deficits have not followed, the changes effected may be significantly greater than previously achieved. This type of coordinated justice system response has expanded to include other components of the human services systems and community organizations. Often, instead of task forces, these more extensive initiatives are called coordinating councils.

Training and technical assistance projects. Training and technical assistance projects, initiated by domestic violence and sexual assault programs, are burgeoning. Projects targeted at informed, improved justice system practice have produced reams of training curricula and an almost equivalent amount of audiovisual materials. Legal advocacy training is offered in many states; some certify advocates and require continuing education to maintain certification. Police training manuals, court clerk handbooks, prosecution guides, bench books, pre-trial services seminars, probation workshops, correctional curricula on victims of domestic violence and sexual assault, electronic monitoring pamphlets, safety planning and survival skills workshops, guides to maximizing compensation and restitution, court audit tools, and innumerable other educational materials have been crafted and implemented.

Technical assistance is offered to justice system professionals encountering difficulties in achieving consistent, effective, expedited response to violence against women. Consultation is offered to lawyers representing individual battered women in complex litigation. Advocates organize and maintain supportive networks for peer supervision and consultation. Victim services organizations undertake amicus briefs in cases of impact litigation to inform the courts of the public policy and victim interests at issue. These programs engage in policy-formulation and legislative drafting at the invitation of the public sector, including executives at the local, state and federal levels of government, the courts, legislators. Advocates offer consultation on court and law enforcement automation systems and the

interface requisite between these electronic systems. Victim services programs work with the private bar to develop and fund pro bono legal services for battered women and children.

The training and technical assistance activity of battered women's programs and rape crisis centers goes well beyond that enumerated above. Training is offered by local programs, state coalitions and national organizations in the victim services community. Technical assistance is by no means the exclusive province of state coalitions and national advocacy organizations, but it is a fundamental function of these organizations. As the funds afforded by VAWA are distributed throughout the justice community, demand for additional training and technical assistance from the advocacy community will undoubtedly mushroom.

Community organizing projects. Community organizing initiatives are those which invite members of the general public to actively engage in work to end violence against women. Victim services programs that have utilized organizing strategies have done so with the goals of enhancing safety and achieving social justice for battered women and sexual assault survivors; objectives of community organizing are expansion of the constituency of active participants in the work, articulation of a clear, universal message that each citizen can take responsibility to end this violence, and transformation of the public discourse and consciousness about the causes of violence against women and the power of the community to end it. The early histories of the battered women's and rape crisis movements are replete with community organizing. Currently, there is little community organizing work undertaken by victim services programs. The exceptions are notable.

The Family Violence Prevention Fund is now working with Filipina women in the Bay Area to assist that community in organizing to identify the unique needs of Filipina battered women and their children, to design programs and advocacy strategies to meet those needs, to seek changes in the dominant culture, particularly the justice and victim services systems, to institutionalize the strategies and interventions required and to create a voice for Filipinos at the Coordinating Council, within the Domestic Violence Consortium and in public discourse.

In one community where the victim services program could not persuade a prosecutor to vigorously pursue criminal charges against perpetrators of violence against women, the program organized women in the faith community to review charges and report on outcomes of all criminal cases involving violence against women, thereafter exposing the failed practices of the prosecutor to the media and thereby creating public outcry for change, which the prosecutor then effected.

In several communities in CA neighborhood watch projects are enlarging specifically to intervene against domestic and sexual violence.

In one small town in the midwest where a serial rapist had escaped apprehension, the victim services organization organized women in the neighborhoods where the rapes had occurred to watch and protect all residences and to monitor police activity until the perpetrator was identified and charged.

In another community where a plea bargain was struck for a sentence of community service for a man who plead nolo contendere to a charge of killing his wife, the domestic violence program organized a court watch at the sentencing hearing; the judge refused to accept the plea and set the case down for trial. In one metropolitan area the victim services agency which serves both sexual assault survivors and battered women organized the women's clubs to write letters to the editor of the local newspaper weekly, demanding that all public agencies prioritize work to end violence against women.

In several communities advocates are organizing co-workers to intervene to protect victims of domestic violence against stalking and assault at the workplace.

In another city, a victim services agency organized tenants of a landlord who was known for sexual harassment and violence against women tenants to demand administrative hearings and to facilitate evidence presentation both on housing code violations and on the landlord's application for a liquor license; the actions were successful in creating significant public awareness of the landlord's practices and economic disincentives to violence.

Space constraints preclude further enumeration of organizing activities.

II. Other Victim Services Initiatives.

A. Essential components of core advocacy initiatives.

Back-up direct services. For each victim who participates in either the civil or criminal justice system, services offered by sexual assault centers and domestic violence programs are frequently critical. Victims sometimes become reluctant or unable to participate in the justice-seeking efforts of the community if their basic needs are not met during the pendency of civil and criminal proceedings. These essential supportive services include temporary housing, food, clothing, counseling, transportation, child care, safety planning, relocation/displacement resources, employment development, etc.

As the justice system upgrades intervention against violence against women as a consequence of VAWA and Crime Control Act funding, the need for both advocacy and back-up supportive services will increase exponentially.

Culturally sensitive advocacy. Culturally sensitive practice should be woven into every advocacy initiative and justice system intervention. Advocates in many communities are just beginning to design program guides for enhancing sensitivity to cultural diversity and for constructing effective responses to domestic and sexual violence for victims of diverse cultural identities. Issues of race, language, religion, cultural norms, class, kinship networks, and perspectives on state intervention and the efficacy of participation in legal process, all must be factored into crafting culturally sensitive practice in advocacy and justice system work.

This work is regularly confounded in the justice system because many assailants exploit cultural stereotypes that glorify the subordination of women and use arguments of cultural relativism as justification for their violence. They seek deferral to so-called cultural imperatives in attempting to avoid legal and social sanctions for their violence against women. Advocates and justice system personnel must eliminate practices that embrace notions of cultural relativism.

Beyond this, advocacy and justice system interventions should furnish all critical written material in the language of the victim and should also make educational/instructional material available by audiocassette in the victim's first language. Translation services must be available and both culturally sensitive and informed about domestic and sexual violence and its impact on victims. These translation initiatives are sorely limited in scope and sophistication in most jurisdictions.

Advocacy for immigrant and refugee women is a critical component of culturally sensitive practice. Legal issues related to immigration or achieving refuge in the United States are significant for battered women. Welfare reform proposals being considered in Congress bode ill for battered women who are immigrants or refugees. Few local victim services programs are expert enough to assist these battered women through the complicated morass of immigration law and practice. Specialist advocacy projects are strained beyond their resources. Training and technical assistance projects should be launched to assist advocates across the country to meet the safety and justice needs of immigrant and refugee battered women.

Advocacy with disabled/challenged victims. With the enactment of the Americans with Disabilities Act of 1990, P. L. 101-336, victim services programs began to make structural change in offices and shelters to accommodate victims with physical disabilities, to develop communications systems for advocacy with

the deaf or hearing impaired clients, to create effective programs for mentally ill and retarded victims, etc. Many victim services programs are still in the process of becoming knowledgeable about disabled/challenged victims and the best methods for delivering services and advocacy. The justice system in many communities has similarly undertaken to eliminate barriers to access. Yet, few actors in the justice system and victim services are clear about the ways that the disability may have exacerbated the danger to victims who are disabled and almost invariably has impeded access to justice and safety. Protocol or practice guidelines are not in place. Training is limited. Resources are few. And consciousness about disability and domestic or sexual violence is attenuated. Advocacy projects can reverse this picture; facilitating justice and restoration for victims who are disabled.

Rural advocacy projects. Rural advocacy projects have frequently targeted three critical barriers to justice for victims of domestic and sexual assault; transportation, communication and housing. Survivors often must travel enormous distances to access justice, services and safe housing. In some rural communities, advocates have organized transportation relay networks, sometimes where law enforcement conveys victims through their jurisdiction to the next where another department picks up the victim, etc. and sometimes the networks have been composed of volunteer advocates who similarly relay survivors. There are costs associated with this transportation: recruitment, training, insurance, gasoline allotments and coordination. Relocation costs for victims who elect to separate from the batterer or leave the community where the sexual assault occurred can be high in rural communities.

Communication is also complicated in rural communities. Victims who are resource poor cannot afford to use the telephone to conduct the business of getting safe and participating fully in the justice system. 800# access to victim services, courts and justice system actors is essential and phone cards with units of service can be a useful supplement for rural victims. Telephone privacy is more difficult in rural communities because of the limited number of pay phones and locations where victims can seek refuge. Thus, education and resources to exercise telephone privacy are helpful. Organizing a pool of volunteers in rural areas may also rely more heavily on telephone communication than in urban settings. Call forwarding to hotline volunteers in remote areas may be costly.

Training and networking among advocates on the law, practice and advocacy is expensive in rural parts of the country. It is sometimes less expensive to use satellite conferencing at local public schools than to bring advocates across large distances for monthly meetings on practice problems and legal updates. But this bears a significant price tag. Rural advocacy projects may encounter justice system personnel who are less informed about law and intervention against violence against women than their urban counterparts due to lack of access to information. Rural justice system personnel may likewise prefer to upgrade their knowledge base and skills through informal sharing; therefore it is incumbent upon advocates to access state-of-the-art materials and facilitate improved practices by providing information in individual encounters with key professionals in the justice community, which is a significant drain on advocate resources because this method is labor-intensive and time-consuming.

Advertising of available crisis services is also a problem in rural communities, requiring the purchase of print and broadcast notice of services when the media has exhausted its public service generosity. Emergency housing in confidential, protected locations is also difficult in rural communities where everyone knows everyone. Thus, rural programs may have difficulty identifying safehouses in home communities because of the elevated risk to the host family. Recruiting, training and sustaining a network of safehomes can be costly. Furthermore, rural victims may have responsibilities to farm animals and crops which preclude relocation. Strategies must be devised to create safety in their own homes or with nearby families.

Advocacy in custody and child protective services proceedings. Many battered women and parents of children who have been sexually abused are unable to afford counsel and must represent themselves in

custody and visitation disputes. Custody proceedings may be the most acrimonious in family law. And the stakes are very high for battered women and protecting parents who understand that limiting access of the perpetrator to the child is essential for the safety and well-being of the child, as well as for the abused or protecting parent. Custody evaluators, guardians ad litem, mediators, judges and attorneys are often ignorant about the nexus between domestic violence or sexual assault of the mother and the risk posed to the child by the same perpetrator. Few understand that unless the child is protected by the custody award, the risks of parental abduction by either parent or hostage-taking by the perpetrator are elevated. They frequently do not screen for abuse, disbelieve the accusing parent, are not aware of specialized practices for professionals in these cases, have not considered the breadth of protective provisions that might be imposed on a custody order and conclude that the "friendly parent" and "continuing contact" presumptions in the law are to be weighed more heavily than violence when crafting custody awards.

Advocacy is critical to assist abused and protecting parents in critical thinking and strategic planning about the process and desired outcomes of custody disputes. Advocacy also is vital both to inform and persuade the actors in the custody arena about domestic and sexual violence, the risk posed to children and parents, and effective protective measures that can avert future violence and assure custodial care in a nurturing, stable, protective environment. Advocates may also assist the courts in developing protocols for custody practice and abduction prevention in the context of domestic and sexual violence. Because the numbers of abused and protecting mothers unable to access representation are so high, victim services agencies in some locales have not been able to meet the demand to provide individual advocacy for each woman. To assure justice, advocates have organized custody clinics in which trained volunteers, law students, pro bono attorneys and advocates have educated groups of custody-seeking victims and assisted them in filing and preparing for dispute resolution.

While achieving a custody order tailored to the specific protection needs of the adult victim and children does not guarantee that the abuser will refrain from criminal conduct, both anecdotal and empirical data suggest a reduction in violence and abduction in those cases where careful attention has been paid to safeguarding the abused adults and children.

Similarly, when child protective services is involved, protecting parents without resources find themselves unrepresented in neglect, dependency and abuse proceedings, while the child abusers are entitled to representation. And when the battered woman is charged with abuse, herself, or with failure to protect, she often finds that appointed counsel is unaware of the relationship between the domestic violence and her conduct. In whichever circumstance the battered woman is in when she is brought into the child protective services arena, advocacy is essential to assist the battered mother in assessing her situation and creating feasible plans to protect the abused child or to stop any abuse she may have been inflicting. Otherwise, she and the children may face long periods of separation or return to a family life fraught with great peril for both the mother and child. Commentators and advocates agree that the best way to protect abused children is to protect their abused mothers; by availing battered mothers access to legal protections and supportive services in the human and victim services communities, the risks posed to the abused children of continuing maltreatment are significantly reduced.

Advocacy for battered women charged with crimes. Battered women are also defendants in the criminal justice system, charged with a wide range of crimes from shoplifting to homicide. Battered women sometimes are coerced into criminal conduct by their abusers; forced to write bad checks, purchase controlled substances, engage in prostitution, convert food stamps into cash, complete fraudulent loan applications, steal to clothe their children, etc. Other battered women who have fought back to escape from a batterer or to stop his violence have been arrested and charged with assault or homicide. Still others are charged with failure to protect their children from the sexual and physical violence of the batterer. Yet others are charged with the crime of falsely reporting to law enforcement when they refuse to testify against the perpetrator or recant. Battered women defendants require both

advocacy and representation. Some victim services programs have undertaken advocacy for these defendants during the pendency of prosecution, during incarceration and through post-dispositional proceedings. Since many battered women defendants are mothers, advocates also work in the family law sector, particularly to assure custodial access and to prevent the abuse and neglect of dependent children while the mother is incarcerated.

Research and evaluation. There has been little research on the efficacy of victim services work in the justice arena. Each undertaking should include an evaluation component, measuring whether the safety, autonomy and restoration (or quality of life) of victims has been improved by advocacy and whether perpetrators have stopped their violence, divested themselves of their perceived "ownership" of victims and acted accountably in light of the sanctions or restraints imposed by the courts.

B. Supplemental advocacy initiatives.

Full faith and credit initiatives. Historically, civil and criminal protection orders have been enforceable in the state where the order was issued. The full faith and credit provisions of VAWA require change in law enforcement and court practice. Although there is no requirement that orders issued from other states be entered into a registry to be enforceable, state law may require registration prior to enforcement. Advocates may elect to work with law enforcement and the courts to establish a registry for out-of-state protection orders. This may entail local registries in each judicial district or a statewide registry. BWJP has prepared a certification form to be attached to the front of protection orders sought to be enforced in a foreign state; the plan is to achieve universal usage of the form so that law enforcement and courts in the non-issuing state will readily be able to ascertain the validity and enforceability of an order. Advocates may wish to persuade courts of the utility of incorporating this form on the cover of all issued orders. Beyond this, advocates may decide to develop training packets for police, prosecutors and courts on the complexities of enforcing an order from another state, particularly when orders from the home state are much narrower in scope, consistent with more limited remedies in the law of the enforcing state. Since violation of a protection order may now also give rise to federal criminal prosecution, advocates may choose to work with federal and state prosecutors to develop procedures to avert double jeopardy and to avoid litigation relating to conflicts of law. Once practice agreements are in place in the local jurisdiction and with the appropriate federal district court, these problems with full faith and credit implementation may disappear. Thus, this initiative may accomplish its purpose and require minimal on-going advocacy within two (2) years.

Advocates working with law enforcement. Some victim services programs place advocates in local precincts to advise battered women about legal options and community resources, to advise officers about safety concerns of victims and the development of safety plans, to ride along during domestic calls, to conduct follow-up with victims in the days immediately afterwards, to provide translation services, to upgrade culturally sensitive practice by law enforcement, to monitor police practice, to advocate for victims who might not otherwise be served and to offer suggestions for systemic reform. Often advocacy staff are not housed in police stations but engage in many of the same activities as their on-site counterparts.

Advocates working with prosecutors. Similar community-based advocacy projects have been established in prosecutors' offices across the country. Whereas advocates employed by the prosecutor often engage in case management and investigation, community-based advocates act on behalf of victims to seek systemic reform and to remove those roadblocks to justice that current practice may be erected.

Victim advocates within probation and parole offices. Few probation and parole offices in the country employ staff to undertake victim advocacy for the partners and victims of those serving probation or parole. Officers report their frustration with victims or partners who call the probation or parole worker and complain about or report recidivism by the supervised perpetrator but ask that the officer not disclose

that the call was made and not take any action to revoke the offender's status. If the officer does not act and the victim or partner is injured, that officer may find him or herself without a job and personally liable for failure to act. However, they are also aware that when they disregard the request for confidential communications, victims may not call back and have the opportunity to strategize about their safety and otherwise benefit from the information and referral that officers can give. Community-based victim advocates, working with probation and parole offices, can remedy this conflict by offering confidential services to victims and assisting victims in reporting recidivism by offenders in a manner and with a plan that safeguards the victims against retaliation. Officers learn of violations without compromising victims or their relationships with probationers or parolees.

III. Law Enforcement and Prosecution Initiatives.

Law enforcement and prosecution initiatives are each prioritized for 25% of the state's funding under VAWA each year. The state may subcontract with law enforcement or prosecutors for individual agency initiatives or for collaborative work with other sectors of the justice system and victim services. VAWA specifies:

Law Enforcement and Prosecution Grants may be used for any of the following seven purposes (*See Proposed Regulations, Section 90.12*):

- 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;
- developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women;
- 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;
- 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 protective orders, prosecutions, and convictions for the crimes of sexual assault and domestic violence;
- 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;
- developing, enlarging, or strengthening programs addressing stalking; and
- 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.

Police departments might look to innovative law enforcement initiatives in Chicago (tracking and internal discipline), Philadelphia (specialized officers, tracking, electronic systems, follow up teams, protocol, leadership), Seattle (electronic systems, training, community policing, culturally sensitive and disability-friendly work, leadership), Denver (tracking, training, culturally sensitive practice, leadership), San Diego (specialized unit, training, community-organizing, investigation, follow up, leadership), Duluth (tracking, training, culturally sensitive practice, leadership), Nashville (specialized unit, training, investigation and follow up), Dallas (specialized unit, training, policy, investigation), Alexandria, VA (tracking, monitoring, investigation), Massachusetts (statewide registry), and National Organization of Black Law Enforcement Executives, NOBLE (policy directives).

Prosecutors may look to innovative prosecution practice in the following communities for effective intervention against domestic and sexual violence: Philadelphia (specialized unit, court school, training, investigation, victim-affirmative, leadership, stalking), City of San Diego (largest specialized unit in the country, training, investigation, prosecution without victim testimony, victim-affirmative, policy, leadership, media work, coordination, sentencing stalking, research), Duluth (specialists, training, investigation, tracking, policy, culturally sensitive, victim-affirmative, sentencing), Dade County

(specialists, training, investigation, tracking, culturally sensitive), Louisville (pre-trial services, specialized unit, leadership), Baltimore (specialized, training, investigation, tracking, leadership), ND Attorney General (training, policy, leadership), City of Los Angeles (specialized unit, training, investigation, policy, victim-affirmative, culturally sensitive, coordination, community organizing, stalking), Quincy, MA (specialized staff, training, sentencing, policy, leadership), DC (specialized staff, training, policy-making, leadership), Honolulu (specialized staff, training, culturally sensitive, coordination), and San Jose (specialized unit, training, policy-making, culturally sensitive practice, coordination, leadership).

Whatever the initiative undertaken by law enforcement and prosecutors, a careful assessment should evaluate whether victim safety is the overriding purpose of all interventions. Victim safety, more than perpetrator accountability, more than improved arrest rates, and more than successful prosecution, must be the guiding principle in every policy, practice guide, decision, strategy, publication, training, and media contact of these justice agencies in their efforts to end violence against women.

Areas in which victim safety initiatives are weakest in the justice system are: the lack of victim notification regarding charges, bail and conditions thereon, the release or escape of the assailant from custody, victim rights and remedies; the absence of safety planning at every encounter with justice system personnel; the release of violent perpetrators ROR instead of setting cash bail and affixing conditions to mitigate the continuing risk posed by the offender; the failure to charge the offender with all crimes committed against the victim; foregoing sentencing hearings and making recommendations that do not include protective provisions to maximize victim safety; the practice of sending perpetrators to treatment instead of evaluating whether incarceration might be necessary to protect foreseeable victims; the failure to identify the indicia of lethality and then to revise victim protection provisions in light thereof; and the relegation of victim restitution to lowest priority work. Projects funded under VAWA should squarely address these safety issues.

IV. Non-prioritized Initiatives.

VAWA directs that 75% of the funds to be allocated by states for T-Grants must be directed, without duplication, to victim services, law enforcement and prosecution, in equal shares. However, the remaining 25% of the funds available for subgrants are not specifically earmarked.

All of this quarter could be allocated to additional victim services;

All could be directed to the Supreme Court to underwrite the costs of a staff position to coordinate court systems related to violence against women;

All could be earmarked for judicial, prosecutor, law enforcement, advocate training;

All could be distributed for legal representation;

All could be allocated to local or state coordinating councils;

All could be targeted at a domestic and sexual violence death review technical assistance project that would offer hands-on technical assistance to local jurisdictions investigating system changes to reduce the death rate of victims;

All could be devoted to establishment of statewide registries for civil and criminal protection orders;

All could be dedicated to automation of court records or electronic interface between courts and law enforcement;

All could be allocated to statewide coalitions and criminal justice associations for training and technical assistance projects;

All could be directed toward development of statewide policies on domestic violence and sexual assault;

Or this quarter could be divided between and among all components of the civil and criminal justice systems to bring about a cessation of violence against women.

VI. Critical Evaluation and Priority-Setting for VAWA Funding.

This paper has offered an abundance of information about possible initiatives that might be funded by VAWA T-Grants. Having been inundated by this recitation, the reader might fairly ask -- "So how does one choose? How does one prioritize? How does one strategically identify a 5 year plan?" Possibly the first step for victim services agencies is to conduct an audit of victim advocacy services now available in the state.

What's in place? Which of the core advocacy initiatives are operational? Which are less available? What is the demand for these services? What are the funding sources and are they stable? Are each of the core initiatives uniformly available in all geographic regions in the state? Which not? And are core advocacy initiatives available to underserved populations? With the broad few that emerges, where are the gaps in service?

The second inquiry might be -- Are there compelling circumstances that suggest a particular type of victim advocacy should be prioritized? How compelling? Does your organization believe that it must address whatever externally-driven circumstance confronts you or can you ignore it without adverse impact?

Has there been significant statutory reform within the past year related to violence against women? And does this change require concerted implementation effort?

Has the newly-elected governor identified particular sectors of the justice community for improvement? Have battered women sought one type of advocacy rather than another? What is the unmet need expressed by battered women?

Has the board of your state coalition prioritized the establishment of a statewide legal advocacy training and technical assistance project?

Have the judges in your state adopted a one year plan to modify all criminal and civil legal process to assure access and justice to battered women and they want your organization to partner with them in this work?

Is there a public outcry to remedy deficiencies in certain justice practices? Is the media insistent upon change?

Has there been a law suit against a police department, compelling change in law enforcement practice?

Has it become apparent that advocates working in the justice system require significantly more training, skills and resources to effectively perform their jobs?

The third question might be -- Does this initiative materially advance the safety of battered and sexually assaulted women and their access to justice? More so than others? Additional questions arise from this threshold question about the impact of the initiative on battered women or on sexual assault survivors.

Might battered women and their children be put at greater risk by implementation of this initiative?

What have survivors said about the initiative?

What is the risk that this project can be used against battered and sexually abused women? Can these risks be mitigated? How?

Weighing the benefits and risks of one initiative among other possibilities, where does this initiative fall in the range of risk to benefit?

Does this work expand the capacity of our movement to end domestic and sexual violence against women?

Does this initiative facilitate the public leadership of battered women and advocates in statewide work to end violence against women?

A fourth question is -- Does this initiative fit with our vision about the direction that domestic violence and sexual assault advocacy services should take over the course of the next five years?

A fifth set of questions might be -- How achievable is success and will success broker more funding to sustain this work? Will accomplishments be measurable? Will they be well-received? Is this project

replicable? Will Congress want to appropriate full funding of VAWA to continue or expand upon this work?

Taking all of the above into consideration, a state coalition should then establish several priorities for victim services funding at the local level, several priorities for state coalition projects, and several priorities for other statewide policy-making activities.

Thereafter, time permitting, the coalition should similarly engage in critical thinking about law enforcement, prosecution and other potential projects that could be funded by VAWA.

The coalition might wish to examine the "fit" between the priorities it has identified for victim services, law enforcement, prosecution and other justice system intervention projects. In all likelihood, the more that they look like a package of funding possibilities that complement each other and that enhance coordinated response to domestic and sexual violence in the state, the more persuasive they will be and the greater the chances that the coalition plan will be embraced by the state agency and the other sectors of the justice community. But where "fit" is not apparent and the coalition's priorities are otherwise compelling, the coalition should be prepared to demonstrate the efficacy of its proposals.

The last task may be to develop a marketing plan.

Conclusion.

Time is of the essence. State application kits for VAWA T-Grants will likely be distributed in March, 1995. The time-frame for development of the state plan and submission of the grant application will be brief. State coalitions and local domestic violence and sexual assault programs must immediately commence the process of identifying and prioritizing projects for funding in FY '95. While the state plan may be modified in coming grant years, the decisions made this first grant year will likely have significant ramifications for patterns of distribution over the next 5 years. It's time to start visioning, identifying priority justice work and constructing marketing strategies.

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