



National District Attorneys Association
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April 3, 2019

The Honorable Jerrold Nadler
Chairman, Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Doug Collins
Ranking Member, Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Nadler & Ranking Member Collins,

On behalf of the National District Attorneys Association (NDAA), the largest prosecutor organization representing 2,500 elected and appointed District Attorneys across the United States as well as 40,000 Assistant District Attorneys, 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. Previous drafts of a reauthorization bill have contained both positive provisions as well as concerns that need to be addressed. Specifically, two provisions require further examination by Congress.

First, the provision restricting federal grant money for states, Indian tribal governments, and local government units that do not discourage the use of bench warrants and material witness warrants goes too far and places vital programs that protect 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, we ask Congress to consider instead funding increased training for state and local prosecutors in the use of bench and material witness warrants.

Second, our members also oppose 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. With many of these programs in their infancy, VAWA would be best served to instead direct funding to study the effectiveness of these mediation models, such as a NIJ or GAO study, before endorsing an approach that could potentially put a victim of domestic violence at risk. For these reasons, NDAA only supports further research into these new programs in lieu of allowing dedicated funding.

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.

Sincerely,

A handwritten signature in cursive script that reads "Jonathan W. Blodgett".

Jonathan Blodgett
President