



# NATIONAL DISTRICT ATTORNEYS ASSOCIATION

## THE VOICE OF AMERICA'S PROSECUTORS

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### Violence Against Women Act: Legislative Overview

#### *History & Request*

- First passed by Congress in 1994, VAWA is a landmark legislative effort that improves the community-based and law enforcement led responses to domestic violence.
- The law was created to expand services and resources to victims of domestic violence, dating violence, sexual assault and stalking.
- Following reauthorization in 2000, 2005, and 2013, Congress is working to reauthorize VAWA in 2020.
- NDAA is advocating for two changes in the House VAWA bill
  - NDAA supports changing the provision requiring states to “discourage” the use of bench warrants to instead develop trainings to promote best practices in the use of bench warrants.
  - The proposed language permitting the use of VAWA funds for new “restorative practices” should be limited to only those cases that do not involve violence and any program should include mandates to evaluate the effectiveness of this new method.



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#### *2022 Reauthorization Efforts*

- NDAA has engaged with Senate and House 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
- Specifically, NDAA has highlighted two areas that require further examination:
  - **Restrictions on Federal Grant Money for States:** NDAA opposes the proposed provision that would require states to discourage the use of bench warrants in order to be eligible for federal grant money under VAWA. Bench warrants are a valuable tool used by prosecutors to protect victims of domestic violence by helping them escape from their abusers. Although only used in certain circumstances, these warrants are necessary to assist both prosecutors and law enforcement in preventing further harm to victims. Thankfully, the Senate language ensures funding is instead shifted to training on the best practices involving the use of bench warrants.
  - **Funding for Restorative Practices Model:** NDAA is in support of a narrow, limited restorative practices programming that prioritizes the needs of victims and requires that programs measure the success of their programs as it applies to non-violent offenders. According to the proposed “restorative practices” provisions, federal funding could be granted to programs that create mediation-like situations between an abuser and a victim of abuse. While we do understand that these models provide a significant amount of control to the victim, there is limited information on the effectiveness of this mediation. There is a legitimate concern that the mediation could re-victimize, rather than support, the individual who suffered abuse. Therefore, any program should screen for physical harm or abuse, and should in no way interfere with ongoing civil or criminal investigations. Instead, these program should be limited to those rare circumstances where a victim faces non-physical abuse and is seeking counseling alongside their spouse or partner.