

Questions for Panel II

Q1. Taking from the same article I asked Ms. Pierce about in the first panel, many scholars have argued that the popular notion of crime rates going up in a bad economy is just a myth. However, David Kennedy of the John Jay College of Criminal Studies suggests that a troubled household with a history of domestic violence is much more likely to be further strained during an economic downturn. **Do you agree with Professor Kennedy's assessment that domestic violence may occur more frequently during an economic recession? Have you noticed during this economic downturn or past periods of economic trouble that the number of incidents and severity of those incidents of domestic violence have increased? Have you noticed a drop-off in state funding of and charitable giving to programs devoted to victims of domestic abuse and sexual abuse and assault?**

There is much data to indicate that domestic violence does indeed increase during an economic downturn.¹ That may well be the case in this jurisdiction, but it has been difficult for us to measure any increase for a number of reasons. In fact, we have recently seen a decrease in the number of domestic violence cases that we receive from law enforcement. The timing of this decrease, however, corresponds with the budget reductions in local law enforcement agencies. In addition to other reductions, many agencies have stopped or severely decreased the amount of overtime they will allow. Thus, the investigation and referral for prosecution of domestic violence cases is directly impacted.

¹"Economic Downturn Fuels Up Tick in Domestic Violence" http://newamericamedia.org/news/view_article.html?article_id=ec853694d18d54c5ae987a50138e1075&from=rss ; Allstate Foundation nation poll shows that two-thirds of Americans believe the poor economy has caused an increase in domestic violence http://clicktoempower.org/media/7971/executive_summary.pdf ; Mary Kay, Inc. survey showed that 75% of domestic violence shelters surveyed reported an increase in women seeking assistance since September of 2008, when the U.S. economy started its downturn http://www.pcadv.org/Resources/MaryKay_Beauty_That_Counts_Release.pdf; "Experts link domestic violence to recession" <http://www.coloradodaily.com/news/2009/may/29/boulder-count-broomfield-murder-suicide-recession/> ; National Domestic Violence Hotline data suggests a link between financial stress and domestic violence <http://ndvh.org/2009/01/increased-financial-stress-affects-domestic-violence-victims/> .

Anecdotally, we have noticed the impact of the housing crisis in some of our cases. Home foreclosures have forced extended families to move in together and, in some cases, forced separated or divorced spouses to move back in together.

Q2. How do you think VAWA funding is best utilized moving forward?

Police and prosecutors everywhere have experienced drastic budget reductions. The investigation and prosecution of domestic violence and sex offenders will undoubtedly suffer as a result. Perhaps VAWA funding could be used to assist with the investigation and prosecution of these cases.

We also see a need for victims to have a safe alternative to living with their perpetrator. In this economic climate, social services are being especially impacted. Child protective services personnel are being reduced and shelters are closing.

Another area of need is statutory authority and/or funding for defendants to be mandatorily tested and for victims to receive voluntary testing for HIV and STDs.

In early 2009, a VAWA mandate went into effect which requires that non-cooperating victims receive rape examinations at no cost. This was an unfunded mandate that has impacted state and local budgets. The increases in the number of successful prosecutions or other benefits from this program, in our experience, have not been realized. The dollars spent on this particular program could better be used elsewhere to help domestic abuse victims. Therefore, we recommend that this particular mandate be revisited.

Q3. What should our top priorities be in strengthening the VAWA program?

The preservation, availability, and admissibility of a perpetrator's domestic violence history is of critical importance for law enforcement, prosecutors, juries and judges to assess the true impact of the perpetrator's conduct upon a victim's life. We would urge that all states have funded protocols to preserve this information, make it available, and allow it to be used in domestic violence proceedings, including as part of a prosecutor's case in chief. This is one type of prosecution where "past conduct" is clearly related to and probative of "current conduct."

Another area of priority is the development of programs to provide ways for victims to be safe from the sometimes unrelenting pursuit of their abusers. That may include more shelters, prohibitions from public access to location information, or other measures.