


**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: February 12, 2019

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso  Chief Legislative Analyst Council File No: 19-0002-S22
Assignment No: 19-02-0111

SUBJECT: Opposition to administrative action and/or legislation which would narrow the definition of 'domestic violence'

CLA RECOMMENDATION: Adopt Resolution (Koretz – Martinez – Rodriguez – Smith) to include in the City's 2019 - 2020 Federal Legislative Program OPPOSITION to any administrative action and/or legislation that would narrow the definition of domestic violence to only felony or misdemeanor crimes.

SUMMARY

On February 1, 2019, a Resolution (Koretz – Martinez – Rodriguez – Smith) was introduced in opposition to any administrative action and/or legislation that would narrow the definition of domestic violence to only felony or misdemeanor crimes. The Resolution states that the Department of Justice's Office on Violence Against Women (OVW) is charged with enforcing the Violence Against Women Act (VAWA). The Resolution further states that, recently, the Trump Administration quietly changed the definition of 'domestic violence' on the OVW website.

The Resolution states that the new definition is focused on the criminal aspect of domestic violence, and is substantially more limited in scope than the previous definition used by the Obama Administration. The Resolution, therefore, seeks an official position of the City of Los Angeles to oppose any administrative action and/or legislation which would narrow the definition of domestic violence to only felony or misdemeanor crimes.

BACKGROUND

The Office on Violence Against Women (OVW) was created to implement the Violence Against Women Act (VAWA) and subsequent legislation. OVW provides federal grants to communities and partner jurisdictions to help them create programs, policies, and practices to end sexual assault, domestic violence, dating violence, and stalking. In April 2018, the OVW amended the definition of 'domestic violence' on its website. The new definition states that:

The term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is

protected from that person's acts under the domestic or family violence laws of the jurisdiction.

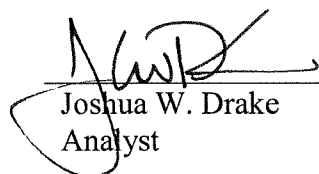
This definition replaces a far broader one used on the OVW website during the Obama Administration. Under the previous definition, domestic violence was defined as a "pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner." Under the Obama-era definition, domestic violence could include physical abuse, sexual abuse, emotional abuse, economic abuse, and psychological abuse.

This change to the OVW website has been a major concern for advocates and others concerned with domestic violence. However, the definition contained in the Violence Against Women Act of 2018 has not been changed, which contains a broad definition of domestic violence for grant allocation purposes. The OVW states that it has always used the statutory definition of domestic violence in its work, and will continue to so. The City should oppose any change to the statutory definition included in the 2018 Violence Against Women Act which would limit OVW's ability to offer a broad level of assistance to local jurisdictions and partner organizations to stop all types of violence against women.

DEPARTMENTS NOTIFIED

Police Department

City Attorney


Joshua W. Drake
Analyst

SMT:jwd

Attachments: (1) Resolution (Koretz – Martinez – Rodriguez)

RESOLUTION

RULES, ELECTIONS, INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the Department of Justice's Office on Violence Against Women (OVW) is charged with enforcing the Violence Against Women Act; and

WHEREAS, recently, the Trump Administration quietly changed the definition of 'domestic violence' on the OVW website; and

WHEREAS, the new definition is focused on the criminal aspect of domestic violence and is substantially more limited than the previous definition used by the Obama Administration; and

WHEREAS, domestic violence does not just include criminal physical abuse and almost always includes other harms, such as sexual abuse, emotional abuse, economic abuse and psychological abuse; and

WHEREAS, domestic violence relationships rarely begin with physical violence, but rather with emotional and psychological abuse that escalate to physical violence as an abuser's ability to exert control over a victim increases; and

WHEREAS, all aspects of domestic violence should be addressed by the OVW, in order to end domestic violence and protect victims from harm; and

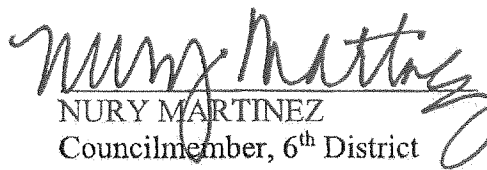
WHEREAS, the City should condemn the Trump Administration's change and oppose any changes to the definition of domestic violence which would ignore other types of domestic abuse;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2019 - 2020 Federal Legislative Program OPPOSITION to any administrative action and/or legislation that would narrow the definition of domestic violence to only felony or misdemeanor crimes.

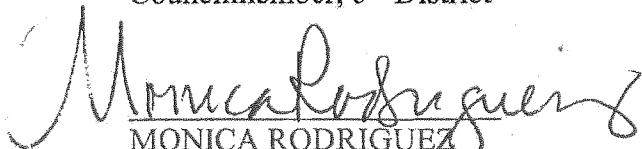
PRESENTED BY:



PAUL KORETZ
Councilmember, 5th District



NURY MARTINEZ
Councilmember, 6th District

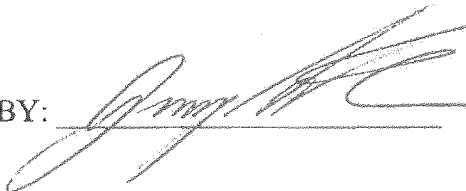


MONICA RODRIGUEZ
Councilmember, 7th District

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SECONDED BY:



jwd
