

# Six Reasons Why VAWA is Bad for Women

The Violence Against Women Act was passed in 1994 to protect women from partner abuse. But many are now saying that VAWA has betrayed American women.

## 1. Places Women at Greater Risk of Violence

Aggressive law enforcement measures may end up making things worse for women:

- One DoJ-funded 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.”<sup>i</sup>
- One National Institute of Justice report warns, “we do not know whether no-drop increases victim safety or **places the victims in greater jeopardy.**”<sup>ii</sup>
- Women who have experienced inflexible mandatory arrest laws are **far less likely to request police assistance.**<sup>1</sup>
- Analyst Cathy Young concludes that restraining orders are often ineffective and may “**lull women into a false sense of security.**”<sup>iii</sup>

## 2. Promotes Overly-Aggressive Law Enforcement Policies

The Violence Against Women Act has encouraged states to pass laws that allow for easy access to restraining orders, promote arrest, and expedite prosecution efforts. But many believe these laws go too far and victimize the innocent.

*Restraining Orders:* State laws have been broadened to the point that almost any action can be considered to be domestic “violence.” Now, 2-3 million temporary restraining orders are issued each year – 15% of them against women.<sup>iv</sup>

*Arrest:* Thirty states have now enacted laws that promote arrest for domestic violence. As a result, the number women arrested for DV have risen

dramatically. In California, mandatory arrest policies caused the number of women arrested to soar by 446%.<sup>v</sup>

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

Half of all restraining orders are issued without even an *allegation* of physical abuse. Our legal system has become flooded with trivial and even false allegations of abuse. These cases make it harder for the true victims to get the help they need.

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.”<sup>vi</sup>

### **Women’s Groups Are Calling for VAWA Reform**

Women’s groups are calling to reform a law that may be hurting women far more than it helps:

- *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.”
- *Independent Women’s Forum:* “The evolving understanding of domestic violence should...embrace a broader and more nuanced view of the realities of family violence.”
- *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.”
- *Ms. Foundation for Women:* “Unfortunately, when state power has been invited into, or forced into, the lives of individuals, it often takes over.”

#### 4. Silences Women's Voices

The great majority of abuse cases involve disputes in which the aggression is minor and/or mutual. So, it is not surprising that women who request police assistance often decide to drop the charges.

But 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.

#### 5. Promotes Couple Break-up, Not Reconciliation

Most cases of domestic abuse are minor and reconciliation may be desirable. But no-contact restraining orders and policies of women's shelters preclude persons from receiving couples counseling or undergoing mediation.

One survey of shelters found that half stressed feminist political activism over providing women with practical solutions to their problems.<sup>vii</sup>

#### 6. 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 being offered no help when they called a crisis line or shelter."<sup>viii</sup>

#### VAWA Turns Law-Abiding Citizens into Criminals

As a result of open-ended definitions, almost any lover's quarrel or marital spat now qualifies as domestic abuse.<sup>ix</sup>

- Last year David Letterman was charged with domestic violence because he allegedly made televised facial gestures to a woman he had never met who was living in New Mexico.
- In August, Saturday Night Live comedian Joe Piscopo got a restraining order against his wife

because she was using foul language and spitting at him.

This is domestic "violence"?

Once a restraining order is in place, a vast range of ordinarily legal behavior is criminalized.

*Take action now so the Violence Against Women Act helps the true victims of domestic violence while protecting the rights of the innocent.*



**Respecting Accuracy in Domestic Abuse Reporting**

*A coalition of over 50 organizations around the country has come together to educate lawmakers and the public about VAWA abuse: [www.mediadar.org/docs/VAWA-Resolution.pdf](http://www.mediadar.org/docs/VAWA-Resolution.pdf)*

*For more information, contact:*  
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<sup>i</sup> Dugan L, Nagin D, Rosenfeld R. Exposure reduction or backlash? The effects of domestic violence resources on intimate partner homicide. NCJ Number 186194. 2001.

<sup>ii</sup> Davis RC, Smith BE, and Davies HJ. The effects of no-drop prosecution of domestic violence upon conviction rates, Justice Research and Policy, Vol. 3, No. 2, pp. 1-13, 2001 (NCJ Number 193235)

<sup>iii</sup> Young C. Domestic violence: An in-depth analysis. Washington, DC: Independent Women's Forum, 2005, p. 25.

<sup>iv</sup> RADAR: Without restraint: The use and abuse of domestic restraining orders. 2006.

<sup>v</sup> RADAR: Justice denied: Arrest policies for domestic violence. 2006.

<sup>vi</sup> 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.

<sup>vii</sup> 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.

<sup>viii</sup> Cook P. Abused Men: *The Hidden Side of Domestic Violence*. Westport, CT: Praeger, 1997, p. 110.

<sup>ix</sup> RADAR: Expanding definitions of domestic violence, Vanishing rule of law. 2006.