

VAWA Harms

African-American Communities

The Violence Against Women Act – VAWA – was conceived with good intentions and has provided needed services for many victims. But VAWA-funded programs are harming African-American communities.

Warren Moon was the first Black quarterback to be elected to the Pro Football Hall of Fame. But that didn't protect him from being falsely accused, arrested, and taken to trial:

One evening Warren Moon got into a fight with his wife. The police were called and Mr. Moon was arrested. The case went to trial against Felicia Moon's wishes. Placed on the witness stand, Mrs. Moon admitted that she was the one who had started the fight by throwing a candlestick, and that her husband had only acted in self-defense. Warren Moon was acquitted.

Disproportionate Impact of Arrest Laws

The Congressional Black Caucus notes that while African-American men represent 6% of the total population, they represent 44% of all male inmates in state and federal prisons and jails.

Part of the reason is that many states have passed laws that:

- Mandate arrest for domestic abuse (22 states)
- Encourage arrest (8 states)

These laws are having a disproportionate impact on African-American communities. According to the FBI, Blacks represent 23% of all spouses and 35% of all boyfriends or girlfriends arrested for partner aggression.¹ That translates into 300,000 African-Americans arrested every year for allegations of domestic violence. But in many cases, the abuse is minor or mutual.

And the National Institute of Justice says that mandatory arrest is not good use of our limited resources: "arrests for all suspects may unnecessarily take a community's resources away from identifying and responding to the worst offenders and victims most at risk."²

Primary Aggressor Laws: Gender-Profiling

As the case of Warren Moon shows, sometimes a person only acts in self-defense. Other times the violence is mutual. But in most cases, it's the man who is arrested.

That's because VAWA tells the police to decide who is the primary aggressor. In Virginia, for example, the dominant aggressor is determined by the "height/weight of parties" and the "need for protection." So these laws become a form of gender-profiling.³

What Does the Latest Research Say ?

- A national survey of married and co-habiting partners found that 8% of women engaged in severe partner violence, while only 4% of men were involved in severe violence.⁴

- An international study of over 13,000 persons in dating relationships reported that 11% of couples had experienced severe violence in the past year. Among those couples, 29% had female-only violence, 16% had male-only violence, and in 55% of couples both persons were violent.⁵

Women's Groups Say the System has Gone Too Far

Women's groups are calling to reform a law that ignores the wishes of victims and violates defendants' civil rights:

- *Ms. Foundation for Women*: "Criminalization of social problems has led to mass incarceration of men, especially young men of color, decimating marginalized communities."⁶
- *Independent Women's Forum*: "Men may become alienated from and hostile to the system in the conviction that it is stacked against them."⁷

Women who have called for help and seen mandatory arrest also become dissatisfied with the system, and are far less likely to call the police to get help in the event of future abuse.⁸

Legal Services Discriminate Against Black Men

The Violence Against Women Act funds the Legal Assistance for Victims program, which provides free or low-cost legal services to domestic violence victims.

Even though women are at least as likely as men to engage in partner abuse, a recent evaluation of the Legal Assistance for Victims program revealed only 3% of its clients were male.⁹

Almost Anything Can Now be Construed as Domestic Violence

State laws have been broadened to the point that now, almost any action can be considered to be domestic “violence.”¹⁰ And judges issue restraining orders without asking for any hard evidence.

Each year, 2-3 million temporary restraining orders are issued.¹¹ These orders require the defendant to immediately vacate his house and restrict contact with his own children. In 33 states, even a *technical* violation of a restraining order results in arrest:

Harry Stewart, a lay minister in Weymouth, Mass., opened the door of his ex-wife’s apartment building to help his 5-year-old son get inside. That was considered a technical violation of the restraining order. Stewart was forced to serve a six-month jail sentence.

Threat to African-American Families and Communities

The Violence Against Women Act has helped to educate the public about the problem of partner abuse. But over time, its get-tough law-enforcement measures began to ride roughshod over persons’ basic civil rights.

State domestic violence laws provide for a broad range of incentives that serve to encourage filing of complaints for even minor cases of abuse.¹² The conflict escalates and restraining orders make it hard to get couples counseling. In the end, families and children are harmed.

The Ms. Foundation for Women summed up the problem this way: “Unfortunately, when state power has been invited into, or forced into, the lives of individuals, it often takes over.” That intrusion of government power is harming Black communities.

There are growing doubts whether our nation’s domestic violence laws have reduced the level of abuse or are helping women.¹³ Reform of the Violence Against Women Act is overdue.



Respecting Accuracy in Domestic Abuse Reporting

RADAR is spearheading the VAWA Reform Coalition, a group of organizations around the country that is working to educate the public about VAWA abuse:

www.mediadar.org/docs/VAWA-Reform-Coalition-Declaration.pdf

For more information, contact:

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¹ Durose MR: Family violence statistics. Washington, DC: Federal Bureau of Investigation, June 2005. NCJ 207846. Table 5.9.

² Maxwell CD, Garner JH, Fagan JA. The effects of arrest on intimate partner violence. Washington, DC: National Institute of Justice. Report No. NCJ 188199. 2001.

³ RADAR: Justice denied: Arrest policies for domestic violence. Rockville, MD. 2006.

⁴ Renee McDonald, Estimating the number of children living in partner-violent families, *Journal of Family Psychology*, March 2006.

⁵ Straus MA. Dominance and symmetry in partner violence by male and female university students in 32 nations. Presented May 23, 2006.

⁶ Ms. Foundation for Women. Safety and justice for all. New York, 2003, p. 17.

⁷ Independent Women’s Forum. Domestic violence: An in-depth analysis. Washington, DC, 2005.

⁸ Hotaling GT, Buzawa ES. Forging criminal justice assistance. Document No. 195667, 2003.

⁹ Institute for Law and Justice. National evaluation of the Legal Assistance for Victims Program. Alexandria, VA, 2005, p. 170.

¹⁰ RADAR: Expanding definitions of domestic violence, Vanishing rule of law. 2006.

¹¹ RADAR: Without restraint: The use and abuse of domestic restraining orders. Rockville, MD. 2006.

¹² RADAR: Perverse incentives, false allegations, and forgotten children. Rockville, MD. 2006.

¹³ RADAR: Ten reasons why women say reform of VAWA is overdue. Rockville, MD. 2007.