

Women Are Calling for VAWA Reform

The Violence Against Women Act was passed in 1994 to protect women from partner abuse. But many are now saying VAWA has not lived up to its promises. There are 10 reasons why:ⁱ

1. No Proof that Domestic Violence Laws Actually Work

A Department of Justice report shows that abuse rates started to fall before the Violence Against Women Act was passed.ⁱⁱ

Over the last decade, abuse of women has dropped by the same amount, regardless of whether the perpetrator is an intimate partner, a stranger, or an acquaintance.

2. May Place Women at Greater Risk of Violence

Aggressive law enforcement measures may place women at greater risk of harm.

One study concludes, “Increases in the willingness of prosecutors’ offices to take cases of protection order violation were **associated with increases in the homicide** of white married intimates, black unmarried intimates, and white unmarried females.”ⁱⁱⁱ

3. Lulls Women into a False Sense of Security

Many VAWA programs have been shown to be ineffective in stopping partner abuse. Treatment programs usually don’t work. A report from the Independent Women’s Forum says restraining orders are often ineffective and may “lull women into a false sense of security.”^{iv}

4. Makes it Harder for Real Victims to Get the Help They Need

Severely abused women complain it’s hard for them to get the help they need. That’s because our legal system has become flooded with minor allegations. For example, half of all restraining orders are issued without even an *allegation* of physical abuse.

The National Institute of Justice warned about mandatory arrest laws, saying that “arrests for all suspects may unnecessarily take a community’s resources away from identifying and responding to the worst offenders and victims most at risk.”^v

5. Ignores Women’s Preferences

Many law enforcement agencies have implemented “no-drop” prosecution policies that ignore women’s wishes. If the woman refuses to testify against her allegedly abusive partner, the prosecutor may threaten to take away her children.

And women who have experienced inflexible mandatory arrest laws are far less likely to request police assistance in the event of future abuse.¹

A woman in San Jose, California refused to testify against her boyfriend, so the county prosecutor put her in jail for eight days. She later won a \$125,000 settlement for false imprisonment.

Women’s Groups Are Calling for Reform

Women’s groups are calling to reform a law that is hurting families and children far more than it helps:

- *Ms. Foundation for Women:* “Unfortunately, when state power has been invited into, or forced into, the lives of individuals, it often takes over.”
- *Independent Women’s Forum:* “Men may become alienated from and hostile to the system in the conviction that it is stacked against them and unjustly favors women.”
- *True Equality Network:* “VAWA has spawned an abuse industry that continually expands the definition of domestic violence and condones the filing of false allegations, while ignoring the needs of true victims.”
- *Eagle Forum:* “VAWA funds the re-education of judges and law enforcement personnel to teach them...how to ride roughshod over the constitutional rights of men.”

6. Promotes Overly-Aggressive Law Enforcement Policies

The Violence Against Women Act has encouraged states to pass get-tough laws. But many believe these laws go too far and victimize the innocent.

About 2-3 million temporary restraining orders are issued each year – 15% of them against women.^{vi}

And 30 states have enacted laws that encourage or mandate arrest for domestic violence. As a result, the number of women arrested for DV has risen dramatically -- in California, mandatory arrest policies caused the number of women arrested to soar by 446%.

7. Ignores the Needs of Abusive Women

Women are as likely as men to engage in domestic violence, but female-specific treatment programs are usually non-existent.

Researcher Susan Steinmetz tells of receiving letters from abusive women who knew they needed help, but were “turned away or offered no help when they called a crisis line or shelter.”

8. Abuse Shelters May Not be Addressing Women’s Needs

Women’s shelters may be staffed by volunteers with no professional qualifications. Some shelters are emphasizing political activism over providing practical solutions for victims’ needs.^{vii}

9. System Separates Children from Their Mothers

The definition of child abuse has been expanded so that simply *seeing* parental aggression is considered to be abusive to children. And cases have been documented where children have been removed from the care of their mothers when they were falsely accused of exposing their children to domestic abuse.

Susan contacted a local abuse shelter to get counseling for herself. Based on statements she thought were confidential, the shelter contacted Child and Protective Services. The children were taken away and placed in foster care for 38 days. The woman concluded, “These people have no idea the damage they have done. I compare it to someone coming into your home and ransacking it.”^{viii}

10. Promotes Couple Break-up, Not Reconciliation

Most cases of domestic abuse are minor and reconciliation is usually desirable. But no-contact restraining orders and policies of women’s shelters preclude persons from receiving couple’s counseling or mediation.

Time to Reform VAWA

Many persons wonder whether our nation’s domestic violence laws are really helping. Growing numbers of women are saying it’s time to reform the Violence Against Women Act.



Respecting Accuracy in Domestic Abuse Reporting

RADAR is spearheading the VAWA Reform Coalition, a group of organizations around the country that is working to educate the public about VAWA abuse:

www.mediadarar.org/docs/VAWA-Reform-Coalition-Declaration.pdf

For more information, contact:

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ⁱ RADAR: Ten reasons why women say reform of VAWA is overdue. 2007.

ⁱⁱ Catalano S. Intimate partner violence in the United States. Washington, DC: Department of Justice, 2006.

ⁱⁱⁱ Dugan L, Nagin D, Rosenfeld R. Exposure reduction or backlash? The effects of domestic violence resources on intimate partner homicide. NCJ Number 186194. 2001.

^{iv} Independent Women’s Forum. Domestic violence: An in-depth analysis. Washington, DC, 2005, p. 25.

^v Maxwell CD, Garner JH, Fagan JA. The effects of arrest on intimate partner violence. Washington, DC: National Institute of Justice. Report No. NCJ 188199. 2001.

^{vi} RADAR: Without restraint: The use and abuse of domestic restraining orders. 2006.

^{vii} Epstein S, Russell G, Silvern L. Structure and ideology of shelters for battered women. American Journal of Community Psychology Vol. 16, 1988, pp.. 345-367.

^{viii} Sacks G. Domestic violence system manhandles woman, family. E-newsletter October 31, 2006.