



National District Attorneys Association
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November 18th, 2019

The Honorable Dianne Feinstein
Committee on the Judiciary
United States Senate
Washington, D.C., 20002

Dear Ranking Member Feinstein,

I am reaching out on behalf of the National District Attorneys Association (NDAA), the oldest and largest national organization representing state and local prosecutors in the country. With more than 5,500 members nationwide NDAA is recognized as the leading source of national expertise on the prosecution function and is a valuable resource for the media, academia, government, and community leaders. Today, I write concerning the *Violence Against Women Act* (VAWA) and its reauthorization in the 116th Congress.

As you know, NDAA greatly values the *Violence Against Women Act* and believes it is an important vehicle to combat domestic violence by providing services and resources to victims. The House passed version of a reauthorization bill contained both positive provisions as well as concerns that need to be addressed. As we have engaged with Senate Judiciary staff over the past year, NDAA is thankful for you and your staff's efforts to address these concerns.

First, your legislation takes important steps to fix the provision restricting federal grant money for state, local and tribal governments do not discourage the use of bench warrants and material witness warrants. The House passed provision goes too far and places a vital tool that protects women at risk. Bench warrants, warrants of attachment, and tools that can legally and safely bring a victim before a court are necessary for a prosecutor to accomplish justice. Conditioning funding to jurisdictions who do not use those prosecutorial tools could create unintended consequences for victims and lessen the ability to hold defendants properly accountable. In practice, most jurisdictions use this tool sparingly and rarely, and as a tool of last resort to achieve justice and safety for the victim.

Prosecutors' offices nationwide strive to engage survivors of domestic violence in wrap-around services, support and empowerment so they feel safe to come forward. When a prosecutor is faced with the dilemma of dismissing a domestic violence case or attempting to bring the victim to court via a legal warrant, they wrestle with this decision and take it seriously. Our members are trained to strike the delicate balance between victim support and perpetrator accountability. If funding excludes jurisdictions that may utilize this important prosecutorial tool, many prosecutions of perpetrators will be jeopardized, and cases will be dismissed. We will have placed the power back into the hands of the abuser risking harm to the victim of abuse and community as a whole. Rather than strip prosecutors of this necessary tool based on a misunderstanding of its purpose, your legislation instead requires prosecutors to establish best practices and engage in trainings that will benefit domestic violence prosecutions. NDAA supports this change in approach from the House-passed VAWA and is confident that your

bench warrant provision will benefit the field of prosecution. Further, NDAA would also ask that you consider the inclusion of additional funding increases for training state and local prosecutors in these best practices on the use of bench and material witness warrants.

Second, our members oppose the provision in both the House-passed VAWA and your legislation allowing dedicated funding to be directed towards programs that require domestic violence victims to come together with their batterers in an “alternative justice response.” While this approach may work successfully in other types of situations, such as school or student conflict resolution, we lack sufficient information on the potential downsides of bringing a batterer into the same room with the victim in order to “conflict resolve” what is considered a crime of violence. Prosecutors are concerned that this rewinds time and takes us backwards in the fight to hold perpetrators appropriately accountable and place the blame on the abuser, not on the victim. For decades we’ve tried to place the focus of domestic violence on the perpetrator – the one using the power and control in the relationship. A philosophy of putting the ability to consent to this kind of program on a victim’s shoulders is ill-placed and may result in unintended consequences to the victim, such as safety concerns. For these reasons, NDAA cannot support dedicated funding for these programs and would only consider further research into these new programs.

NDAA is committed to working with all stakeholders, as NDAA has in past VAWA efforts, to achieve reauthorization. Our members will continue to engage with House and Senate staff to ensure that VAWA is reauthorized in a way that protects victims of abuse and provides law enforcement with the tools to prevent violence. We thank you for your tireless efforts to support victims and look forward to working alongside you and your staff to ensure a bipartisan *Violence Against Women Act Reauthorization* bill is signed into law.

Sincerely,

A handwritten signature in black ink that reads "Duffie Stone". The signature is written in a cursive, flowing style with a prominent initial "D".

Duffie Stone,
President