

Testimony of

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Before the Senate Judiciary Committee
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On the Violence Against Women Act of 2005

Good morning, Chairman Specter and Senator Leahy, and other members of the Committee. My name is Mary Lou Leary, and I am the Executive Director of the National Center for Victims of Crime. We appreciate the opportunity to appear before you this morning to talk about this important legislation, the Violence Against Women Act of 2005.

The National Center is one of the leading national advocacy organizations that works to secure rights and resources for victims of crime. We've just marked our 20th anniversary. Since our founding, we have worked with public and nonprofit agencies throughout the country, providing information, support, and technical assistance to thousands of victims, victim service providers, allied professionals, and advocates.

Violence against women is a key focus of our work. Approximately one-half of all calls to our nationwide toll-free Helpline involve sexual assault, stalking, and domestic and dating violence. Dating violence is a priority for the adolescents in our teen victim project, which empowers teens to address the issues that are important to them. Our Stalking Resource Center, funded by the Office on Violence Against Women, has trained thousands of criminal justice officials and victim service providers on how best to combat the deadly crime of stalking. And our groundbreaking 1992 study, Rape in America, provided important information for the first Violence Against Women Act. In short, responding to violence against women is at the heart of the National Center's work.

The prevalence of these crimes ought to shock us; the ramifications ought to alarm us.

? At least twenty-one percent of murder victims were killed by their spouse or intimate partner; seventy-nine percent of those victims were women.

? Thirty-three percent of teens report experiencing violence in a dating relationship.

? One in twelve women and one in forty-five men will be stalked in their lifetime.

? Nearly five percent of college women are sexually assaulted during any given calendar year.

? Native American women are victims of violence at more than twice the rate of other women.

We know that victims of these crimes experience more anxiety, depression, substance abuse, and thoughts of suicide than non-victims. Women who were victims of personal violence experience chronic physical symptoms even decades after the crime. The total cost of sexual assault to victims was \$42 million in 2003. We also know that children who witness domestic violence show higher levels of aggression, disobedience, anxiety, and withdrawal.

The importance of this legislation, therefore, cannot be overstated. First adopted in 1994, and then reauthorized in 2000, the Violence Against Women Act (VAWA) represented a great step forward in ending domestic and sexual violence, dating violence, and stalking.

To illustrate the impact of VAWA on the lives of women in this country, I want to tell you about a woman we work with, named Donna. In the mid-80s, Donna's marriage turned violent. Her husband began to beat her regularly. In 1987, after he threatened her with a sawed off shotgun, Donna fled her home and called the police. After an hour, an officer responded to the payphone and, without getting out of his squad car, told her there was nothing he could do. In 1989, after a particularly violent episode, she again called the police. This time, the officers responded to the home. They told her husband to walk around the block, and they left. When her husband returned, he exploded with rage, became very violent, and told Donna if she ever called the police again he'd kill her before they could get there.

Donna and her young children soon left her husband, but he would stalk them and find them each time they moved, and beat or rape her for leaving him. In 1994, she called 911 again, but no one ever responded.

Within two years, he found her again. He beat her, sexually assaulted her, and attempted to smother her while her children were in the next room. Unexpectedly, he demanded that she go to the store to buy him a soda. Convinced she would be killed if she returned home, Donna called the police from the store. This time, things were different.

This time, three deputies arrived and arrested her husband. They gave her information about obtaining a restraining order and legal help. A rape advocate at the hospital provided her guidance and support. A program through the District Attorney's Office and the local women's shelter helped her during the court process. The shelter's legal program also helped her through divorce and restraining order proceedings. Her husband was convicted of spousal rape, spousal abuse, and false imprisonment and sentenced to eight years in prison. He continued to stalk her from prison, violating the restraining order 300 times. In 1998, he was granted a retrial, which meant he would be released from prison. The newly formed and VAWA-funded Domestic Violence Response Team (DVRT) re-arrested him at the prison gates and took him back to county jail to await trial. Donna was provided a body alarm and emergency cell phone, and a legal advocate helped her obtain a lifetime restraining order.

After retrial the perpetrator was again convicted and returned to prison. When he was released in 2000 after serving his sentence, Donna was again provided support and assistance with her safety. Not only was she provided a cell phone and alarm, local police regularly drove by her home to check for anything suspicious.

Donna went on to found one of the country's first support groups for stalking victims, and today is a trainer with our Stalking Resource Center. Her personal story illustrates the dramatic difference VAWA has made to the lives of victims across the country. It has created a sea change in our national response to the crimes of stalking, sexual assault, domestic and dating violence.

VAWA's Achievements

Because you will hear from others about the legislation's impact on domestic and dating violence, I will focus my remarks this morning on VAWA's importance in addressing sexual assault and stalking.

VAWA has encouraged criminal justice, victim service, healthcare, and other professionals to collaborate to improve our response to victims. Through VAWA, especially through STOP grants, jurisdictions have trained thousands of front line professionals about sexual violence and how to coordinate efforts to pursue justice for sexual assault victims. Such training has helped many jurisdictions to form Sexual Assault Response Teams, or SARTs.

SARTs make a world of difference for victims. A sexual assault victim who reports the crime and is met with a well-coordinated and sensitive team of professionals is better able to cooperate with the criminal justice process. SARTs also ensure that crucial evidence is correctly collected and preserved, accurate accounts of the crime are recorded, and services that victims need are offered immediately. This team effort not only improves the chances that offenders will be held accountable, it ensures that survivors of sexual violence are treated with sensitivity and respect as they navigate the criminal justice system.

STOP has also funded special prosecutors and police units for sexual assault and stalking. For example, the anti-stalking program at the Alexandria, Virginia, police department--founded through VAWA dollars--is a model for the country. Significantly, the success of the program has led the mayor to provide local funding for the program, which no longer relies on VAWA dollars. The Alexandria anti-stalking program is one of many true VAWA success stories throughout the country.

VAWA has also funded Rape Prevention and Education grants, which support outreach and training programs to increase understanding of the nature, incidence, and impact of sexual violence. VAWA has changed the way our nation responds to victims of sexual assault and stalking. Because we all are here today to reauthorize and expand this important Act, we know you share our commitment to build on this success.

Ongoing Need

VAWA 2005 would reauthorize these successful programs. But even more importantly, it would provide a more comprehensive response to violence against women. Two years ago, the National Center and our colleagues began to examine gaps in our services to victims of sexual assault. We surveyed the field, and overwhelmingly, sexual assault programs told us they were desperately short of funds to meet the needs of victims.

We heard about waiting lists for counseling in Illinois, Massachusetts, Pennsylvania, Wisconsin, and other states. In some places, victims are being placed in group counseling to provide them with some form of support while they are waiting for individual counseling. Rape victims deserve better than this. We must make sure that when victims of sexual assault reach out, they find the help they need.

Many of this Committee's members come from rural states, or states with large rural areas. Rape crisis centers in rural areas across the country are struggling to serve multiple counties with very little staff. Many states report that rural areas often have no services at all. For example, the state of Texas has 254 counties: fifty of those counties have no rape crisis services at all. This situation means that victims must travel long distances to meet with a counselor or get other assistance. In some parts of Arizona, rape victims must travel an average of 250 miles to get to the closest crisis center, and in Iowa, up to 100 miles for services. Alabama reports similar difficulty. In many places, victims simply cannot make the trip, so they suffer alone. Programs in rural areas need increased funding to help bring victims to programs, send advocates to victims, develop satellite offices in rural areas, or make other innovations to improve access to services.

Rape crisis centers also told us that while their communities include many underserved populations--including racial and ethnic minorities and victims with disabilities--they have no funds to extend their outreach or develop specialized services. In many places, service providers stated that although there are large ethnic and racial populations within their communities, few victims from those populations are accessing services. The need is great: for example, in San Francisco, more than 100 languages are spoken and in Boston, more than 110 languages and dialects. New York State lacks culturally specific programs to serve its Native American population. Massachusetts has only a handful of certified American Sign Language interpreters, so rape victims who are deaf sometimes must wait months for help filing a police report. More funding is required to meet such needs for targeted services.

VAWA 2005: A Better National Response to Sexual Assault

In response to this overwhelming need, VAWA 2005 would provide increased resources to serve sexual assault victims. It includes, for the first time, a dedicated federal funding stream for sexual assault programs through the proposed Sexual Assault Services Act (SASA). SASA would fund direct services to victims, including general intervention and advocacy, accompaniment through the medical and criminal justice processes, support services, and related assistance. SASA funds could be used by state, territorial, and tribal coalitions to provide technical assistance and training relating to sexual assault.

SASA also promotes targeted services to reach racial and ethnic minorities. Through a funding set-aside, SASA would ensure that culturally-specific community-based organizations are able to craft services for victims that are relevant to their cultural needs. Partnerships with existing organizations will allow for the most effective use of funds.

SASA would also help Native American communities provide services to victims of sexual assault. Native women experience sexual assault at nearly double the rate of other women, but services are sorely lacking. SASA sets aside funds for these communities to establish rape crisis services.

SASA is an important new program within VAWA 2005 and a priority for the National Center. But VAWA 2005 includes many other provisions to improve our response to sexual assault victims. It increases funding for assistance to victims in rural areas and includes for the first time a set-aside for services to sexual assault victims. It also promotes systemic improvements for sexual assault victims. The bill would use grant conditions to prohibit the polygraphing of sexual assault victims and to ensure that victims aren't required to seek insurance coverage to pay for their forensic exams.

A Better Response to Stalking

This historic legislation will strengthen our ability to stop stalkers by amending two federal code provisions used to prosecute them. To keep pace with changing technology and to combat stalkers who use that technology to harass their victims, VAWA 2005 expands the Communications Act. That law, which already prohibits harassing communications via telephone, would also prohibit such communications via the Internet.

The bill would also amend the federal interstate stalking law to keep pace with technological developments and our growing understanding of the crime. First, it would expand the definition of prohibited conduct to include surveillance through the use of new technologies. Stalkers can now use global positioning systems, or GPS, to track their victims' every move, but our current federal law does not cover this type of invasive and terrifying surveillance.

Secondly, it redefines the harm a victim must sustain for an act to constitute stalking. Currently, a victim must fear "bodily injury or death" before the law applies. However, the harm victims experience may be varied and complex. Victims may fear they will lose their job or that the stalker will hurt a pet, other people, or property. This fear may be no less life-altering than fearing death or injury. Victims may feel they must relocate or change jobs to escape the stalker, sometimes repeatedly. Given the danger posed by stalkers, the criminal justice system must be able to intervene before the victim fears bodily injury or death. VAWA 2005, therefore, adds "substantial emotional harm" to the list of reactions a victim may have as a result of the stalkers' actions.

VAWA 2005 would also expand several current grant programs to help communities create appropriate responses to stalking. For example, entities could use Grants to Encourage Arrests funds to address all forms of stalking. The bill includes stalking in other appropriate provisions as well, such as the housing initiatives, teen programs, and the rural grants program.

Building a Better Future for Victims

As much as this bill will do for today's victims of sexual assault, domestic and dating violence, and stalking, VAWA 2005 is remarkable for its forward-looking approach to reducing the number of future victims. It includes programs to serve children and teens who witness intimate partner violence or begin to experience violence from their own dating partners. It funds counseling for children exposed to intimate partner violence; training to help youth workers connect young people exposed to violence to programs that can help them; and programs to promote collaboration and cross-training between domestic violence programs and child protective services. It also reauthorizes the Safe Havens program, which prevents violence during child visitation.

My time here today does not allow me to touch on many of the other important provisions of this bill that our colleagues and Senate sponsors have crafted so carefully. These include provisions to protect the economic security of victims, grants to promote a safe and effective response to violence by healthcare professionals, and protections for immigrant victims of violence.

Building on Success

We commend this Committee for its continuing dedication to ending violence against women. We especially thank Chairman Specter and Senators Biden and Hatch for their longstanding commitment to this issue. With the support of Congress and the frontline work of thousands of advocates and criminal justice professionals across the country, Americans can be confident that we will build on our success, expand our reach, and work to end sexual assault, stalking, domestic and dating violence.