National Task Force
to End Sexual and
Domestic Violence Against Women

February 1, 2013

The Honorable Patrick Leahy, Chair
Senate Judiciary Committee
224 Dirksen Senate Office Building
United States Senate
Washington, DC 20510

The Honorable Michael Crapo
239 Dirksen Senate Office Building
United States Senate
Washington, DC 20510

Dear Chairman Leahy and Senator Crapo:

The National Task Force to End Sexual and Domestic Violence – comprised of national, tribal, state, territorial and local organizations, as well as individuals, committed to securing an end to violence against women, including civil rights organizations, labor unions, advocates for children and youth, anti-poverty groups, immigrant and refugee rights organizations, women's rights leaders, and education groups – writes to thank you for your tireless efforts to reauthorize the Violence Against Women Act, S. 47. We appreciate your leadership and look forward to working with you toward a speedy passage of the bill during the week of February 4, 2013.

As we continue preparations for the bill reaching the floor, we wish to restate our opposition to the inclusion of any mandatory minimum provisions in the bill. As you are aware, both the House and Senate VAWA bills that were passed during 112th Congress contained mandatory minimum provisions. As a coalition, we are concerned that these mandatory minimums, however well intended, could jeopardize victim safety, and negatively impact both prosecutorial and judicial discretion.

To further elaborate upon these concerns, we cite the perspectives of several of our coalition members who have separately expressed concern about the inclusion of mandatory minimum provisions in a VAWA reauthorization bill:

> The **American Bar Association** has said: *"Mandatory minimum sentencing is premised on unsound sentencing principles that, in our view, result in an undue and unbalanced shifting of discretion to prosecutors at the expense of the role of neutral judges in our justice system. Excessively long mandatory minimum sentences often operate to result in the unintended consequence of keeping victims who were assaulted by someone they know from reporting the crime ..."*[i]
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> **Legal Momentum** has written that: "A *victim might also genuinely fear that reporting abuse could lead to worse abuse if [their intimate partner] pleads guilty to a lesser crime and is released quickly. This can happen when prosecutors use the threat of a mandatory five- or 10-year sentence to pressure defendants to plead guilty and be rewarded by getting out sooner."*[ii]

Finally, the **National Alliance to End Sexual Violence** has expressed concern that: *"Long mandatory minimum sentences can have a number of negative consequences that serve to decrease, rather than increase, public safety. [L]engthy mandatory minimum sentences sometimes result in prosecutors not filing charges or filing charges for a lesser crime than a sex offense, as well as increased plea bargains down to a lesser crime. Similarly, judges or juries may be less inclined to convict a defendant on a sex offense because of the mandatory minimum sentence."*[iii]

In closing, we thank you for continuing to work with us to make this VAWA reauthorization bill one that puts the needs of victims first. Including any mandatory minimum provisions in the bill would be the express antithesis of that goal, jeopardizing victim safety and hindering the ability of judges to mete out sentences based on individualized assessments of the cases before them.

Sincerely,

The National Task Force to End Sexual and Domestic Violence

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[i] Letter of William T. Robinson, President, American Bar Association to U.S. Senate. April 26, 2012.

[ii] Roll Call, "Mandatory Minimums in VAWA Reauthorization Are Counterproductive." Elizabeth L. Grayer, President, Legal Momentum. May 15, 2012

[iii] Letter of Monika Johnson Hostler, President, National Alliance to End Sexual Violence, January 31, 2013.