

DEFEATING DOMESTIC VIOLENCE

PROTECTING
VIRGINIA'S
SURVIVORS

PREPARED FOR

The Virginia Sexual
and Domestic
Violence Action
Alliance

PREPARED BY

Abigail Quinn



Virginia Sexual and Domestic Violence
ACTIONALLIANCE

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Executive Summary

Va. Code § 16.1-228 defines “family abuse” as “any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member.” Virginia code uses this term instead of domestic violence. This definition varies from what several domestic violence advocacy groups use. For example, The Shelter for Help in Emergency (n.d.), based in Charlottesville, VA, defines domestic/intimate partner violence as being “physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person... this includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.” Under the current definition in code, ***too few domestic violence survivors have access to sufficient legal protection, allowing for cycles of violence to continue.***

To address the longstanding issue of domestic violence in the Commonwealth of Virginia, I chose to examine the following alternatives that the Virginia Sexual and Domestic Violence Action Alliance could pursue:

1. Maintain the status quo.
2. Advocate for expanding Virginia’s legal definition of domestic violence to include those who are subjected to elements of coercive control.
3. Advocate for the state to take direct action to end cycles of violence, including enforcing firearm restrictions for abusers subjected to permanent protective orders and examining how survivors are punished for self-defense.
4. Create bias-related trainings for Juvenile & Domestic Relations District Court judges who deal with domestic abuse cases.

These four possibilities will be analyzed through the lenses of equity, effectiveness, political feasibility, and cost. Following this review, it is recommended that the Action Alliance seek to lobby for ***expanded coercive control language to be included in Virginia state code*** so that survivors whose abuse may not fit the current definition of family abuse have access to protective orders and additional legal support. Such an action has been taken by state legislatures across the country and appears to be more politically feasible if General Assembly members are first educated on the importance of definition expansion.

Acknowledgement

I would like to thank Professors Brian Williams and Craig Volden for all of their assistance this year as my advisors on this project. I came into this year scared for the work that laid ahead, but their kindness and patience made me feel more prepared and proud of the knowledge I had gained. I would also like to thank the Shelter for Help in Emergency in Charlottesville for putting me in contact with my client, the Virginia Sexual and Domestic Violence Action Alliance. My sincerest gratitude goes to Jonathan Yglesias at VSDVAA for his guidance; I hope this work can make you proud.

I would be remiss to not thank my friends and family for all of their support over these past two years of graduate school. In particular, I am thankful for my mother for always picking up the phone when I needed to rant or find some encouragement. I am grateful for my roommates/best friends for always listening to my complaints and celebrating my successes with me. And to all my peers at Batten, I could not have done this without you. Thank you.

Disclaimer

The author conducted this study as part of the program of professional education at the Frank Batten School of Leadership and Public Policy, University of Virginia. This paper is submitted in partial fulfillment of the course requirements for the Master of Public Policy degree. The judgments and conclusions are solely those of the author, and are not necessarily endorsed by the Batten School, by the University of Virginia, or by any other agency.

Content Warning

This work touches on several sensitive topics in the world of domestic violence and may invoke certain memories or experiences. If the reader has been personally impacted by this topic, they can contact the Shelter for Help in Emergency or the Virginia Sexual and Domestic Violence Action Alliance for assistance.

Additionally, the reader will notice accents of purple throughout this report. Purple is the chosen representative color of the domestic violence awareness movement.

Honor Pledge

On my honor as a student, I have neither given nor received unauthorized aid on this assignment.

Abigail Quinn

Introduction

Dumfries, Virginia, is a sleepy small town just thirty miles south of Washington, DC. Located in Prince William County, the town is home to just under five thousand people. Dumfries advertises itself as Virginia's oldest town, with strong ties to the colonial shipping industry. Museums line the old streets and visitors stop in after long drives on I-95; it seems like the kind of place where nothing bad could ever happen. Of course, no town is free from the curse that domestic violence has placed on so many lives.

In January of 2023, a three-year-old girl was shot and killed by a twenty-year-old assailant. He also injured four teenage girls, one of whom was his partner. All of the victims were related and lived in the same house in Dumfries, but the shooter was not considered to be a member of their household. Two weapons were found on the scene, and the suspect has previously faced weapons charges in North Carolina (Wilder, 2023). The assailant was charged with "one count of murder, four counts of aggravated malicious wounding and five counts of using a firearm in commission of a felony" (Wilder, 2023).

The shooting was a tragic occurrence that shook the quiet town to its core. Note, however, that domestic violence was not included in any of this discussion, even though the shooter was said to be in an intimate relationship with one of the victims. This is because, under Virginia law, such an occurrence would not be considered family abuse since there was no formal familial connection. We are left pondering the following questions:

- What if the shooter had threatened his partner before?
- Would she have had explicit protections under the law?
- Would she have been able to get a protective order that could have saved the life of the three-year-old child?
- Would a judge or magistrate have been fair in her situation, particularly if she was a person of color?
- Would the assailant's guns have been taken away if a protective order was put in place?

Under current Virginia law, we are left feeling like the answer to most of these questions would have been a resounding *no*. Over the course of this project, we will come to better understand Virginia's legal system in cases of domestic violence and why cycles of violence are able to continue. We will explore several alternatives with the goal of creating a better system for survivors: one that treats them equitably and effectively. We will strive to create a future where Dumfries or any other Virginia town never has to experience such a horrific tragedy.



Dumfries, Virginia (Capital Sky Eye Media, 2023)

Problem Statement

According to VSDVAA, nearly 1,300 Virginia residents seek assistance with regards to a domestic or family violence concern every day (VSDVAA, 2022). Too few domestic violence survivors have access to sufficient legal protection, allowing for cycles of violence to continue.

Client Overview

The Virginia Sexual and Domestic Violence Action Alliance (VSDVAA) is the client that I have worked with this year. I came into contact with them after years of fundraising work done at the Shelter for Help in Emergency in Charlottesville, VA. The organization advocates for change throughout the state while also operating several hotlines catered to different populations. By leaning on diverse stakeholders throughout Virginia, the Action Alliance hopes to create the clearest picture of the domestic violence environment in the state and work for its improvement. The organization strives to put those who have been directly impacted by sexual and domestic violence at the forefront of the work that they do. Reliance on local organizations to create coalitions is essential for sustainable progress.



**Virginia Sexual and Domestic Violence
ACTION ALLIANCE**

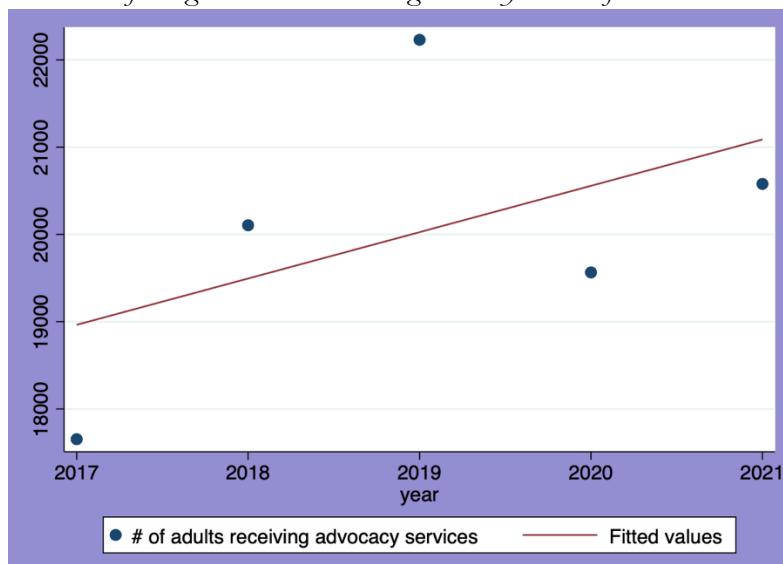
Background

Domestic Violence in Virginia and the United States

According to the National Coalition Against Domestic Violence (NCADV), “33.6% of Virginia women and 28.6% of Virginia men experience intimate partner physical violence, intimate partner rape and/or intimate partner stalking in their lifetimes” (2021). Nearly 70% of intimate partner homicides involved a firearm. It is also estimated that about 31,000 protective orders are on file at a given time in state police departments (NCADV, 2021).

NCADV (2020) estimates that, in the United States, intimate partner violence accounts for 15% of all violent crimes. On average, 20,000 calls are placed to domestic violence hotlines nationwide each day. Research by Truman & Morgan (2014) found that “intimate partner violence resulted in injuries more often than violence perpetrated by immediate family members and other relatives.”

Figure 1: Number of Virginia residents seeking advocacy services from VSDVAA each year



Data collected from VAData from the Virginia Sexual and Domestic Violence Action Alliance.

Current Definitions

Va. Code § 16.1-228 defines “family abuse” as “any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member.” Virginia code uses this term instead of domestic violence. This definition varies from what several domestic violence advocacy groups say. For example, the Shelter for Help in Emergency (n.d.), based in Charlottesville, VA, defines domestic/intimate partner violence as being “physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person... this includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.” Definitions for domestic violence and family abuse vary nationally. Some states have modernized their codes in recent years as the issue has lessened in its stigmatization.

Protective Orders

According to the Virginia Department of Criminal Justice Services (2017), there are three types of protective orders meant to shield a petitioner from a violent respondent. First, an emergency protective order (EPO) can be granted any day at any time. It is typically requested by law enforcement after making an arrest of a family abuse offender, but a civilian can petition for its creation before an arrest has been made. If granted by a judge at any level, the abuser will not be allowed to contact the petitioner, act violently in a way that will result in “injury to person or property,” and any other conditions that the judge sees fit. In situations involving family abuse, temporary possession of the residence can also be granted to family members. An EPO will last 72 hours.

A preliminary protective order is another step that a survivor can take against his or her abuser and can be issued by a judge after seeing that he or she is the victim of family abuse. An EPO does not need to be issued first. All of the prohibitions from an EPO are included in a preliminary order, but in cases involving family abuse, a judge can also grant a petitioner alternative housing, money for utilities from the respondent, temporary possession of a vehicle, and any other protections or relief that the judge deems necessary. A preliminary protective order will last for 15 days.

Permanent protective orders require that the respondent answer a subpoena and attend the hearing, and both the petitioner and respondent will be asked to describe the situation. All of the same protections as in EPOs and preliminary protective orders apply here, but in family abuse cases, the court can require the respondent to participate in counseling or other programs. Temporary custody of minors is also considered. Permanent protective orders last for two years, but a judge can grant as many extensions as needed.

Figure 2: Differences between Types of Protective Orders in Virginia

	Emergency Protective Order	Preliminary Protective Order	Permanent Protective Order
Time Period	Lasts for 72 hours	Lasts for 15 days	Lasts for two years, can be extended by a judge
Method of Request	Law enforcement after making arrest or court petition before arrest	Issued by judge with reasonable suspicion of abuse	Respondent answers subpoena, both respondent and petitioner attend hearing
Protections Granted	Abuser cannot contact or inflict violence; temporary possession of residence	+ alternative housing, money from respondent, vehicle possession	+ potential requirement for counseling
Custody considerations?	No	No	Yes, temporary custody of minors
Counseling?	No	No	Yes, if judge deems appropriate for respondent
Firearm prohibitions?	No	No	Yes, but no process in place to facilitate relinquishing

Firearm Restrictions

The National Coalition Against Domestic Violence notes that “Virginia law prohibits respondents to final [permanent] domestic violence protective orders from possessing, purchasing, or transporting firearms. Respondents are required to relinquish their firearms within 24 hours and certify with the court within 48 hours of the issuance of the protective order. Respondents to ex parte protective orders are prohibited from purchasing or transporting, but not possessing, firearms” (NCADV, 2021). Ex parte orders give a petitioner certain protections but do not require criminal charges to be in place against the respondent. When issuing these ex parte orders, courts have the discretion to require that respondents relinquish their firearms, but this can vary from case to case. The Virginia Department of Criminal Justice Services (2017) says that “Virginia’s firearm possession prohibition applies only to family abuse permanent protective orders issued pursuant to Code of Virginia §16.1-279.1. It does not apply to emergency, preliminary, or other protective orders.”

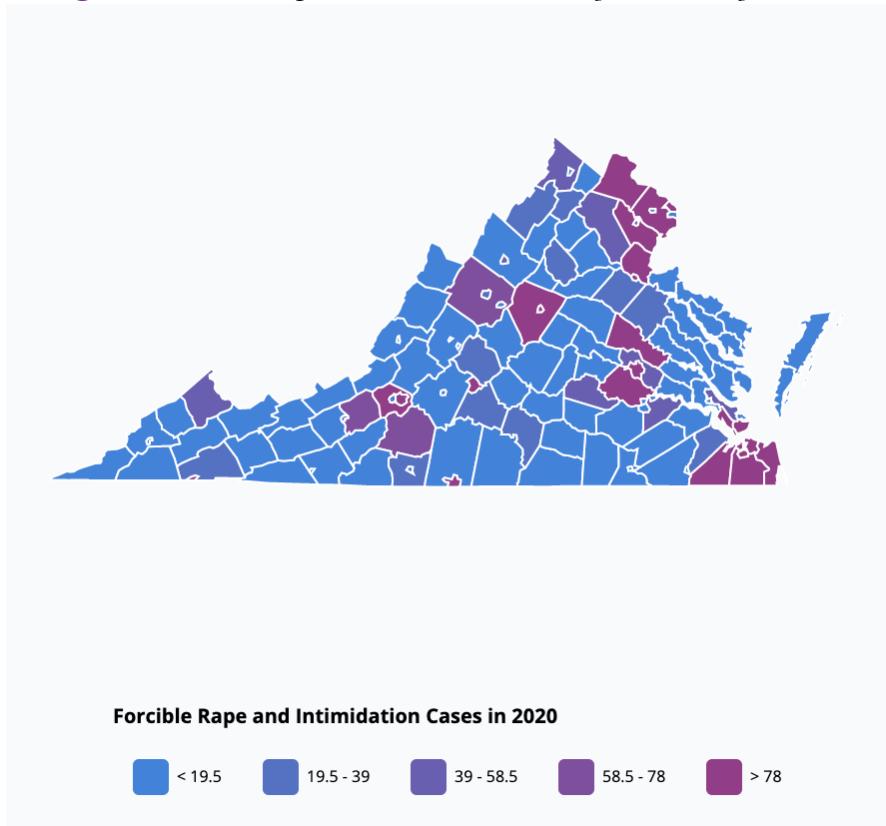
Why The Issue Persists

In 2022, the Virginia Sexual and Domestic Violence Action Alliance noted that the Office of the Executive Secretary of the Supreme Court is now required to implement the Hope Card program. Survivors of family abuse can carry wallet-sized cards now that will give the details of their protective order (VSDVAA, 2022). However, little work has been done to strengthen both protective order capabilities and firearm possession restrictions. For people who are subjected to substantial risk orders involving criminal charges, third-party transfers of their firearms take place following their hearings. However, the transfer process is confusing and not well-enforced. The same guidance does not exist for people who fall under certain protective orders. Some courts are creating compliance hearings for firearm transfers. Everytown for Gun Safety (2022) ranks Virginia as 14th in the nation for gun strength, but much work remains to be done. Currently, Republicans hold the governorship and the lower chamber of the state legislature (the House of Delegates), while Democrats hold the State Senate. This will impact the ability to get legislation passed to make any sort of code changes, despite the fact that Governor Youngkin is not endorsed by the National Rifle Association, which is headquartered in the Commonwealth.

Why is domestic violence an issue in the first place? Understanding the patriarchal societies that have perpetuated violence against women is crucial to understanding why certain pieces of legislation have not been passed or renewed. Exploring the culture behind domestic violence and firearm usage will be useful for creating sustainable policy measures, but it may arguably be outside the scope of this project.

Little work has been done to strengthen both protective order capabilities and firearm possession restrictions.

Figure 3: *Forcible Rape and Intimidation Cases by VA County in 2020*



Source: *Virginia Uniform Crime Reporting Program. (2020). Crime in Virginia 2020.*

Figure 3 above demonstrates the distribution of both forcible rape and intimidation cases throughout the Commonwealth. We can see a heavier incidence rate of these crimes in more populated areas like Fairfax County and Richmond. However, sexual assault and domestic violence plague all communities, and rural pockets can be seen on this map. A recommended alternative should look to equitably fund all localities using state funds.

Consequences of the Problem

Domestic violence impacts a wide range of subgroups. The National Resource Center on Domestic Violence (n.d.) states that over half of transgender and non-binary people experience some form of abuse in this sense. According to the National Coalition Against Domestic Violence, domestic violence costs the United States over eight billion dollars a year. If we begin to strengthen laws at the state level, how could we cut that figure? Would providing increased legal services and protections actually end up saving the US money in the long run?

Direct Costs

When considering the direct economic costs of intimate partner or domestic violence, healthcare costs come immediately to mind. According to the National Center for Injury Prevention and Control (2003), the mean medical cost per rape is about \$516; for those who actually receive treatment, the figure nearly quadruples to \$2048. Per physical assault, medical costs are about \$548, but if someone receives treatment, the value increases to \$2665. Mental healthcare treatment for rape victims costs about \$978. Stalking victims typically receive about \$690 in mental healthcare. In total, the National Center for Injury Prevention and Control (2003) estimates that intimate partner violence costs \$4.1 billion each year. The Institute for Women's Policy Research estimated that healthcare costs for women experiencing abuse were 42% higher than those for non-abused women (McLean et al., 2017).

Indirect and Opportunity Costs

The National Center for Injury Prevention and Control (2003) noted that, for rape victims, the mean daily earnings lost is \$69. Physical assault victims lose an average of \$93 a day, which is the figure for stalking victims, as well. The estimated total value of days lost comes out to about \$860 million. The present value of lifetime earnings, which in this case is the expected value of lost earnings for intimate partner violence homicide victims is nearly \$900 million.

Overall Conclusions

Research by Peterson et al. from 2018 examined the U.S. National Intimate Partner and Sexual Violence survey data. Their results were as follows:

The estimated intimate partner violence lifetime cost was \$103,767 per female victim and \$23,414 per male victim, or a population economic burden of nearly \$3.6 trillion (2014 US\$) over victims' lifetimes, based on 43 million U.S. adults with victimization history. This estimate included \$2.1 trillion (59% of total) in medical costs, \$1.3 trillion (37%) in lost productivity among victims and perpetrators, \$73 billion (2%) in criminal justice activities, and \$62 billion (2%) in other costs, including victim property loss or damage. Government sources pay an estimated \$1.3 trillion (37%) of the lifetime economic burden. (Peterson et al., 2018, p. 1)

Existing Evidence

Moves Nationally and by Other States

The United States is known to have insufficient protections in place for survivors of domestic violence, and these failures became especially apparent during the lockdowns of the early COVID-19 pandemic. The Center for American Progress (2020) noted three things that the federal government should do to improve the current situation for DV survivors or those in dangerous situations:

- Ensure DV programs and shelters receive sufficient funding and are deemed essential businesses during the pandemic and any future crises.
- Improve access to comprehensive paid family and medical leave and paid sick leave; child care; and unemployment insurance if a survivor needs to leave a job for an extended period or loses a job.
- Prioritize improvements to existing laws, including the reauthorization of the Violence Against Women Act (VAWA) and legislative fixes to the Victims of Crime Act (VOCA) (Bleiweis & Ahmed, 2020)

The Violence Against Women Act is a federal law that needs to be reauthorized by Congress every five years. It has been shown to be effective in mitigating intimate partner violence. Modi et al. note in an analysis of Bureau of Justice Statistics data that “after passage of VAWA, the rate of intimate partner violence against females declined 53% between 1993 and 2008, from 9.4 victimizations per 1,000 females aged 12 years or older to 4.3 victimizations per 1,000, according to the Bureau of Justice Statistics. Rates of violence against males declined 54%, from 1.8 per 1,000 aged 12 years or older to 0.8 per 1,000” (Modi et al., 2014). The Violence Against Women Act has encouraged states to pass stronger laws in this criminal jurisdiction, particularly in regards to stalking which did not carry intense punishment in the past

In Massachusetts, several bills are currently being considered by the state legislature to expand the definition of domestic violence. These efforts “would allow victims to seek protection orders for additional reasons like name calling, financial control, technological abuse and isolation” (Jarmanning, 2022). Massachusetts law does, however, require that all reports that are related to cases of sexual or domestic violence remain private; this makes accessing these documents in cases like custody battles essentially impossible. Other states typically redact the name of the accuser, but this law was intended to make reporting easier and safer for the victims; however, the state has seen a new loophole emerge to cover up cases for abusers (Jarmanning, 2022).



Congressional legislators advocating for the renewal of the Violence Against Women Act (Silbiger, 2019).

Most Effective Interventions – Firearms Control

While a state's structures in place for addressing domestic violence are crucial and directly impact the quality of life for survivors, "intimate partner violence and gun violence in the US are inextricably linked, impacting millions of women, families, and communities across the country. Abusers with firearms are five times more likely to kill their victims, and guns further exacerbate the power and control dynamic used by abusers to inflict emotional abuse and exert coercive control over their victims" (Everytown for Gun Safety, 2022).

In 2017, researchers from Michigan State University and the Bloomberg School of Public Health at Johns Hopkins University examined the relationship between the strength of firearms restrictions for domestic violence abusers and levels of intimate partner homicide (IPH). The analysis of state-level data from 1980 to 2013 found that

Statistically significant protective associations were evident only when restraining order prohibitions covered dating partners (-11%) and ex parte orders (-12%). Laws prohibiting access to those convicted of nonspecific violent misdemeanors were associated with a 24% reduction in IPH rates; there was no association when prohibitions were limited to domestic violence. Permit-to-purchase laws were associated with 10% reductions in IPHs. (Zeoli et al., 2018, p. 2365)

Similarly, a panel study done by researchers at Boston University in 2017 found that

State laws that prohibit persons subject to IPV-related restraining orders from possessing firearms and also require them to relinquish firearms in their possession were associated with 9.7% lower total IPH [intimate partner homicide] rates (95% CI, 3.4% to 15.5% reduction) and 14.0% lower firearm-related IPH rates (CI, 5.1% to 22.0% reduction) than in states without these laws. Laws that did not explicitly require relinquishment of firearms were associated with a non-statistically significant 6.6% reduction in IPH rates. (Diez et al., 2017)

Legal interventions related to gun control can protect vulnerable members of our population, but the strength of these laws varies drastically by state.

Limitations and Applications to Virginia

The Giffords Law Center (2021) notes that, in Virginia, laws in place do not sufficiently protect domestic violence survivors from gun violence. More specifically,

In 2016, Virginia enacted a law that prohibits individuals subject to final domestic violence restraining or protective orders from possessing firearms. Because the definition of "family abuse" does not include dating partners who have not lived together during the last 12 months or do not have a child in common, many people in intimate relationships are ineligible for these firearm prohibiting orders. The law states that for a period of 24 hours after being served with such a protective order, the person may continue to possess and transport any firearm possessed by the person at the time of service for the purposes of selling or transferring it to any person not prohibited from possessing the firearm. No process is provided for people subject to family abuse orders to relinquish their firearms.

An analysis of firearms restrictions done by the Giffords Law Center shows that several states have even more gaping holes in their protections for survivors; in Georgia, for example, no laws besides those that have been passed at the federal level prohibit offenders from owning guns. Idaho has no regulations on firearms or ammunition in this context; Kentucky is known for having weak laws in place when looking at both domestic violence and firearms.

Alternatives

Alternative 1 – Expanding the Definition

How can Virginia code be updated from its current state to reflect the level of trouble that experts see in this field? I will examine how coercive control could be written into the Virginia context to expand the current definition of domestic violence. Coercive control is “understood as a behavioral pattern in intimate partner relationships of threatening, humiliating, or intimidating actions that seek to take away a person’s freedom and strip away their sense of self” (BWJP, 2022). Abuse should be defined beyond a physical sense and include verbal assaults, economic coercion, and technological torment. Expanding this definition of domestic violence should include an expansion beyond family members and instead encompass all those who are personally connected (Fontes, 2022). Such expansions should be carefully created and defined with the equitable intent of protecting as many survivors as possible.

In order to make this expansion, legislation would need to be introduced in the General Assembly; in the House of Delegates, it would be seen by the Health, Welfare and Institutions or Courts of Justice Committees. In the Senate, it would be seen by the Committee on the Judiciary or Rehabilitation and Social Services, as similar bills have. Building a coalition of politicians will be necessary, but I expect political pushback and competing legislative priorities as being major challenges to seeing success in this field. By expanding the definition of domestic violence at the state level, it is hoped that more people will feel secure and be able to receive protective orders. With more survivors in the system, of course, more resources will need to be allocated to provide them with legal counsel and proper response from law enforcement, so Appropriations committees will be involved to approve any funding increases that will be included in legislation. Funding would be provided to localities from the state level for the sake of equitable distributions.

Alternative 2 – Closing the Violence Gap

Engaging with violence prevention at the state level is another route to take when exploring how to engage with the General Assembly in the process of strengthening protections for domestic violence survivors. I will examine how to create legislation that will deal with the formalization of the firearm relinquishment process for abusers and additional considerations for survivors in self-defense situations. Law enforcement would be required to follow up with respondents to permanent protective orders and ensure that they turn over all firearms to police. Additional resources may be needed in low-income localities to ensure that police departments and courts have the capacity to make these changes. This would be implemented with the goal of minimizing the levels of fear or violent incidents experienced by survivors. Legislation could also be pursued to create a commission to understand how survivors use self-defense in domestic violence situations and how they are punished for some actions. The barring of the submission of certain types of evidence to establish the details of the situation should be explored (Housman, 2022). Why are some survivors imprisoned for fighting back? Are abusers able to claim self-defense, and can gender and race bias their cases? VSDVAA is concerned with how survivors can gain protections in these violent situations when they choose to defend themselves; understanding this legal situation, as well as closing the firearm gap, has the goal of ending cycles of violence that disproportionately impact survivors.

As with our previous alternative, any legislation introduced in this vein in the General Assembly would be under the jurisdiction of Health, Welfare and Institutions and Judiciary or Rehabilitation and Social Services. The House Committee on Public Safety could also be involved since regulations would directly relate to how police deal with survivors and abusers. The General

Assembly would need to allocate additional funding through its Appropriations committees. Where Alternative 1 looks to change how domestic violence is defined at the state level from a more macro perspective, Alternative 2 chooses to examine how state resources can be mobilized to end certain cycles of violence and potentially ineffective punishments. Legislation dealing with guns and prison sentences is particularly partisan, so political feasibility is expected to be a major challenge, especially under a governor who has NRA allies (though, again, does not have explicit endorsements).

Alternative 3 – Grassroots Efforts and Informational Campaigns

Although VSDVAA is mainly focused on developing advocacy strategies in Richmond, I have chosen to additionally explore how some of these situations can be improved on the ground without dependence on legislation. How can we ensure that legal professionals know how to properly handle certain situations with lethal potential? If we cannot codify certain changes, what can those working on the ground do to improve the legal environment for survivors? Judges, in particular, need to understand the impact that their rulings (or lack thereof) can have on survivors, specifically those from minority groups.

The VSDVAA could create informational trainings for judges on crucial topics relating to survivors, including, but not limited to, racism and gender bias, the role of mental health, and the impacts of recent Supreme Court rulings. Such trainings would need to be equitably distributed throughout the state; rural localities should not be overlooked. Best practices for judges who work in family courts are well-researched, so the VSDVAA should consider producing comprehensive training materials in line with these recommendations in the Virginia context. The format of these materials will be accommodating to courts across the Commonwealth and fill in the legal gaps that experts see within the domestic violence system. Donors create a backbone for VSDVAA efforts, but state and federal grants should be explored to fund this project.

Alternative 1: Incorporate Coercive Control Language in State Code

Alternative 2: Close Cycles of Violence by Enforcing Firearm Prohibitions

Alternative 3: Explore Creating Bias and Equity Trainings for Judges

Criteria for Evaluation

Purpose of Project

What does VSDVAA hope to gain by collaborating with me? My contacts have asked that I focus my work at the state level and create lobbying strategies designed for the General Assembly. They are most interested in exploring how feasible it is to change VA code to better protect survivors of domestic violence and their children. Because of this ask and the nature of their work, I will focus my efforts on assessing the political feasibility of my alternatives. My client wants to know what political obstacles could arise. However, they also recognize that positive change can occur at the grassroots level. As mentioned, they work to create broad coalitions across the state to serve as many survivors as possible. I chose to tailor one alternative to this facet of work, as described above. Effectiveness is key; whether through code changes or information campaigns, VSDVAA wants to see the situation improve. Their desires range from keeping victims out of jail to removing firearms from the hands of abusers to ensuring survivors maintain custody. Keeping these goals in mind will allow me to best evaluate these alternatives.

Criteria

1. **Equity.** The Battered Women's Justice Project notes that "survivors of color are significantly less likely to receive protection orders compared to white survivors" (BWJP, 2022). What subgroups of Virginia citizens tend to be impacted by this current environment the most? Will a legal solution improve this situation only for those already legally privileged? Will the law be complicated further? What other resources outside legal code could improve the situation for all? Will information campaigns benefit every impacted person equally? Coker advocates for a material resource test "against which all social policies and domestic violence interventions [should be] measured" (Coker, p. 369, 2005). She argues that "establishing poor women of color as the standard for assessing the impact on material resources ensures that their needs are no longer marginalized" (Coker, p. 376, 2005). Alternatives will be analyzed using this material resource test: how will this alternative impact the most disadvantaged members of our society?
 - a. **High equity (3):** Coker's material resource test is passed; this alternative has evidence that women of color will be positively impacted by such a change.
 - b. **Medium (2):** Coker's material resource test has the possibility of being passed, but mixed evidence exists.
 - c. **Low (1):** Coker's material resource test fails since the alternative does not improve the lives of our most disadvantaged populations and may actually make them worse off.
2. **Political feasibility.** This is the criterion that my client is logically most concerned with. Given the current makeup of the General Assembly and the governor's political stance, how likely is it that a given proposal could gain traction? What lobbying strategies would set legislation up for success? How have similar purple states advocated for such a change in their state legislatures, and what can we learn from their successes or failures? Alternatives will be analyzed in the context of the Virginia General Assembly: within the body's current partisan form, would this alternative be likely to be passed?
 - a. **High political feasibility (3):** this alternative has the potential to pass both chambers of the General Assembly and additionally be signed into law by the current governor.

- b. **Medium (2)**: this alternative has the potential to be passed by at least one chamber of the General Assembly. It may fail in the other or not be signed by the governor.
 - c. **Low (1)**: this alternative will most likely not make it out of committee in the General Assembly.
3. **Cost**. Violence has both direct and indirect costs on our economies, and domestic violence is no exception. If we maintain the status quo, how much money will the Commonwealth lose on a yearly basis? If we choose to implement an alternative, how much money will we save? How much would an information campaign effort cost, and what sorts of fundraising would be necessary? Where would vital funds come from?
- a. **High cost (1)**: this alternative will cost the state over one billion dollars, either to implement or maintain.
 - b. **Medium (2)**: this alternative will cost the state over half a million dollars, but less than a billion dollars (note the expansive cost breadth here, due to existing administrative and bureaucratic capabilities).
 - c. **Low (3)**: this alternative will cost the state under one million dollars to implement or maintain.
4. **Effectiveness**. The goal of this project is to identify ways to improve the legal situation for survivors in the Commonwealth of Virginia. If a certain policy is enacted, how many **additional survivors per year** will be protected? How many people will be protected per dollar spent?
- a. **High effectiveness (3)**: A significant amount of evidence exists to demonstrate the effectiveness of this potential alternative. The dollars spent per additional survivor protected should be under \$100.
 - b. **Medium (2)**: Some evidence exists to demonstrate this alternative's effectiveness. The dollars spent per additional survivor is between \$100 and \$500.
 - c. **Low (1)**: Little to no evidence exists to demonstrate the efficacy of this alternative.

Weighting of Criteria

The criteria for evaluation will be weighted as follows:

1. Equity: **25%**
2. Political feasibility: **40%**
3. Cost: **10%**
4. Effectiveness: **25%**

I have chosen to weight political feasibility significantly more than the other criteria because I am working within the policy advocacy arm of the Action Alliance. My advisor is primarily concerned with lobbying at the state level and better understanding how we can adequately respond to the General Assembly's current partisan makeup in order to advance legislation. I do not want to craft a recommendation that would not be politically feasible for my client to advocate for. We are working within a sharply divided General Assembly, so everything that we hope to get done may not be reasonable. Additionally, I chose to weight effectiveness and equity at equivalent levels since they are both key components of the Action Alliance's mission. Finally, cost is weighted the lowest since protecting survivors is far more important than a relatively small burden added to the state budget. If an alternative is politically feasible, we can assume legislators have been made aware of costs and are comfortable with moving forward. Additionally, note the numerical values assigned to each level of each criterion. A higher weighted score will tell us that this alternative is more likely to be a final recommendation. A high efficacy, equity, and political feasibility score will result in a 3, while a low cost score will be a 3 since we want to minimize the cost the state has to bear.

Evaluation of Alternatives

Assessing the Status Quo

Equity – Low

Brigone and Gomez note that survivors who belong to racial or ethnic minorities are less likely to have proper access to advocacy services following treatment in an emergency department (Brigone & Gomez, 2022). Under the current US legal system, racial minority survivors are also less likely to be granted a protective order compared to white survivors; this disparity only worsens when the perpetrator is white (Winstead & Stevenson, 2021).

Political Feasibility – High

Political feasibility is high since no political action is needed to maintain the status quo. However, if the problem continues to worsen, it may be reasonable to assume that legislators at the state level could face increased political pressure from constituents and advocacy groups like VSDVAA.

Cost – High

Using years of data analyzed in 2014, costs per incident in this arena are broken down by Peterson et al. into several categories and by sex (see Appendix). In 2021, domestic violence cost the Commonwealth of Virginia over two billion dollars. The state economy is already losing a significant amount of money without any of these alternatives in place, so the costs of such alternatives will be directly compared to the cost of inaction.

Effectiveness - Low

The environment for domestic violence survivors in Virginia is unlikely to improve if no legal or political action is taken, so this does not apply. A recent systematic review of relevant research had trouble determining the cost-effectiveness of advocacy efforts in their current form (Basheer et al., 2022). Following the purpose of the problem statement, effectiveness will be measured by determining how many additional survivors will now receive sufficient and equitable legal protection because of the implementation of the alternative.

Alternative #1 Analyzed – Expanding the Definition

Equity - Medium

In a policy brief published in 2022 by the Battered Women’s Justice Project, it was recommended that states cautiously include coercive control elements into their state codes. The brief argued that, due to the limited capacity of the courts to properly understand these new statutes, marginalized survivors were at the highest risk of being negatively impacted by this codification. Ryzik and Benner note several additional concerns presented by advocates, including that “new laws could drain resources from survivors’ pressing logistical needs” (Ryzik and Benner, 2021). Thus, Coker’s material resource test is not entirely passed; extra considerations for marginalized survivors need to be incorporated during the implementation stage for an impactful code change.

Tucker notes that “any adult who has been in a romantic relationship has experienced some conflict; even a family court judge who believes in and understands the harm of physical abuse may therefore have difficulty understanding why coercive control is not merely normal relationship

conflict but a form of domestic violence” (Tucker, 2022). As previously mentioned, judges have exhibited racial bias in other instances, so complicating existing code may worsen such trends.

Political Feasibility – Medium/ High

States that have codified coercive control in some form into their domestic violence code include California, Connecticut, Hawaii and Arkansas. These states either chose to implement such language in their protective order statutes or directly into the language of family code (BWJP, 2022). For example, SB 1141 passed California in 2020 and was approved by the governor later that year; it was introduced in the State Senate by a bipartisan group of senators and assemblymen and passed with unanimous consent in both chambers (OpenStates, 2020). Both legislative chambers are heavily Democratic, but no partisan differences emerged to kill the bill. However, skeptics argue that since California does not explicitly use the words “coercive control” in their expanded family code statute, proving the issue on behalf of the survivor is more difficult (Kanhai, 2020).

Failures to codify have occurred in states across the political spectrum, ranging from Massachusetts to Oklahoma, speaking to a larger issue at hand that goes beyond politics. In Virginia, we saw HB 713 proposed in the 2022 session, which would have allowed coercive control to be classified as a misdemeanor and included in the definition of family abuse. However, the Committee for Courts of Justice decided to push off a decision on the bill to the 2023 session, and no further movement or vote was made. Such an action suggests that Virginia legislators do not see this as an issue that deserves high priority during their short session. Politicians likely do not fully understand what coercive control is, so education will make action more likely.

Cost – Medium

By expanding the definition of domestic violence to include elements of coercive control, more resources will be required to deal with additional cases that will now fall under the jurisdiction of family and juvenile courts. Van Alstine says that “changes in legal mandates likewise will compel intra-party adjustments and have subtle effects on inter-party relationships forged around the old legal order... As well, innovation may increase the likelihood of public and private errors in interpretation” (Van Alstine, 2001).

By including more survivors in our cost calculations, it will appear that the state is now facing a larger cost from domestic violence. However, these survivors had been experiencing their trauma before it would have been recognized by the state, so these costs are not necessarily new. What is new is the need for expanded support systems, reflected in the calculations for additional legal services in the Appendix. Compared to the burden faced by the state economy, less than a million dollars for more state prosecutors is not significant. This bureaucratic expansion is expected to cost the Commonwealth roughly \$910,000; this figure will increase slightly (though not significantly) if implementation takes a few additional years.

Effectiveness – Medium

The BBC reported that “coercive control has been illegal in England and Wales since 2015, but 2018 saw the highest number of domestic violence-related killings in five years” (Ryzik and Benner, 2021). However, Harriet Wistrich of the Center for Women’s Justice told the *New York Times* that for a legal expansion “to be most effective, police, social workers and the courts need to have a shared understanding of how emotional abuse can become criminal” (Ryzik and Benner, 2021). Scotland has been notably successful in its coercive control implementation process because of “the design of its entire legal system – which is set up to connect victims to social services and economic resources” (Solis, 2021).

Calculations in the appendix using Stark and Hester's analysis show that nearly five thousand additional survivors per year will have access to legal protections through a codification of coercive control. Ensuring equity is maintained will be an important piece of the implementation process to make this change as impactful as possible.

Alternative #2 Analyzed – Closing the Violence Gap

Equity – High

Will the required relinquishment of firearms from abusers subject to permanent protective orders protect disadvantaged survivors? It has been noted that “women, people in the LGBTQIA+ community, racial and ethnic minority women, and people with disabilities are at greater risk of domestic violence, and guns only exacerbate this harm” (Edmund, 2022). The Center for American Progress analyzed CDC data and noted that of all populations, Black women are most likely to be killed via gun (Edmund, 2022). Campbell et al. determined that access to a gun and previous violent threats were major indicators of the possibility of intimate partner homicide (Campbell et al., 2003). Gun violence and domestic violence go hand-in-hand and have major equity implications, so closing the firearm loophole for certain protective orders in Virginia will positively impact the Commonwealth’s most vulnerable populations. Coker’s material resource test is passed because closing this loophole puts equity concerns at the forefront.

The Regilla Project at Stanford Law School is currently conducting a three-year study to understand “the frequency with which women in the United States are imprisoned for killing their abusers... [and assert that] race affects who is most victimized” (Stanford Law School, n.d.). Equity should be a key component to explore in this commission; research should be conducted by the independent Joint Legislative Audit & Review Commission (JLARC). Seeing that this commission would be mainly focused on marginalized groups within the Commonwealth, Coker’s material resource test is passed.

Political Feasibility – Low

In the 2023 session, Republicans, who control the Virginia House of Delegates, voted to kill several bills aimed at increasing firearm restrictions, including an assault weapons ban, a college campus gun ban, and a gun-storage ban (Associated Press, 2023). VSDVAA supported two notable bills during this session: SB 909 and HB 1729. These bills would have strengthened the firearm transfer process for respondents to certain protective orders; SB 909 passed the Democratically controlled Senate but was recommended to lay on the table in the House. HB 1729 met a similar fate and did not leave the Committee on Public Safety. Governor Glenn Youngkin is a Republican, and eyeing a presidential run, Youngkin may not be looking to appear soft on gun control in the competitive Republican primary.

Currently, following the 1994 circuit court case of *Commonwealth v. Hackett*, battered wife syndrome is not allowed as evidence in self-defense cases, though a husband’s past violent assaults and offenses are (Byrnes, 2021). Creating a commission to explore how survivors are punished for acting in self-defense would be much more politically feasible than passing restrictions on gun possession. The Joint Legislative Audit & Review Commission is the research arm of the Virginia General Assembly, so calling for a report to study inequities on this issue would be beneficial to bring attention to the subject before proposing a major legislative action item in the criminal justice space. However, competing legislative priorities should be assessed; what other studies is JLARC going to be tasked with in a given year? This study would be better to conduct during a non-election year; Republican governor Glenn Youngkin and Attorney General Jason Miyares are known for a tough-on-crime approach and may not support a sweeping justice system reform.

Cost – Low

Additional law enforcement hours and court proceedings would be needed in order to have the manpower to carry out firearm relinquishment calls. How many situations will arise because of this new code? How much time would be designated towards firearm relinquishment? How many transfers would occur if HB 1729 had been passed and those subject to protective orders were required to relinquish their firearms? Calculations in the Appendix suggest that these transfers would cost the state about \$330,000 and protect over four thousand people from the threat of intimate partner violence with a gun.

Effectiveness – High

VSDVAA noted recent research from the Office of the Chief Medical Examiner, which “suggests that proper implementation and enforcement of Virginia’s protective order and firearm restriction laws can help us to prevent 32% of the overall homicides that occur in Virginia” (VSDVAA, 2022). As mentioned, over four thousand households could now potentially have a reduced chance of seeing intimate partner violence or homicide with a gun because of these transfers. Thus, using this data from the Chief Medical Examiner and aforementioned research by Zeoli et al., it is estimated that about four thousand survivors per year would have additional legal protections.

Alternative #3 Analyzed – Grassroots Efforts and Informational Campaigns

Equity – Medium

This grassroots campaign aims to educate judges across the Commonwealth on widely accepted best practices in protective order cases and other abuse-related incidents. The Battered Women’s Justice Project recommends that judges be adequately trained to recognize coercive control (even if it is not codified into law) and understand their potential racial and gender biases (BWJP, 2022). Abrams et al. found that judges tend to prescribe harsher sentences to Black defendants, so there is evidence of a racial bias in judging; an exploration of how this bias could impact domestic violence survivors who come from a racial minority is needed in order to create equitable programming (Abrams et al., 2012). The status of Coker’s material resource test, however, is unknown, seeing that there is little literature available on the impacts that bias training has on judges. However, we would anticipate that such educational trainings would not worsen the legal situation for marginalized survivors. If even 50% of judges voluntarily chose to join the trainings, a positive (though unquantified) impact could be made.

Political Feasibility – Medium/High

Seeing that this alternative would be implemented at the organizational level, politics does not entirely apply. Such a training can be distributed throughout the Commonwealth without legislative interference. However, it should be noted that district court judges, including those in family and juvenile courts, are elected by a majority of the Virginia General Assembly and serve for six-year terms; politics occupies a judge’s mind as they contemplate the future of their career (Mills, 2019). Additionally, if VSDVAA looked to make judge domestic violence trainings mandatory under the law, then a legislative path would need to be explored. A significant number of other states do require some form of domestic violence-related trainings for their judges and magistrates, but Virginia does not, or at least does not publish information on such trainings (Kalsem, 2019).

Cost – Low

There are thirty-two Juvenile & Domestic Relations District Courts in the Commonwealth of Virginia, each of which have intake officer and magistrates (Office of the Attorney General, n.d.). Costs for education in this field are displayed in the Appendix and are relatively low, sitting just under nine thousand dollars.

The Virginia Department of Criminal Justice Services (VDCJS) has a host of grants available that VSDVAA could look into applying for. Development of the training program can be funded with grants; potential options to explore include the Sexual Assault Services Program (SASP) from VDCJS. SASP notes that in each grant cycle, it intends to give up to twenty thousand dollars to fourteen projects in the state, so VSDVAA would likely be eligible to apply for such funding to create this training. Essentially all costs would be covered by such a grant.

Effectiveness – Low

An ethics piece from the American Bar Association said that “a judge who hears domestic violence matters must maintain engaged compassion while at the same time ensuring respect and impartiality for all participants” (Greenstein, 2014). Is this respect extended to marginalized survivors? Epstein and Goodman urge that “concrete, systematic reforms are needed to eradicate … unjust, gender-based credibility discounts and experiential dismissals, and to enable women subjected to male abuses of power at long last to trust the responsiveness of the justice system” (Epstein & Goodman, 2019). Though there is significant literature to support the need for bias trainings for judges in these situations, little research is available to validate a claim that such trainings are effective, especially in complex domestic violence cases. We therefore cannot quantify how many survivors would have access to better legal services because of these programs. Still, we will consider effectiveness to be low instead of nonexistent because of the acknowledged need for some sort of remedy to mitigate bias; these trainings are expected to provide some benefits instead of harms, even if such benefits are not widely experienced.

Recommendation

It is recommended that the Virginia Sexual and Domestic Violence Action Alliance advocate for **Alternative 1**, an incorporation of coercive control language into protective order standards. Compared to an alternative that would involve guns, coercive control incorporation would most likely be far more politically feasible as Virginia becomes more Republican. Additionally, VDSVAA prioritized advocating for a stronger protocol for firearm transfers during the 2023 legislative session in Richmond. Note that both of these alternatives received the same numerical score, so political feasibility was again considered for the sake of tiebreaking. Coercive control measures have been incorporated in states across the political spectrum. However, given the complexity and major equity concerns involved in coercive control, significant public resources will need to be ramped up in order for the definition to be applied equitably.

Judges are arguably the most pertinent and forward-facing piece of the legal system and have enormous power over survivors' lives, but it may not be best for a legislative team to explore the creation of trainings when there are more pressing policy-related changes to explore, especially when efficacy is not proven. Advocating for the state creation of mandatory judge trainings could be beneficial in the future.

Outcomes Matrix

	Equity (25%)	Political Feasibility (40%)	Cost (10%)	Effectiveness (25%)
Status Quo	Low	High	High	Low
Coercive Control Language	Medium: increased complexity	Medium/High: success in all sorts of states, but previous fail	Medium: state resources to handle influx, larger burden	Medium: disputed results
Firearms Restrictions/Self-Defense Study	High: unequal impacts on survivors	Low: Republican governor	Low: state resources to handle influx	High: major impacts on homicides
Judges Education Training	Medium: tackling judge biases, but little evidence	Medium/High: no funding from Assembly	Low: production covered in grants	Low: little evidence on impacts

Numerical Outcomes Matrix

	Equity (.25)	Political Feasibility (.4)	Cost (.1)	Effectiveness (.25)	Total
Status Quo	1	3	1	1	1.8
Coercive Control Language	2	2.5	2	2	2.2
Firearms Restrictions/Self-Defense Study	3	1	3	3	2.2
Judges Education Training	2	2.5	3	1	2.05

Implementation

Stakeholders to Move Forward

Implementing a code change to include coercive control will require the cooperation and support of the Virginia General Assembly. A bill will need to be passed to incorporate coercive control language into either protective order code or criminal code. VSDVAA, along with other lobbying groups in their statewide coalition, needs to educate legislators on the importance of broadening this definition before expecting real movement to be made. A lack of awareness is a major hindrance on the hopes of moving policy forward.

Judges are another critical stakeholder group to move forward in order to ensure that coercive control is effectively applied in the legal environment. Kalsem notes that “domestic violence cases are complex and involve factors that can be difficult for judges... to understand” (Kalsem, 2019). When creating actual legislation to broaden the definition of domestic violence, ensuring clarity is crucial to ensure that all survivors can prove their cases and get the protections they deserve. In order for equitable outcomes to be produced and for the law to produce the results domestic violence awareness advocates hope to see, judges need to know how to properly address these new and expanded situations.

What Can VSDVAA Do?

What will the advocacy process look like for VSDVAA? Understanding the lobbying timeline for the General Assembly is essential. The Virginia Department of Juvenile Justice notes that “the General Assembly convenes each year on the second Wednesday in January. In even-numbered years, the session is held for 60 days. In odd-numbered years, the session is held for 30 days (although frequently extended to 45 days)” (VDJJ, n.d.). Thus, there is a notably short amount of time to actually get things done. The time when delegates and senators are in session is incredibly hectic, and members of advocacy organizations have the opportunity to visit their offices during this time and lobby them to support certain bills and/or positions.

Each year, VSDVAA publishes their legislative priorities for the upcoming General Assembly session. In 2023, coercive control codification was not included in this list. Instead, the organization chose to move their resources towards funding statewide hotlines so that Virginians have access to domestic violence advocacy services, economic support for survivors, and improving strangulation statutes, among others. Coercive control was not included because other issues fell within a window of opportunity. Lawmakers need to be properly educated on the need for code-based change before they will feel motivated to draft legislation and garner widespread support. Targeting chairs of committees where a bill could be introduced is an important place to start; key lawmakers include:

- Del. Robert D. Orrock (R), Chair, House Health, Welfare, and Institutions Committee
- Del. Christopher T. Head (R), Vice Chair, House Health, Welfare, and Institutions Committee
- Del. Robert B. Bell (R), Chair, House Courts of Justice Committee
- Del. Leslie R. Adams (R), Vice Chair, House Courts of Justice Committee
- Sen. Barbara A. Favola (D), Chair, Senate Rehabilitation and Social Services Committee
- Sen. John S. Edwards (D), Co-Chair, Senate Judiciary Committee
- Sen. R. Creigh Deeds (D), Co-Chair, Senate Judiciary Committee

Though their positions may change in coming sessions and years, this group of legislators is likely to have continued influence in this sphere and should be prioritized when lobbying and educating.

Perspectives of Those Impacted

As noted throughout the report, the Battered Women's Justice Project has explored the impacts of coercive control and cautions against broad implementation without proper exploration of consequences. They are a nationally recognized organization that produces policy reports and works in the broader advocacy space. Such a group may be hesitant to support such a codification in Virginia unless there is proof that equity concerns have been sufficiently accounted for.

Listening to survivors of coercive control-related domestic violence in the Commonwealth will be essential in order to understand what resources they need while concurrently navigating a new and more complex legal environment. VSDVAA works closely with survivors but garnering their input on policy proposals will keep a human perspective top of mind while conducting this work.

What Could Go Wrong?

What risks should be looked at the most when preparing for implementation? Watching the changing makeup of the General Assembly is important, especially as elections loom at the end of 2023. Democrats currently only control the Senate, and though it is early, current predictions are forecasting a slight Democratic tilt in the House of Delegates and the Senate (CNAAnalysis, 2023). Though coercive control measures have seen bipartisan support and thus are classified as being relatively politically feasible when compared to other options, Republicans are currently hyper-focused on state-level economic growth and bringing new businesses and their headquarters to the Commonwealth. Democrats tend to be more focused on a welfare agenda. Thus, watching the makeup of the General Assembly and the Governor's Mansion is important so as to understand what items are going to be prioritized legislatively during a particular term.

As noted, major equity concerns exist when attempting to create a legal environment that protects more survivors in complex situations. Incorporating coercive control into the legal code of Virginia could create a new influx of cases for the state to deal with, thus requiring more resources. However, the benefits of expanded access to legal and social protection for survivors will greatly outweigh the administrative costs. Additionally, VSDVAA should continue to monitor how cases are dealt with in this new sphere and develop resources that could be used to better understand what equitable implementation will look like.

Coercive control has been discussed more and more nationally and internationally over the past few decades, and more localities are looking to use legal measures to address it. In Virginia, VSDVAA will need to engage in a lengthy and committed lobbying and legislative process in order to see the Commonwealth expand its domestic violence definition in a way that will benefit all survivors in an equitable manner. Costs for this recommendation in the Appendix are therefore projected both five and ten years in the future to account for this needed time.

Conclusion

Domestic violence has plagued the world since the dawn of time and has shown no signs of slowing down in its impact, even in a world where stigmas are being broken and survivors are speaking up. Is the government listening? The current answer, it appears, is *no*; those survivors whose abuse does not present as physical, those who suffer abuse at the hands of someone who is not in their familial unit, those who do not feel protected from intimate partner gun violence, and those who are often mistreated by the justice system still feel held back. Cycles of violence continue through each generation; legal intervention is therefore necessary.

Including coercive control language in Virginia code will allow for a whole new class of survivors to gain legal protection and access to certain protective orders. Though such an intervention will put quite the burden on the Commonwealth, educating both legislators and constituents on the problem at hand will be key. This is a deeply rooted and patriarchal issue in society, so creating more new laws may seem like a bandage on a bullet hole. Nevertheless, the American heart is bleeding from the wounds of domestic violence, and anything will be better than nothing. Taking action is the first step to acknowledging and addressing this issue head-on.

Including coercive control language in Virginia code will allow for a whole new class of survivors to gain legal protection and access to certain protective orders.

Appendix

Status Quo Calculations

For the sake of calculations, we will assume that the national figure of 76% of domestic violence victims being women to apply to the Virginia context in order to create a weighted average of costs; this percentage was estimated following a nearly decade-long study done by the US Department of Justice (Truman & Morgan, 2014). We will use 2021 data from VSDVAA's VAData system of how many adults sought advocacy services for a domestic violence-related event to estimate how much these events cost the state.

Peterson et al. Analysis from 2014			
Cost Type	Per Female Victim	Per Male Victim	
Medical Cost	\$65,165	\$4,458	
Lost Productivity Cost	\$36,065	\$14,291	
Criminal Justice Cost	\$1,376	\$2,497	

Peterson et al. Analysis accounted for inflation in 2023	Values generated using the CPI inflation calculator from the Bureau of Labor Statistics		
Cost Type	Per Female Victim	Per Male Victim	
Medical Cost	\$83,808	\$5,733	
Lost Productivity Cost	\$46,383	\$18,379	
Criminal Justice Cost	\$1,769	\$3,211	

Calculations for Virginia in 2021 – Weighted Average of Burden			
Assumption: nationally, 76% of domestic violence survivors are women (Truman and Morgan, 2014)	Calculation	2021 Total	*Survivor figure comes from VSDVAA's VAData system; number of people in 2021 who sought advocacy services
Medical Costs	$[83808(.76)+5733(.24)] * 20579$ survivors	\$1,339,075,530	
Lost Productivity Costs	$[46383(.76)+18379(.24)] * 20579$ survivors	\$816,204,298	
Criminal Justice Costs	$[1769(.76)+3211(.24)] * 20579$ survivors	\$43,524,585	
Total		\$2,198,804,413	

Alternative #1 Calculations

A 2017 analysis from the United Kingdom estimated that about 30% of women who reported a domestic violence incident had experienced a form of coercive control; this figure was about 6% for men (Stark and Hester, 2019). The breadth of what people will be protected against will be expanded, so we will assume for the sake of ensuring against producing underestimates that the number of people looking for services will be increased by this percentage.

Costs of Domestic Violence to the Commonwealth, now including those subject to coercive control; how would our 2021 figures change?	women increased by 30%; men increased by 6% (Stark and Hester, 2019)	20579 survivors in 2021
	20579(.76)= 15640 female survivors	15640 survivors increases by 30% when accounting for coercive control: 20,332 survivors
	20579(.24)= 4937 male survivors	4937 survivors increases by 6% when accounting for coercive control: 5233 survivors
		total of 25,565 survivors in 2021; survivors seeking advocacy services has increased by 4986 survivors

New Burden Calculation	Calculation	2021 Total
Medical Cost	$[83808(.76)+5733(.24)] * 25565$ survivors	\$1,663,514,550
Lost Productivity Cost	$[46383(.76)+18379(.24)] * 25565$ survivors	\$1,013,959,030
Criminal Justice Cost	$[1769(.76)+3211(.24)] * 25565$ survivors	\$54,069,975
	\$532,739,142 more	These costs most likely already existed, but the code change now allows them to be seen in this category.

Cost of Expanded Advocacy Service		
State Provided Legal Services for an additional 2500 survivors	2500/200 cases per prosecutor = 12.5; 13 prosecutors needed, paid an average of \$70,000; 13 * 70,000 = \$910,000	We will assume about half of these additional survivors need free state legal services. Gershowitz and Killinger (2011) note that most state prosecutors handle 400 misdemeanors a year, but this can severely hamper the quality of representation survivors receive. We will suggest a prosecutor only take on 200 of these cases a year for equity considerations. Costs may therefore be overestimates.
These figures assume that such an alternative can be implemented immediately. Given the possibility of further legislative and bureaucratic hold up, how much could this cost in 5 years? 10 years?	5 years with inflation estimates: \$1.029 million ; 10 years with inflation estimates: \$1.164 million (SmartAsset inflation calculator)	Cost: MEDIUM
Cost-Benefit Analysis	\$910,000 spent, 5233 survivors protected = \$174 per new survivor	Effectiveness: MEDIUM

Alternative #2 Calculations

In 2022, the Eastern District of Virginia confiscated 164 firearms from felons and others who should not have been in possession of these weapons (DEA, 2022). We will assume that this figure represents over half of Virginia seizures (since Eastern Virginia is more populated) and that the state total was about 300.

Assumptions			
Law Enforcement Labor Cost	\$21/hour (ZipRecruiter)	We will assume that a transfer takes about 2 hours for law enforcement to conduct (travel, paperwork, etc.)	We will assume two police officers need to be present for a transfer.
Judge Labor Cost	\$32/hour (ZipRecruiter)	We will assume that a transfer requires 2 hours of judge attention	One judge is required.
Percentage of Virginians who own a gun	44.60% (Schell et al., 2020)		

Calculations		
Gun seizures in 2022	About 300 (DEA, 2022)	

Amount of protective orders in VA in 2020	31,000 (Virginia Uniform Crime Reporting Program, 2020)	
Assumed amount of permanent protective orders (PPO) in VA	10,000 (assuming an even split)	
Assumed amount of PPO respondents with a gun	10,000(.446) = 4460 guns to be transferred	taking VA gun ownership percentage and applying to PPOs; 4460 households are now more protected from the threat of intimate partner violence and/or homicide with a gun

Costs		
Law enforcement + judges x guns needed to be transferred	(21(2)+32)*4460 = \$330,040	Cost: LOW
	Costs in 5 years: \$373,410	Costs in 10 years: \$422,479

Lives Saved		
12% reduction in intimate partner homicides (IPH); 55 IPHs in 2015 (Most recent year of data) (Virginia Office of the Chief Medical Examiner, 2018)	55(.12) = 6.6; expected now to see about 48 IPHs	
Cost-Benefit Analysis		
\$330,040 spent, 4460 survivors	\$74 spent per survivor	Effectiveness: HIGH

Alternative #3 Calculations

We will assume that an educator needs to be paid about fifty dollars for conducting a one-hour session. We can conduct these training sessions via Zoom for free so that educators and the organization can save money on travel and accommodations.

Costs of Similar Trainings from VSDVAA	\$80
New Costs	
Research and Production	\$7,000 (Arabadzhiev, 2021)
Educator Per Session	\$50 (assuming no travel costs and conducted over Zoom)
Jurisdictions for Training (Juvenile and Domestic Relations District Court)	32 (Office of the Attorney General, n.d.)
Total	7000 + (50*32) = \$8,600

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