



WHITE HOUSE NATIONAL STRATEGY ON GENDER EQUITY AND EQUALITY

A Responsive Guide from BWJP

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The Battered Women's Justice Project ("BWJP") embraces the White House National Strategy on Gender Equity and Equality, as well as the anticipated U.S. National Action Plan to End Gender-Based Violence.

BWJP is a national leader in systems' change work on behalf of survivors of gender-based violence. BWJP's national projects/programs include:

- **National Center on Domestic Violence and Firearms**
- **National Center on Protection Orders and Full Faith and Credit "NCPOFFC"**
- **National Legal Center on Children and Domestic Violence "NLCCDV"**
- **National Center on Legal Approaches to Prevent Family Violence**
- **National Clearinghouse for the Defense of Battered Women (primary partner)**

"Over the past 25 years, BWJP has been at the forefront of change in the journey to end gender-based violence," says Amy Sánchez, Chief Executive Officer of BWJP. "It requires government, non-profit organizations, domestic violence coalitions, advocates, and communities to work together while amplifying the voices of survivors to change cultural norms and eradicate a preventable pandemic that is taking too many lives."

We commend the Biden Administration for identifying ten strategic priorities to promote Gender Equity and Equality. We believe that the priorities and commitments outlined in the White House's National Strategy provide the necessary leadership to advance the work that must be done to effectively address gender-based violence. Our mission focuses on the elimination of gender-based violence, as well as promoting gender equity and fairness in the criminal justice, and other systems. Our work to date and our areas of expertise closely aligns with the corresponding commitments identified within several of the Strategic Priorities.

Below, we offer input on two of the Administration's Strategic Priorities: Eliminating Gender-Based Violence and Promoting Gender Equity and Fairness in Justice [sic] Systems. We are wholly committed to supporting this Administration in advancing gender equity and equality for all, but especially those individuals and communities that have been under-served and stymied by systemic barriers within justice, social and educational systems.

Administration Strategic Priority: Eliminating Gender-Based Violence.

Notably, two issues that this Administration recognizes as inherent to eliminating gender-based violence are addressing coercive control as a tactic in gender-based violence as well as confronting the role of guns in perpetrating domestic violence. We are heartened that this Administration recognizes how crucial these issues are in ending gender-based violence, as we have also identified them as crucial areas of work. We share some of our background and accomplishments below.

1. Coercive Control.

BWJP accomplishment:

BWJP has made coercive control and the conversation around the codification of coercive control a priority within the organization. We know that abusers have long used psychological tactics to manipulate and threaten survivors of domestic violence. We use the SAFer approach to nationally train family court practitioners, including members of the judiciary, on screening for coercive control when working with families and providing evidence-based best practices. We have also conducted a deep dive into legislatures across the country concerning coercive control codification. We published a brief guide on coercive control codification, along with a matrix detailing what each state and several jurisdictions have done to legislatively address coercive control. In addition, we met with over 100 survivors, coalitions, advocates, and systems professionals across the country in a series of listening sessions to gain a nuanced view of the variety of opinions and perspectives around coercive control codification. In Spring 2022, we are using the knowledge gained from the field, along with our own training and expertise and will be authoring a position paper on important nuances to be considered on coercive control codification and the effects it could have on survivors and historically marginalized people.

**BWJP recommendation:
Organizations must
acknowledge the use of
coercive and controlling
behavior against survivors.
The experience of survivors
must guide national policy
while incorporating a strategic
analysis of consequences to
survivors in family, civil, and
criminal courts.**

2. Domestic Violence and Guns.

BWJP accomplishment:

BWJP has authored a protocol for firearm relinquishment specifically detailing how courts can ensure that firearms are removed from domestic abusers. Too many states have seen their firearm relinquishment legislation ignored and unused. This is despite research that has demonstrated that removing guns from domestic abusers prevents injuries and saves lives. We also provide consultations around policy analysis and development around strengthening gun laws. We have worked with state legislators across the country to consider legislative and other policy improvements which facilitate relinquishment of illegally possessed firearms.

BWJP recommendation:

The Administration should examine the role of firearms in both coercive relationships and intimate partner violence homicides. Jurisdictions desperately lack training and guidance on firearm relinquishment. Federal statutes offer a road map to local jurisdictions. BWJP is ready to assist the jurisdictions and the federal government in this capacity building work through training, consultation, and our model protocol implementation.

Administration Specific Strategies.

The commitments this Administration pronounces to ensure the elimination of gender-based violence cover key areas that will have a tremendous impact.

From our unique vantage as the National legal resource center on legal system approaches to gender-based violence, we offer our encouragement and perspective on the Administration's commitments.



a. Develop and Strengthen Comprehensive Policies to End Gender-Based Violence

Policies that remove systemic barriers to those most at risk, including other underserved communities:

BWJP accomplishment: Systemic barriers permeate the system, especially when it comes to survivors who are members of marginalized groups. Recently we facilitated listening sessions with two underserved communities—bisexual and deaf survivors. These sessions were the basis of two policy reports that will be distributed nationally.

BWJP recommendation: When systems can meet the needs of the most marginalized survivors because they are aware and educate around implicit and explicit biases, the system is better able to serve all survivors. It is incumbent upon systems professionals to examine the barriers that survivors must navigate. BWJP is experienced at working with professionals to understand these barriers and formulate a roadmap for systems change.



b. Address Gender-Based Violence through Comprehensive Service Provision

Ensure survivors have a full range of options including criminal, civil, immigration and restorative justice.

BWJP accomplishment: Survivors and offenders should have a variety of alternatives offered within criminal legal intervention. Protection orders are one important tool to keep survivors safe. We publish an advocate’s guide and a survivor’s guide for full faith and credit to assist both advocates and attorneys in ensuring that goal. In the future, we look to explore post-conviction efforts around restorative justice and the use of restorative justice within the context of young offenders of gender-based violence.

BWJP recommendation:

The Administration should support the fact that the utilization of the criminal justice systems provides one of many potential pathways for survivors to receive justice. We can provide training and technical assistance on the importance of protection orders as a resource for survivors. We also would like to see funding available for organizations to provide restorative justice to survivors of intimate partner violence and their families.

c. Increase Prevention Efforts to Reduce the Incident of Gender-Based Violence

BWJP accomplishment:

We believe that the true potential of the criminal legal system in preventing crime has been under-valued, under-realized and is deeply in need of reframing. Community-based violence prevention models, restorative and transformative justice practices, youth and adult diversion programs, problem-solving courts, as well as mental health and social services, should be supported and incentivized throughout states’ criminal court systems, because they demonstrate significant promise in preventing crime, including gender-based crime, versus traditional models. BWJP provides training, technical assistance and resources in all of these areas.

BWJP recommendation:

This Administration can promote partnerships between public health agencies and criminal legal systems to encourage robust prevention modeling in criminal legal responses, including allocation of resources. We are engaged in a variety of projects that bring a public health and prevention frame to criminal legal system approaches to gender-based violence. We would like to be a part of ongoing conversations around this topic.

Strategic Priority:

Advancing Gender Equity and Fairness in Justice Systems.

a. Ensure Fair Treatment of Women and Girls

BWJP accomplishment: Women and girls from underserved populations remain overrepresented in criminal and juvenile justice systems. BWJP and the National Clearinghouse for the Defense of Battered Women (NCDBW) promote defense-based advocacy and legal assistance to women and girls who have been charged with or incarcerated for crimes associated with their experience as victims of domestic violence. Both organizations are deeply concerned about the disproportionate impact on women and girls of criminal legal system responses. We support pretrial release reform efforts and the end of cash bail systems, with the knowledge that victim safety cannot be sacrificed in the process. Both organizations provide education and information to domestic violence organizations to support thoughtful design of pretrial procedures. Additionally, we have developed partnerships with individuals and organizations within the juvenile justice field to advocate for stepped decriminalization, buttressed by robust services, of family violence perpetrated by girls and youth.



BWJP recommendation:

We must end cash bail and support pretrial release reform. The Administration should advocate for both measures both in the federal system and in local jurisdictions if there are measured ways to protect survivors of intimate partner violence. We can provide our perspective and experience on the best way to support survivors.

About BWJP:

As we have learned over the last three decades, it's not enough to help change the lives of individual people — we create the most significant impact when we change the trajectory of collective systems.

BWJP has an advantage: when we speak, people listen. Existing systems have respect for us as an influential institution. We work with jurisdictions across the country as we as a nation grapple with the best way to address gender-based violence.

Our projects address the impact of gender-based violence on families, the importance of protection orders, the increased lethality to survivors when firearms are present, and the general prevention of gender-based violence nationwide. We also have a responsibility to ensure that jurisdictions address these issues without causing further harm to people of color through the biased consequences of the criminal justice system.

BWJP has been at the forefront of systemic change through these initiatives and more, and we will continue this critical work to keep survivors safe.

Please contact us for further consultation: communication@bwjp.org

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BWJP IS THE NATIONAL RESOURCE CENTER ON CIVIL AND CRIMINAL JUSTICE RESPONSES
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