



December 10, 2008

To: Laurie Robinson, Obama/Biden DOJ Transition Team
From: Denise Gamache, BWJP Director

Re: Meeting on Victim's Rights and Advocacy Issues

Thank you very much for the invitation to meet with you and share our views about priorities for the new administration to consider in the area of victim's rights and advocacy. BWJP is funded by DHHS to serve as the national resource center on civil and criminal justice responses to domestic violence. Since 1996, OVW has contracted with BWJP to serve as a Technical Assistance Provider for the Grants to Encourage Arrest Program. In these capacities, BWJP engages with a national multidisciplinary constituency that includes dispatchers, law enforcement, prosecutors, judges, probation agents, advocates, batterers intervention program staff, attorneys, policymakers and researchers; as well as victims and perpetrators who contact us directly. Our mission is to promote change within the civil and criminal justice systems to enhance their effectiveness in providing safety, security and justice for battered women and their families.

Drawing from our areas of expertise and experiences in the field, we would urge the Obama/Biden team to pursue the following priorities:

1. OVW has truly implemented the intent of the VAWA grant program through its emphasis on coordinated community responses to violence against women. This has fostered greater multidisciplinary cooperation on the local level, producing better outcomes for victims. We would urge that new appointees to the Office continue to promote this perspective.
2. Once established, coordinated criminal justice, advocacy and social service responses are particularly challenging to evaluate and improve due to the complexity and number of actors involved in each case. OVW has promoted the development of innovative methodologies, such as institutional safety audits and fatality reviews, which can help a jurisdiction uncover how its existing procedure produce unintended negative outcomes for victims. These methodologies can also help us understand how complex systems produce disparate outcomes for certain populations, as in the safety audit of racial disparities in Michigan's child protection services. We hope that OVW would continue its efforts to understand how to reform criminal and civil justice system procedures to produce more effective and positive case outcomes, particularly for those who are currently marginalized or underserved.
3. The field is engaged in research and discussion of the different contexts in which acts of domestic violence occur and their implications for the civil and criminal justice response. For example, most professionals in the field agree that courts should respond differently to battered women arrested for assaulting their abusers vs. a mentally-ill husband who abuses his wife vs. a man who is charged with a misdemeanor offense who has a record of several prior DV assaults against this and other victims. The challenges are how to accurately and reliably identify these different situations and how to fund the range of services required to respond effectively to each case. Likewise, the different contexts of DV have implications for custody and visitation decisions in family courts. As awards of custody to fathers with documented DV records continue to occur in alarming numbers, clearly family court procedures for determining custody



do not yet account for DV effectively. Through its TA Providers, OVW has engaged professionals around the country in an exploration of these issues. This is an important area of inquiry to continue in future.

4. The enforcement of protection orders across jurisdictions remains an ongoing problem around the country. Particular issues with the extension of full faith and credit related to the enforcement of orders on military bases and enforcement of tribal orders. BWJP recently assisted a local program in retrieving children whose father had fled with them to an Army base. Despite production of a legitimate protection order by the mother, the commander refused to enforce it. Enforcement of federal firearms provisions related to protection orders are also routinely ignored by the bench. OVW should continue its efforts to improve the enforcement of protection orders until a more consistent response is guaranteed to victims around the country.
5. The previous priority illustrates an issue that wasn't raised at the meeting due to lack of time: the need for training and support for military advocates, and better coordination with civilian advocates and national resource centers. Due to the war, plans to add and support additional military advocates in all service branches were curtailed. Military advocates play a key role in the first response to victims of military personnel. Their effectiveness is often limited by their isolation from other advocates and resources who could help them think more strategically about confronting the barriers that military victims encounter. A small investment in building a virtual military advocacy network through listservs and webinars would encourage peer support and link advocates to experts in the field, which could significantly enhance military advocacy services. Higher rates of DV/SA/stalking are committed by military personnel compared to the general population and there are unique issues related to the coordination of the parallel military and civilian justice systems that handle these cases. Research indicates that as military forces returning from war assimilate back into their families or relationships, higher rates of abuse, homicide and suicide result. Clearly, the return of military forces from duty in Iraq and Afghanistan will have an enormous impact on military families around the country, and the time to respond is now.

In addition to these points, we support the interest expressed by others at the meeting for the new administration to articulate a coherent national strategy to address all forms of violence against women (domestic/dating violence, staking, sexual assault, domestic and international trafficking). Violence affects women's lives in many ways and a more comprehensive approach could engage the expertise and resources of relevant federal agencies, such as the Departments of Justice, Health and Human Services, State, Labor, Housing and Defense.

Thank you again for the opportunity to share our views. The Transition Team's prompt communication with stakeholders in the victim's rights and advocacy community and your commitment to ensuring a smooth transition of leadership are deeply appreciated. I and other BWJP staff members would be pleased to discuss any of these ideas in further detail, so please don't hesitate to contact me if you require additional information.