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VAWA @ 20: BUILDING THE KNOWLEDGE BASE: RESEARCH FUNDING THROUGH VAWA

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The Violence Against Women Act (VAWA) has been credited with facilitating the growth in research on all forms of violence against women. In the first few years following passage of VAWA, funding for this research was provided by the Violence Against Women Grants Office (VAWGO), which today is known as the Office on Violence Against Women (OVW). In fiscal year 1998, however, dedicated funding for violence against women research and evaluation was legislatively appropriated to the National Institute of Justice (NIJ), which resulted in a substantial increase in empirical studies of the causes and consequences of violence against women as well as research on responses to both victims and perpetrators.² In an analysis of NIJ's *Compendium of Research on Violence Against Women*, we identified 328 research projects that had been funded between 1993 and 2013, with a significant uptick after 1995.³ This has undoubtedly improved the knowledge base on violence against women. As Auchter and Moore state, "We know a lot more about VAW today than we did when VAWA was originally passed because of the dedicated funds provided by

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² Bernard Auchter & Angela Moore, *Mounting and Sustaining the Violence Against Women Research and Evaluation Program at the National Institute of Justice*, 19 VIOLENCE AGAINST WOMEN 687, 687. This article provides an excellent historical account of the development of VAWA research funding to NIJ.

³ The *Compendium* is available at: <https://www.ncjrs.gov/pdffiles1/nij/223572/223572.pdf>. For information on our research methodology, please contact the corresponding author.

the NIH VAW program of research.”⁴

But the contributions of VAWA to research extend beyond the sheer number of studies funded. NIH has also been vigilant in promoting the use of scientifically rigorous research methods in these studies. Although few of these studies use randomized control (RC) designs, many use quasi-experimental and mixed methods designs.⁵ In addition, NIH’s process of reviewing funding applications begins with an external peer review by a panel of experts that includes not only researchers, but also practitioners from both victim advocacy and criminal justice. Indeed, one of the targeted outcomes NIH has established for the research projects it funds is the translation of empirical findings into “policy relevant and accessible to practitioners.”⁶ NIH has consistently encouraged genuine collaboration between researchers and practitioners and provides a specific funding mechanism for studies that involve researcher-practitioner partnerships.⁷ And certainly, one of the major benefits of VAWA research funding through NIH has been support for studies that have examined cultural contexts and the intersecting influences of such social locating factors as race and ethnicity, social class, sexual orientation, immigration status, and age in violent victimization experiences and responses to violence against women.⁸

Despite these significant contributions and advances, however, research funding under VAWA has not been without controversy and, to a large extent, the controversy has centered on the focus of the studies funded. For example, in our *Compendium* analysis, we found that the majority of NIH-funded studies have focused on intimate partner violence (IPV)—133 by our count, although Auchter and Backes report that “The program has supported over 200 studies that have centered on definition and measurement, victims and perpetrators, children, contexts and consequences of domestic violence, and civil and criminal justice interventions and

⁴ Auchter & Moore, *supra* note 2, at 699.

⁵ The U.S. General Accounting Office (GAO) published a strong critique of OVW program evaluations in 2002, but Auchter and Moore (2013) provide a compelling response to the GAO’s criticisms. See Government Accounting Office, Justice Impact Evaluations: One Byrne Evaluation Was Rigorous; All Reviewed Violence Against Women Office Evaluations Were Problematic (2002), available at <http://www.gao.gov/assets/240/233528.html>; See BERNARD AUCHTER & ANGELA MOORE, MOUNTING AND SUSTAINING THE VIOLENCE AGAINST WOMEN RESEARCH AND EVALUATION PROGRAM AT THE NATIONAL INSTITUTE OF JUSTICE 19, 687-712 (2013), available at <http://vaw.sagepub.com/content/19/6/687.abstract>.

⁶ Auchter & Moore, *supra* note 2, at 691.

⁷ Bernard Auchter & Bethany L. Backes, *NIJ’s Program of Domestic Violence Research: Collaborative Efforts to Build Knowledge Guided by Safety for Victims and Accountability for Perpetrators*, 19 VIOLENCE AGAINST WOMEN 713, 728-29 (2013).

⁸ Auchter & Moore, *supra* note 2, at 700; Auchter & Backes, *supra* note 7, at 718.

processes in responding to these crimes.”⁹ Auchter and Moore maintain that the higher prevalence of IPV as well as the greater ease with which it can be studied relative to sexual assault account for what some regard as a disproportionate focus on and resource allocation to IPV research.¹⁰ But even considering only studies of IPV, we find that much of the research has had a criminal justice focus. This is hardly surprising given that NIJ’s legislative mandate is “to encourage and support research, development, and evaluation to further understanding of the causes and correlates of crime and violence, methods of crime prevention and control, and criminal justice system responses to crime and violence and contribute to the improvement of the criminal justice system and its responses to crime, violence and delinquency.”¹¹ In this vein, NIJ has funded studies that have examined a variety of criminal justice-related topics, including the efficacy of arrest and other law enforcement interventions in reducing IPV recidivism and increasing victim safety, methods for improving victim engagement in IPV prosecutions, the efficacy of protective orders, the benefits of specialized policing units and domestic violence courts, strategies for improving criminal case processing, and the effectiveness of batterer intervention programs (BIPs).¹²

Auchter and Backes argue that “Criminalizing domestic violence has promoted progress in addressing the problem. . . . Criminalizing domestic violence has also ensured that it was focus of NIJ research. NIJ has been and continues to be concerned with how much there is, how prevalent it is, how best to address it, and how to reduce and prevent it.”¹³ But there are those who dispute the claim that criminalization is the best way to address, reduce, and prevent IPV and other forms of violence against women. As Goodmark points out, “[w]omen of color, even those who worked as legal advocates, were skeptical of the legal system’s ability to help women subjected to abuse: ‘I think White women talked more as if the courts belonged to us [all women] and therefore should work for us where we [women of color] always saw it as belonging to someone else and talked more about how to keep it from hurting us.’”¹⁴ Goodmark and others have highlighted the limitations of the criminal justice system in protecting

⁹ Auchter & Backes, *supra* note 7, at 713.

¹⁰ Auchter & Moore, *supra* note 2, at 703. They do acknowledge that differences in reporting may influence the prevalence rate differences and they note NIJ’s efforts to increase funded studies of sexual violence. In our *Compendium* analysis, we identified 55 NIJ-funded studies of rape, sexual assault, and sexual violence.

¹¹ Auchter & Moore *supra* note 6, at 696.

¹² Auchter & Backes, *supra* note 7.

¹³ *Id.* at 731.

¹⁴ LEIGH GOODMARK, A TROUBLED MARRIAGE: DOMESTIC VIOLENCE AND THE LEGAL SYSTEM 25 (2012).

women from abuse and, in fact, have called attention to “the ways the state itself commits acts of violence against women, in the form of abuse in jails and prisons, and at the hands of the police, the border patrol, and immigration officials . . .”¹⁵ Moreover, critics point out, it is men of color who are disproportionately arrested and incarcerated because of the criminalization of IPV, which in turn negatively affects women and children of color.¹⁶ Perhaps this is why research, including at least one study funded by NIJ, has shown that women of color and immigrant women are more likely to turn to community service and networks for help with IPV and abuse, rather than seeking help from the police and criminal justice system.¹⁷

One way that NIJ has developed its agenda for violence against women research has been to bring together researchers, practitioners, advocates, service providers, and policy makers for workshops and roundtables to discuss and debate specific issues.¹⁸ In light of the criticisms and concerns we have identified in this essay, we recommend that NIJ hold a workshop to inform future calls for proposals for research to examine how victimized women themselves define “justice” and what mechanisms they consider best to achieve just outcomes for themselves, and their children, as well as for perpetrators. We also recommend the development of funding mechanism for research to evaluate alternatives to criminalization of IPV and to traditional criminal justice responses to various types of violence against women.¹⁹ The knowledge base has undeniably grown—and improved—as a result of VAWA, but the contentious partisan politics that threatened the most recent VAWA reauthorization should prompt us to pause and reconsider our research priorities, which ultimately should reflect the highly diverse needs, concerns, and values of victimized women themselves. One response, grounded in the criminal justice system, will not

¹⁵ James Ptacek, *Guest Editor's Introduction*, 11 VIOLENCE AGAINST WOMEN 564, 564 (2005). See also Anannya Bhattacharjee, *Whose Safety? Women of Color and the Violence of Law, Enforcement*, AMERICAN FRIENDS SERVICE COMMITTEE (2001), available at https://afsc.org/sites/afsc.civicaactions.net/files/documents/whose_safety.pdf.

¹⁶ Andrea Smith, *Review of Restorative Justice and Family Violence*, 11 VIOLENCE AGAINST WOMEN 724, 726 (2005).

¹⁷ Stavroula Kyriakakis, *Mexican Immigrant Women Reaching Out: The Role of Informal Networks in the Process of Seeking Help for Intimate Partner Violence*, 20 VIOLENCE AGAINST WOMEN 1099-1103 (2014); Mieko Yoshihama, Deborag Bybee, Chic Dabby, & Juliane Blazeovski, *Lifecourse Experiences of Intimate Partner Violence and Help-Seeking among Filipina, Indian, and Pakistani Women: Implications for Justice System Response*, WASHINGTON, DC: NATIONAL INSTITUTE OF JUSTICE (2010), available at <https://www.ncjrs.gov/pdffiles1/nij/grants/236174.pdf>.

¹⁸ Auchter & Moore, *supra* note 2.

¹⁹ See, e.g., SUSAN L. MILLER, *AFTER THE CRIME: THE POWER OF RESTORATIVE JUSTICE DIALOGUES BETWEEN VICTIMS AND VIOLENT OFFENDERS* (2011).

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