



Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON

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Sent by Electronic and U.S. Mail

May 4, 2020

The Honorable Mitch McConnell
Majority Leader
317 Russell Senate Office Building
Washington, DC 20510

The Honorable Charles Schumer
Minority Leader
322 Hart Senate Office Building
Washington, DC 20510

The Honorable Lindsay Graham
Chair
Senate Judiciary Committee
290 Russell Senate Office Building
Washington, DC 20510

The Honorable Dianne Feinstein
Ranking Member
Senate Judiciary Committee
331 Hart Senate Office Building
Washington, DC 20510

Dear Leader McConnell, Leader Schumer, Chair Graham, and Ranking Member Feinstein:

We write to request that you pass legislation to reauthorize the Violence Against Women Act (VAWA). Specifically, we support passage of S. 2843, or its companion, H.R. 1585, which already passed the U.S. House of Representatives. This legislation strengthens protections from violence for vulnerable members of our communities.

The passage of VAWA in 1994 was an acknowledgement of the insidious epidemic of violence against women in every community across the country. VAWA has provided critical programs and financial support to women in need, but this crisis remains far from solved. Each month, an average of 52 women are shot and killed by an intimate partner.¹ Homicide is the most common cause of death for pregnant women. We must do more to address this epidemic.

As you know, VAWA was most recently reauthorized in 2013, but expired more than a year ago. The U.S. House of Representatives passed the Violence Against Women Reauthorization Act of 2019, H.R. 1585, with bipartisan support on April 4, 2019. The bill has not yet received consideration in the Senate.

¹ Everytown for Gun Safety, “Guns and Violence Against Women: America’s Uniquely Lethal Intimate Partner Violence Problem.” October 2019, <https://everytownresearch.org/wp-content/uploads/2019/10/IPV-for-WEB-112519B.pdf> p. 4, (last accessed on May 4, 2020).

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The rapid spread of COVID-19 in our states and communities makes passage of this legislation all the more urgent. Measures adopted by states and localities to limit community spread of the virus result in increased isolation, uncertainty, and economic instability. According to Katie Ray-Jones, chief executive of the National Domestic Violence Hotline: “We know that any time an abusive partner may be feeling a loss of power and control—and everybody’s feeling a loss of power and control right now—it could greatly impact how victims and survivors are being treated in their homes.”² Ray-Jones further notes that she expects to see the intensity and frequency of abuse [reported to the hotline] escalate.³ Further, Dr. Amanda Stylianou, a domestic violence expert at Rutgers University notes: “We know social isolation can really have devastating impacts on the safety, health and wellbeing of victims.”⁴

Violence against women has been a public health crisis for generations, and the COVID-19 outbreak illustrates the urgent need to further strengthen protections for women under federal law.

VAWA’s passage in 1994 was the first action by Congress to address the epidemic of violence against women. Each time Congress reauthorized VAWA, it expanded the protections under the law with bipartisan support. H.R. 1585 and S. 2843 are no exception.

H.R. 1585 enhances protections for Native American and Alaska Native Women

On December 4, 2019, the National Congress of American Indians (NCAI) sent a letter to communicate NCAI’s position on legislation to reauthorize VAWA and noted: “H.R. 1585/S. 2843 include provisions addressing all of NCAI’s identified priorities and do not include provisions that would undermine tribal sovereignty.”⁵ Among NCAI’s five priorities for VAWA reauthorization are improving the response to cases of missing and murdered American Indian and Alaska Native women, and identifying and addressing the unique barriers to safety for Alaska Native women and providing access to all programs.⁶

² Haridasani Gupta, A., and Stahl, A., “For Abused Women, a Pandemic Lockdown Holds Dangers of Its Own,” *The New York Times*, March 24, 2020, <https://www.nytimes.com/2020/03/24/us/coronavirus-lockdown-domestic-violence.html> (last accessed on May 4, 2020).

³ *Id.*

⁴ Silva, D., “Coronavirus isolation raises concerns for domestic violence survivors, experts say,” *NBC News*, March 20, 2020, <https://www.nbcnews.com/news/us-news/coronavirus-isolation-raises-concerns-domestic-violence-survivors-experts-say-n1165316> (last accessed on May 4, 2020).

⁵ National Congress of American Indians, Letter to Congress “Re: Reauthorization of VAWA – support for S. 2843 and opposition to S. 2920,” December 4, 2019, <https://docs.google.com/viewerng/viewer?url=https://big.assets.huffingtonpost.com/athena/files/2019/12/05/5de97acbe4b00149f73dde9b.pdf> (last accessed on May 4, 2020).

⁶ *Id.*

This legislation strengthens protections for Native women by expanding jurisdiction of tribal courts over non-Native men who abuse Native women. Tragically, more than half of American Indian and Alaska Native women have experienced sexual violence or physical violence by an intimate partner.⁷ According to the 2010 National Intimate Partner and Sexual Violence Survey, non-Hispanic Black and Native American/Alaska Native women reported higher prevalence rates of lifetime intimate partner violence (43.7% and 46%, respectively) compared to non-Hispanic White women (34.6%); the rate for Hispanic women was slightly higher (37.1%). These disproportionate rates have also been consistently documented in multiple U.S. studies.⁸

Among American Indian and Alaska Native victims, 96% of women and 89% of men have experienced sexual violence by an interracial perpetrator.⁹ The prevalence of violence by non-Native perpetrators makes preservation and expansion of tribal jurisdiction essential to respect tribal sovereignty to seek justice for Native victims of violence.

H.R. 1585 codifies important protections for transgender people

The 2013 VAWA reauthorization was the first time federal law explicitly prohibited discrimination based on sexual orientation and gender. LGBTQ individuals face particular threats to safety and wellbeing. A survey of research by the Williams Institute noted that “[m]ost studies...found a lifetime prevalence of IPV [intimate partner violence] among lesbian and bisexual women, gay and bisexual men, and transgender people that is as high as or higher than the U.S. general population.”¹⁰ According to a survey conducted in 2015 by the National Center for Transgender Equality, 47% of transgender people report being sexually assaulted at some point in their lives, and 10 percent report being sexually assaulted within the past year.¹¹ Transgender people, and particularly transgender women of color, face an epidemic of violence that too often proves fatal.

Incarcerated transgender people are uniquely vulnerable to violence and abuse. According to the same 2015 survey, “respondents who were incarcerated were five to six times more likely than the general incarcerated population to be sexually assaulted by facility staff, and nine to ten times

⁷ Willis, J., “Why Can’t the Senate Pass the Violence Against Women Act?” *GQ*, December 13, 2019, <https://www.gq.com/story/senate-violence-against-women-act> (last accessed May 4, 2020).

⁸ Stockman, J. K., Hayashi, H., and Campbell, J. C., “Intimate Partner Violence and Its Health Impact on Disproportionately Affected Populations, Including Minorities and Impoverished Groups,” *Journal of Women’s Health*, January 1, 2015, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4302952/> (last accessed May 4, 2020).

⁹ Rosay, A. B., National Institute of Justice Research Report: “Violence Against American Indian and Alaska Native Women and Men: 2010 Findings From the National Intimate Partner and Sexual Violence Survey”, May 2016, <https://www.ncjrs.gov/pdffiles1/nij/249736.pdf>, p. 11. (last accessed May 4, 2020).

¹⁰ Brown, T. N.T., and Herman, J. L., “Intimate Partner Violence and Sexual Abuse Among LGBT People: A Review of Existing Research,” November 2015, <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Intimate-Partner-Violence-and-Sexual-Abuse-among-LGBT-People.pdf>, p. 2. (last accessed May 4, 2020).

¹¹ Willis, J., “Why Can’t the Senate Pass the Violence Against Women Act?” *GQ*, December 13, 2019, <https://www.gq.com/story/senate-violence-against-women-act> (last accessed May 4, 2020).

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more likely to be sexually assaulted by another inmate.”¹² The statistics regarding physical assault of incarcerated transgender individuals are similarly disproportionate.

In 2003, Congress passed, and President George W. Bush signed, the Prison Rape Elimination Act, and in 2012, the Department of Justice issued final regulations, including specific regulations to protect incarcerated transgender people, to implement the Act. H.R. 1585 would codify these regulations, which include requiring case-by-case housing placement decisions, not solely on the basis of a person’s anatomy or gender assigned at birth.

Closing the “Boyfriend Loophole” will make communities safer and save lives

Importantly, this legislation addresses the “boyfriend loophole,” which allows certain abusive dating partners to continue possessing firearms under federal law when a similarly situated spouse could not. Additionally, H.R. 1585 expands the domestic violence provisions of 18 U.S.C. § 922 to dating partners, and would add persons convicted of a “misdemeanor crime of stalking” to the list of those who are barred from possessing a firearm. This expansion will save lives. According to a 2017 study, nearly half of women homicide victims in the United States are killed by current or former male partners.¹³ Domestic violence victims are five times more likely to be killed by their abuser if their abuser can obtain a gun.¹⁴

Intimate partner violence is a threat, not just to women, but to children, families and communities, and law enforcement in all of our states. According to a 2017 report by the U.S. Department of Justice, the largest portion, 29%, of the 133 line of duty deaths responding to calls for service were related to domestic disputes.¹⁵ The report notes: “The strong connection between law enforcement deaths and domestic dispute, or domestic-related call for service, is undeniable. In fact, the data examined from 2015 and 2016, shows a marked increase in the percentage of domestic-related calls for service that resulted in a law enforcement death. Within those two years, 18, or 41 percent of the fatal calls for service were domestic-related.”¹⁶

¹² James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., and Anafi, M., “The Report of the 2015 U.S. Transgender Survey,” National Center for Transgender Equality, December 2016, <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>, p. 192. (last accessed May 4, 2020).

¹³ Petrosky, E., Blair, J. M., Betz, C. J., Fowler, K. A., Jack, S. P.D., and Lyons, B. H., “Racial and Ethnic Differences in Homicides of Adult Women and the Role of Intimate Partner Violence – United States, 2003-2014,” Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report, July 21, 2017, https://www.cdc.gov/mmwr/volumes/66/wr/mm6628a1.htm?s_cid=mm6628a1_w (last accessed May 4, 2020).

¹⁴ “Domestic Violence & Firearms,” Giffords Law Center, <https://lawcenter.giffords.org/gun-laws/policy-areas/who-can-have-a-gun/domestic-violence-firearms/> (last accessed May 4, 2020).

¹⁵ Breul, N. and Luongo, D., “Making it Safer: A Study of Law Enforcement Fatalities Between 2010-2016,” Community Oriented Policing Services, U.S. Department of Justice and the National Law Enforcement Officers Memorial Fund, December 2017, <https://cops.usdoj.gov/RIC/Publications/cops-w0858-pub.pdf>, p. 22.

¹⁶ *Id.*, at 24.

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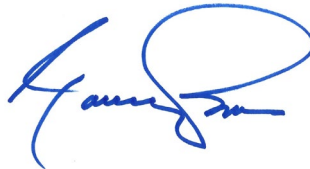
On December 7, 2019, while responding to a call, Houston police officer Chris Brewster was shot and killed by a male abusing his girlfriend. If the boyfriend loophole was closed earlier, the abuser might not have been able to obtain a gun. On the day of Officer Brewster's funeral, Houston Police Chief Art Acevedo questioned: "You're either here for women and children and our daughters and our sisters and our aunts, or you're here for the NRA. Make up your minds: whose side are you on?"¹⁷

Reauthorization of VAWA will not end the scourge of gender based violence, but it is an important step toward more fully addressing the tragic epidemic. The importance of urgent action is underscored by the particular challenges faced by victims and survivors during the COVID-19 outbreak. We urge you to move quickly to adopt the House-passed bill or the Senate companion sponsored by Senator Feinstein. Women in our states are counting on it.

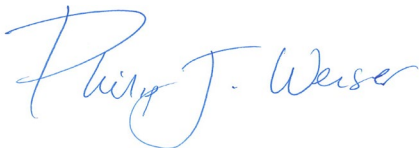
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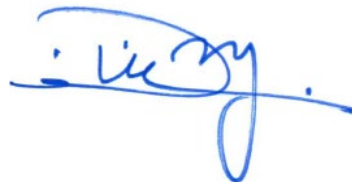
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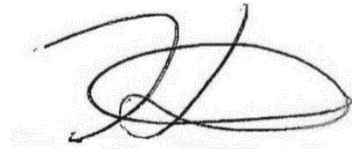
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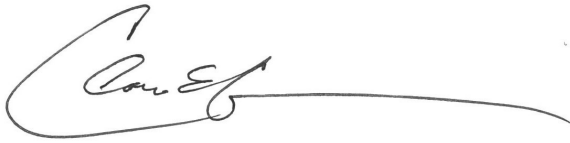
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¹⁷ Delony, D., "Whose side are you on? After murder of Houston officer, Chief Acevedo blasts senators and the NRA," KHOU-11, December 9, 2019, <https://www.khou.com/article/news/local/houston-police-chief-acevedo-blasts-the-nra-senators/285-4a9ec308-0ecb-4593-9249-7b30a9d2dec6> (last accessed May 4, 2020).

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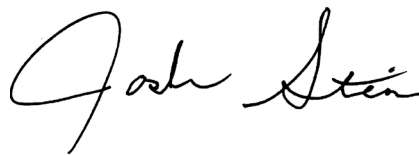
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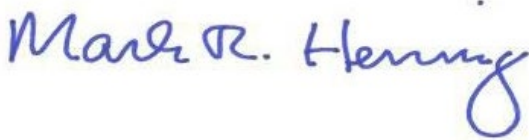
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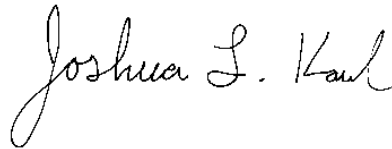
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